





L500
J7
1907
e.3



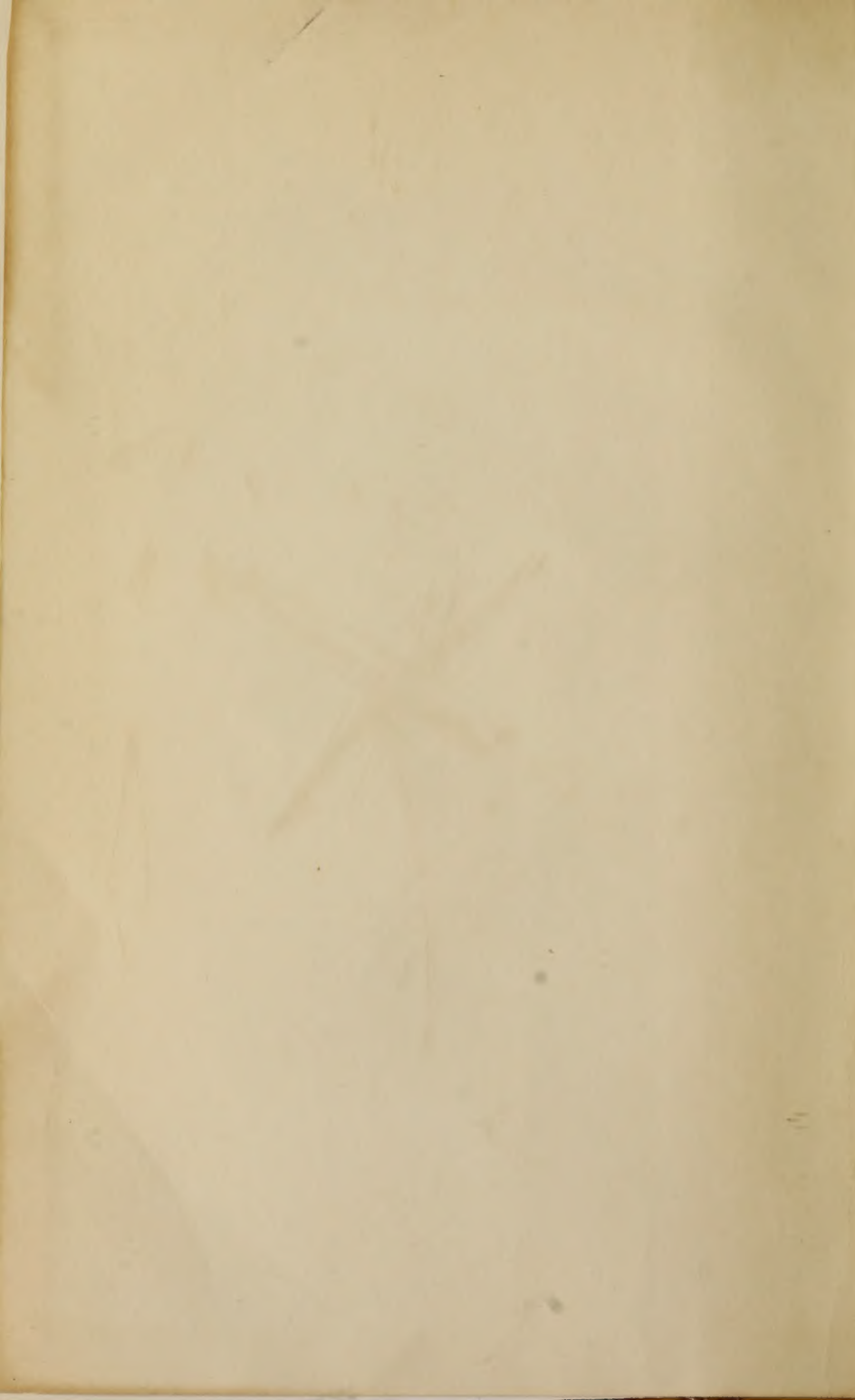
0 2007 1163868 0

California State Library

DOCUMENTS SECTION
CALIFORNIA STATE LIBRARY
SACRAMENTO

This book is due on the last date stamped below.
Books may not be renewed.

APR 30 1980



THE
JOURNAL OF THE SENATE

DURING THE
THIRTY-SEVENTH SESSION
OF THE
LEGISLATURE OF THE STATE OF CALIFORNIA,
1907.

Began on Monday, January Seventh, and ended on Tuesday,
March Twelfth, Nineteen Hundred and Seven.



SACRAMENTO:
W. W. SHANNON, - - - - - SUPT. STATE PRINTING.
1907.

JOURNAL OF THE SENATE

OF THE STATE OF NEW YORK

FOR THE YEAR 1890

1890

ALBANY: PUBLISHED BY THE STATE OF NEW YORK, 1890.



INDEX TO DAILY JOURNALS OF THE SENATE.

	PAGE.		PAGE.
January 7.....	1	February 12.....	608
“ 8.....	14	“ 13.....	647
“ 9.....	68	“ 14.....	676
“ 10.....	73	“ 15.....	708
“ 11.....	78	“ 16.....	757
“ 14.....	79	“ 18.....	783
“ 15.....	99	“ 19.....	807
“ 16.....	113	“ 20.....	848
“ 17.....	119	“ 21.....	926
“ 18.....	130	“ 22.....	957
“ 21.....	140	“ 23.....	1011
“ 23.....	160	“ 25.....	1021
“ 24.....	182	“ 26.....	1072
“ 25.....	225	“ 27.....	1106
“ 28.....	264	“ 28.....	1160
“ 29.....	277	March 1.....	1242
“ 30.....	306	“ 2.....	1297
“ 31.....	334	“ 4.....	1340
February 1.....	352	“ 5.....	1386
“ 4.....	380	“ 6.....	1486
“ 5.....	416	“ 7.....	1552
“ 6.....	438	“ 8.....	1587
“ 7.....	463	“ 9.....	1634
“ 8.....	521	“ 10.....	1678
“ 9.....	547	“ 11.....	1755
“ 11.....	564	“ 12.....	1802

NAMES OF SENATORS.

The following list of names are those annexed to above certificate:

HOLD-OVER SENATORS.

Third District—Plumas, Sierra, Nevada, Placer: John B. Irish.
Fifth District—Napa, Solano: B. F. Rush.
Seventh District—Sacramento: James A. McKee.
Ninth District—Contra Costa, Marin: C. M. Belshaw.
Eleventh District—San Joaquin: A. E. Muentner.
Thirteenth District—Alameda: John G. Mattos, Jr.
Fifteenth District—Alameda: G. R. Lukens.
Seventeenth District—San Francisco: Frank A. Markey.
Nineteenth District—San Francisco: Richard J. Welch.
Twenty-first District—San Francisco: Edward I. Wolfe.
Twenty-third District—San Francisco: George B. Keane.
Twenty-fifth District—San Francisco: John H. Nelson.
Twenty-ninth District—Santa Cruz, San Mateo: Samuel H. Rambo.
Thirty-first District—Monterey, San Benito, San Luis Obispo: Henry W. Lynch.
Thirty-third District—Santa Barbara, Ventura: C. B. Greenwell.
Thirty-fifth District—Los Angeles: Howard A. Broughton.
Thirty-seventh District—Los Angeles: Henry E. Carter.
Thirty-ninth District—Orange, Riverside: John N. Anderson.

SENATORS-ELECT.

First District—Del Norte, Humboldt, Trinity, Tehama (Unexpired term of Thomas H. Selva): George T. Rolley.
Second District—Modoc, Lassen, Siskiyou, Shasta: Abner Weed.
Fourth District—Lake, Mendocino, Colusa, Glenn: J. B. Sanford.
Sixth District—Butte, Sutter, Yolo, Yuba: Albert E. Boynton.
Eighth District—Sonoma: Walter F. Price.
Tenth District—Alpine, Amador, Calaveras, El Dorado, Mono: A. Caminetti.
Twelfth District—Madera, Mariposa, Merced, Stanislaus, Tuolumne: J. B. Curtin.
Fourteenth District—Alameda: J. Clem Bates.
Sixteenth District—Alameda: Frank W. Leavitt.
Eighteenth District—San Francisco: Daniel J. Reilly.
Twentieth District—San Francisco: Thomas J. Kennedy.
Twenty-second District—San Francisco: Gus Hartman.
Twenty-fourth District—San Francisco: Marc Anthony.
Twenty-sixth District—Fresno: Geo. W. Cartwright.
Twenty-seventh District—Santa Clara (Unexpired term of Eli Wright): George Walker.
Twenty-eighth District—Santa Clara: Marshall Black.
Thirtieth District—Inyo, San Bernardino: Henry M. Willis.
Thirty-second District—Kern, Kings, Tulare: E. O. Miller.
Thirty-fourth District—Los Angeles: William H. Savage.
Thirty-sixth District—Los Angeles: Charles W. Bell.
Thirty-eighth District—Los Angeles: H. S. G. McCartney.
Fortieth District—San Diego: Leroy A. Wright.

Certificate and list of names read and ordered on file.

The President directed the Secretary to call the roll of the hold-over Senators.

ROLL CALL OF HOLD-OVER SENATORS.

The Secretary called the roll, and the following answered to their names:

Senators Anderson, Belshaw, Broughton, Carter, Greenwell, Irish, Keane, Lynch, Markey, Mattos, McKee, Muentner, Nelson, Rambo, Rush, Welch, and Wolfe—17.

ROLL CALL OF SENATORS-ELECT.

The Secretary called the roll of Senators-elect, and the following answered to their names:

Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Hartman, Kennedy, Leavitt, McCartney, Miller, Price, Reilly, Rolley, Sanford, Savage, Walker, Weed, Willis, and Wright—22.

The President thereupon announced that the roll call disclosed twenty-two Senators-elect present.

The President requested the Senators-elect to immediately present themselves at the bar of the Senate in order that the oath of office might be administered to them, and that they might subscribe to the same.

OATH OF OFFICE.

The members-elect, as their respective districts were called, then came forward, presented their certificates of election, and each took and subscribed to the following constitutional oath of office, administered by the Hon. Alden Anderson, Lieutenant-Governor, President of the Senate:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of State Senator, according to the best of my ability.

The President announced the qualification of all the Senators, and the Senators having assumed their seats, declared that a quorum of all the Senators was present.

APPOINTMENTS BY SECRETARY.

The Secretary of the Senate announced, by virtue of the authority vested in him by Section 237 of the Political Code, that he had made the following appointments of attachés for the temporary organization of the Senate:

Postmistress—Miss Callie Johnson.

Gatekeepers—M. Dunn, H. Lorensen, and Wm. Sampson.

Pages—W. A. Murphy, E. P. Abachten, and Wm. Burbeck.

APPOINTMENT BY SERGEANT-AT-ARMS.

The Sergeant-at-Arms of the Senate announced, by virtue of the authority vested in him by Section 237 of the Political Code, that he had made the following appointment of attaché for the temporary organization of the Senate:

Assistant Sergeant-at-Arms—Joseph G. McCall.

ANNOUNCEMENT.

Senator Wolfe announced to the Senate that Senator Savage, Senator-elect from the Thirty-fourth Senatorial District, had lost his wife by death.

MOTION.

Senator Wolfe moved that a committee of three be appointed to draft resolutions of condolence to Senator Savage.

Motion carried unanimously by rising vote.

LEAVE OF ABSENCE.

Senator Savage was, on motion of Senator Belshaw, granted leave of absence until Monday, January 14, 1907.

TEMPORARY ORGANIZATION EFFECTED.

Temporary organization having been effected, the President put the question, "What is the pleasure of the Senate?"

RESOLUTION.

By Senator Leavitt:

Resolved, That the Senate do now proceed to the election of the following statutory officers, in the order named:

President pro tem.
Secretary.
Sergeant-at-Arms.
Minute Clerk.
Chaplain.

Resolution read and adopted.

The President thereupon declared nominations for the office of President pro tem. of the Senate in order.

NOMINATION FOR AND ELECTION OF PRESIDENT PRO TEM. OF THE SENATE.

Senator Leavitt placed in nomination for the office of President pro tem. of the Senate, the Hon. Edward I. Wolfe of San Francisco, State Senator from the Twenty-first District.

The nomination of Senator Wolfe was seconded by Senator Belshaw.

Senator Sanford placed in nomination the Hon. J. B. Curtin of Sonora, State Senator from the Twelfth Senatorial District.

The President put the question, "Are there any further nominations for President pro tem. of the Senate?"

There being no response, the nominations were declared closed.

The roll was called, with the following result:

For Wolfe—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wright—32.

For Curtin—Senators Caminetti, Cartwright, Kennedy, Miller, Sanford, and Wolfe—6.

Whereupon the President declared Senator Wolfe duly elected President pro tem. of the Senate for the thirty seventh session of the Legislature.

PRESIDENT PRO TEM. WOLFE ESCORTED TO THE CHAIR.

The President of the Senate appointed Senators Leavitt and Curtin as a committee to escort President pro tem. Wolfe to the chair.

The President pro tem. thanked the Senators for the honor conferred upon him.

At twelve o'clock and thirty minutes P. M., Lieutenant-Governor Alden Anderson in the chair.

NOMINATION FOR AND ELECTION OF SECRETARY OF THE SENATE.

The President declared nominations for Secretary of the Senate in order.

Senator Lynch placed the name of Lewis A. Hilborn of San Francisco in nomination for Secretary of the Senate.

The nomination of Lewis A. Hilborn was seconded by Senators Anthony and Sanford.

The President put the question, "Are there any further nominations for the office of Secretary of the Senate?"

There being no response, nominations were declared closed.

The President directed the Minute Clerk, D. G. Holt, to call the roll. The roll was called, with the following result:

For Hilborn—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—38

Whereupon the President declared Lewis A. Hilborn duly and unanimously elected Secretary of the Senate.

NOMINATION FOR AND ELECTION OF SERGEANT-AT-ARMS.

The President announced nominations for the office of Sergeant-at-Arms of the Senate in order.

Senator Muentner placed the name of J. Louis Martin of Alameda County in nomination for Sergeant-at-Arms of the Senate.

The nomination of J. Louis Martin was seconded by Senator Curtin.

The President put the question, "Are there any further nominations for the office of Sergeant-at-Arms of the Senate?"

There being no response, nominations were declared closed.

The roll was called, with the following result:

For Martin—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, and Wright—36.

Whereupon the President declared J. Louis Martin duly and unanimously elected Sergeant-at-Arms of the Senate.

NOMINATION FOR AND ELECTION OF MINUTE CLERK OF THE SENATE.

The President declared nominations for Minute Clerk of the Senate in order.

Senator McCartney placed the name of G. Ray Horton of Los Angeles County in nomination for Minute Clerk of the Senate.

The President put the question, "Are there any other nominations for the office of Minute Clerk of the Senate?"

There being no response, nominations were declared closed.

The roll was called, with the following result:

For Horton—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—34.

Whereupon the President declared G. Ray Horton duly and unanimously elected Minute Clerk of the Senate.

NOMINATION FOR AND ELECTION OF CHAPLAIN.

The President announced nominations for the office of Chaplain of the Senate in order.

Senator Weed placed the name of the Rev. C. H. Darling of Shasta County in nomination for Chaplain of the Senate.

The President put the question, "Are there any further nominations for the office of Chaplain of the Senate?"

There being no response, the nominations were declared closed.

The roll was called, with the following result:

For Darling—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muenster, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, and Wolfe—37.

Whereupon the President declared Rev. C. H. Darling duly and unanimously elected Chaplain of the Senate.

RESOLUTION.

The following resolution was offered:

By Senator Belshaw:

Resolved, That the standing rules of the Senate of the thirty-sixth session of the Legislature of California be, and they are, hereby adopted as the temporary rules of the Senate for the thirty-seventh session, with the exception that Rule 1 shall read:

The sessions of the Senate shall be daily, Sundays excepted, beginning at ten o'clock A. M., unless otherwise ordered by vote of the Senate.

Resolution read, and adopted.

TEMPORARY RULES OF THE SENATE.

1. Time of Meeting of Senate.

The sessions of the Senate shall be daily (Sundays excepted), beginning at ten o'clock A. M., and after Monday, January 23, 1907, a recess shall be taken at twelve o'clock and thirty minutes P. M. to two o'clock P. M., unless otherwise ordered by vote of the Senate.

2. Calling to Order.

The President, the President pro tem., or the senior member present, shall call the Senate to order at the hour stated, and if a quorum be present proceed with the order of business.

3. Order of Business.

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal of the preceding day.
4. Presentation of Petitions.
5. Messages from the Assembly.
6. Messages from the Governor.
7. Motions, Resolutions, and Notices.
8. Reports of Standing Committees.
9. Reports of Select Committees.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.

Reports from the Committee on Enrolled and Engrossed Bills shall at all times be in order; *provided*, that the messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

4. President—His Powers and Prerogatives.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

5. President May Order Lobbies Cleared.

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same cleared.

6. President May Call Senators to the Chair.

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

7. Appointment of Committees.

All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

8. *Standing Committees.*

The following standing committees shall be appointed by the President of the Senate:

1. Agriculture and Dairying, seven members.
2. Banking, seven members.
3. Code Revision, seven members.
4. Commerce and Navigation, nine members.
5. Commissions and Retrenchment, seven members.
6. Contingent Expenses, three members.
7. Corporations, eleven members.
8. County Government, nine members.
9. Constitutional Amendments, seven members.
10. Drainage, Swamp and Overflowed Lands, nine members.
11. Elections and Election Laws, nine members.
12. Education, eleven members.
13. Engrossment and Enrollment, three members.
14. Executive Communications, five members.
15. Federal Relations, three members.
16. Finance, thirteen members.
17. Fish and Game, nine members.
18. Forestry and Water Preservation, nine members.
19. Fruit and Vine Interests, nine members.
20. Hospitals and Asylums, eleven members.
21. Irrigation, nine members.
22. Judiciary, twenty members.
23. Labor, Capital, and Immigration, nine members.
24. Library, seven members.
25. Manufactures and Oil Industry, nine members.
26. Military Affairs, five members.
27. Mines and Mining, seven members.
28. Municipal Corporations, seven members.
29. Printing, three members.
30. Prisons and Reformatories, nine members.
31. Public Buildings and Grounds, nine members.
32. Public Health and Quarantine, five members.
33. Public Morals, five members.
34. Roads and Highways, nine members.
35. Rules, five members.
36. Revenue and Taxation, nine members.

9. *President pro tem.—His Powers and Privileges.*

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

10. *The Duties of Secretary.*

1. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.
2. To superintend all copying and work to be done for the Senate. To have supervision over all attachés and employes of the Senate. To certify to, and transmit to the Assembly all bills, resolutions, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.
3. To keep a correct journal of the proceedings of the Senate.
4. To notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.
5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.
6. To assign to the attachés and employes the duties pertaining to their offices.

11. *No Records or Papers to be Taken from Desk.*

The Secretary of the Senate shall not suffer any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment and Enrollment, and take their receipt therefor.

12. *Sergeant-at-Arms.*

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's custody and release, and the traveling expense for himself and special messenger, going and returning, shall be paid

out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required to do so, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator, or person to whom check is made), and pay over the same to the Senator or person entitled thereto.

13. *Printed Bills, etc., Must be Placed on Desks.*

The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, and constitutional amendments, when printed, on the desks of Senators at least one hour previous to the opening of session.

14. *Doorkeeper.*

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such reporters as have seats assigned to them by the President, from coming within the bar of the Senate, unless upon written invitation of the President or a Senator; provided, that no visitor shall be allowed upon the floor of the Senate during a session. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate.

15. *Attendance, Duties, and Obligations of Senators.*

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate, or less than a quorum thereof, shall have the power to issue process directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

16. *Senators Must Address the President.*

1. When a Senator desires to address the Senate he shall rise in his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

3. No Senator shall be interrupted when speaking, and no questions shall be asked him, except those directed through the presiding officer.

4. The author of a bill, motion, or resolution shall have the privilege of closing the debate.

17. *The Senator Entitled to Floor.*

When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

18. *Senator, When Called to Order, Must Sit Down.*

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing.

19. *Voting.*

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

20. *Printing.*

Five hundred copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity.

One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator at his desk, and the balance shall be distributed according to law.

21. *Number of Copies to be Printed.*

Five hundred copies shall be printed of each document or other matter ordered, unless the Senate especially directs a different number.

22. *Number of Copies to be Printed of Journal.*

The Superintendent of State Printing shall print five hundred copies of the Journal of each day's proceedings of the Senate, and one copy of the same shall be placed upon each Senator's desk, and a sufficient number sent to the Assembly to supply each Assemblyman with one copy; he shall also print a sufficient number of copies, properly pagged, to bind in book form as the Journal of the Senate, at the end of the session, as required by law.

23. *What Shall be Printed in the Journal.*

Messages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments shall be printed in the Journal in full.

24. *Petitions.*

Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered in the Journal.

25. *When Not in Committee of the Whole, Proceedings Must be Entered in the Journal.*

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

26. *Printing for the Senate.*

The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary. The Secretary may, when necessity requires, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under a specially prepared written order, to be known as a "Rush Order."

27. *Introduction and Reading of Bills.*

1. Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized shall present the same; and the title shall be announced from the Secretary's desk, shall be read the first time, when it shall be referred to a standing committee. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two thirds of the Senate shall by vote of ayes and noes, dispense with this provision), and the last reading shall be at length. The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator object to such reading). Joint and concurrent resolutions shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

2. The titles of all bills, when introduced, shall be inserted in the Journal.

28. *Order of Engrossing and Enrolling Bills.*

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk. And all Senate bills shall, after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt in writing of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

29. *Engrossed Bills to be Examined and Reported.*

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossment and Enrollment: the engrossed copy to be transmitted to the Assembly with proper indorsements, and the original retained by the Senate.

30. *Assembly Bills to be Read First Time.*

All Assembly bills shall be read the first time when taken up in Assembly messages, and then referred to the proper committee; *provided, however,* that when an Assembly bill is received, the provisions of which are identical with those of a Senate bill which has already been considered and reported by a committee of the Senate, such Assembly bill shall be substituted for the Senate bill (the latter being considered withdrawn), shall take a place upon a special file, and be considered as having received the same recommendation of the Senate committee; *provided,* that the fact that the bills are identical shall be entered in the Journal.

31. Reference of Bills to Finance Committee.

All bills or resolutions appropriating money from any fund within the control of the State shall be referred to the Committee on Finance before being read the second time.

32. Committees—When to Report.

All committees shall act upon all bills as soon as practicable, and when acted upon, shall be reported back to the Senate forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the Senate may at any time order a bill reported back from any committee by a majority vote.

33. Standing Committees, Quorum of—What Constitutes.

Each standing committee shall determine its own quorum; *provided*, that not less than one third of the number of members constituting such committee shall in any case constitute such quorum.

34. Leave of Absence to Committee.

When leave of absence shall be granted to any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by two-thirds vote, and no expense or mileage of attachés shall be allowed.

35. Claims on Contingent Fund Must Go to Committee on Contingent Expenses.

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

36. Executive Communications and Nominations to Committee.

When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications, unless otherwise ordered by the Senate, which motion, shall be determined without debate.

37. San Francisco Delegation.

The members of the Senate from the City and County of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation.

38. The General File: Its Hours—Special Order of Bills on File.

The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration.

39. Bills "Passed on File," Placed at Foot of File.

When bills have been "passed on file" for the second time, they must be placed at the foot of the file in their regular order, unless otherwise ordered by the Senate.

40. Engrossed Bills Have Preference.

All bills, after the second reading (if the same be not committed, then upon being reported, shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

41. Order of Questions on Motion to Refer.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

42. Order of Questions Under Debate.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

43. Motion Not to be Debated Until Seconded and Announced.

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary, before the same shall be debated.

44. Reading of a Paper, if Objected to, Determined Without Debate.

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate.

45. Amendments and Substitutes—When in Order.

Substitutes may be offered at any time when a bill or resolution is open to amendment previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

46. Amendments and Substitutes Must be Germane.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

47. Least Sum and Shortest Time in Filling Blanks.

In filling up blanks, the least sum or number and the shortest time shall be put first.

48. Short of Final Question, Two-thirds Vote Not Requisite on Propositions to Amend Constitution.

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extend to the merits, being short of the final question.

49. Notice of Reconsideration.

On the day succeeding that on which a final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution has been passed or defeated, and twenty-seven votes to carry any motion to reconsider the vote by which any constitutional amendment has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session.

50. Reconsideration of Bills Sent to Assembly.

When a bill, resolution, amendment, order, or message upon which a vote has been taken shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last-named motion shall be acted upon immediately and without debate, and if determined in the negative, shall be a final disposition of the motion to reconsider.

51. Secretary, Upon Notice of Reconsideration, Not to Report Bill to Assembly.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill, concurrent or joint resolution, or constitutional amendment, to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been transmitted to the Assembly.

52. Motion to Reconsider May be Debated.

A Senator, after a notice of motion to reconsider is given, as provided in Rule 49, may, at the reconsideration thereof, present the main question in his argument thereon, and the same may be debated by the Senate, provided that the subject-matter is debatable.

53. Amendments to Original Question.

1. An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

2. If the question in debate contains several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. And motions to amend the part to be stricken out shall have precedence.

54. Final Question on Second Reading of Bill—No Amendment on Third Reading, but May Commit.

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed?" And no amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions to amend.

55. Special Orders.

Any subject may, by vote of two thirds of the Senators present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate

56. Form of Previous Question—Call of Senate.

The previous question shall be put in this form: "Shall the question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate and bring the Senate to a vote on the subject under discussion. On a motion for the previous question, and prior to a vote being taken by the Senate, a call of the Senate shall be in order.

57. Ayes and Noes; Members Must Answer—No Vote After Announcement of Vote.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

58. Rules in Senate and Committee of the Whole.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times a Senator may speak, and except that the ayes and noes shall not be taken.

59. Suspending and Changing Rules.

No standing rule or order of the Senate shall be rescinded or changed without a vote of two thirds of the members-elect and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two thirds of the Senators-elect, except that portion of Rule 27 relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules, without debate.

60. Executive Session.

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of Senate, Secretary, Sergeant-at-Arms, and Doorkeeper to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

61. Messengers—When Introduced.

Messengers may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

62. Smoking.

No smoking shall be allowed within the Senate Chamber.

63. Cases Not Provided for, Cushing to Govern.

In all cases not provided for by these rules, the Senate shall be governed by the laws and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

Amendment to Rule 49 (adopted March 6, 1905, as follows:)

Amend Rule 49 of Senate rules, by adding the following: "Provided, there shall be but one reconsideration, even though the action of the Senate after reconsideration is the opposite of the action of the Senate before reconsideration."

RESOLUTIONS.

By Senator Lynch:

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now fully organized and ready to proceed with the business of the State, having elected the following statutory officers:

President pro tem.—E. I. Wolfe.

Secretary—Lewis A. Hilborn.

Sergeant-at-Arms—J. Louis Martin.

Minute Clerk—G. Ray Horton.

Chaplain—C. H. Darling.

Resolution read and adopted.

By Senator Carter:

Resolved, That the President of the Senate appoint a special committee of three to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communications he may have to make.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE.

The President appointed Senators Carter, McKee, and Sanford to call upon the Governor and notify him of the organization of the Senate, and its readiness to receive his communications.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

The following concurrent resolution was introduced:

By Senator Wolfe: Senate Concurrent Resolution No. 1—Relative to inaugural ceremonies.

MOTION.

Senator Wolfe moved that the Rules be suspended and that Senate Concurrent Resolution No. 1 be now considered.

Motion carried.

SENATE CONCURRENT RESOLUTION No. 1.

Resolved by the Senate, the Assembly concurring, That a committee of three members of the Senate be appointed to confer with a committee of four from the Assembly, to make arrangements for the inaugural ceremonies, said committee to be appointed by the President of the Senate and the Speaker of the Assembly, respectively, and to have full power to act in the premises. Any expense to be paid equally by the Senate and Assembly out of their several contingent funds, and not to exceed in the aggregate the sum of fifteen hundred dollars.

Resolution read and adopted.

Resolution ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEE.

In accordance with Senate Concurrent Resolution No. 1, the President appointed Senators Wolfe, Belshaw, and Curtin as such committee.

RESOLUTION.

By Senator Wolfe:

Resolved, That a committee of three Senators, together with the Sergeant-at-Arms, be and they are hereby empowered to secure the construction of suitable and adequate fire-escapes from the Senate Chamber floor to the ground floor, and that the same be paid out of the contingent fund of the Senate.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Rambo, Mattos, and Keane as such committee.

RECESS.

At twelve o'clock and forty minutes P. M., on motion of Senator Leavitt, the President declared the Senate at recess for twenty minutes.

RECONVENED.

At one o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

REPORT OF COMMITTEE.

SENATE CHAMBER, SACRAMENTO, January 7, 1907.

MR. PRESIDENT: Your committee appointed to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communication he may have to make, respectfully reports that they have communicated with the Governor as directed, and that His Excellency notified the committee that he would communicate with the Senate at his earliest convenience.

CARTER, Chairman.

The committee was thereupon discharged.

RECESS.

At one o'clock and ten minutes P. M., on motion of Senator Wolfe, the President declared the Senate at recess until four o'clock P. M. of this day.

RECONVENED.

At four o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

ADJOURNMENT.

At four o'clock and five minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned until ten o'clock A. M. of Tuesday, January 8, 1907.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 8, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennely, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Rolley, Rush, Sanford, Walker, Willis, Wolfe, and Wright—35.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 7, 1907, the further reading was dispensed with, on motion of Senator Wolfe.

LEAVES OF ABSENCE.

Senator Lukens was, on motion of Senator Leavitt, granted leave of absence until January 14, 1907.

Senator Weed was, on motion of Senator Leavitt, granted leave of absence for this day.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 7, 1907.

To the Senate of the State of California:

I have the honor to inform your honorable body that since the adjournment of the late extraordinary session of the Legislature I have made the following appointments, and request your concurrence therein and consent thereto:

October 29, 1906—Charles S. Wheeler, of San Francisco, a member of the Board of Regents of the University of California, vice self, term expired.

October 29, 1906—Rudolph J. Taussig, of San Francisco, a member of the Board of Regents of the University of California, vice J. W. McKinley, term expired.

October 29, 1906—C. M. Belshaw, of Antioch, a member of the State Board of Prison Directors, vice J. H. Wilkins, term expired.

October 29, 1906—Charles C. Chapman, of Fullerton, a member of the Board of Trustees of the State Normal School at San Diego, vice self, term expired.

December 10, 1906—M. L. Ward, of San Diego, a member of the Board of Trustees of the State Normal School at San Diego, vice self, term expired.

July 12, 1906—H. B. Reed, of Chico, a member of the Board of Trustees of the State Normal School at Chico, vice T. H. Barnard, resigned.

October 29, 1906—Alden Anderson, of Sacramento, a member of the Board of Trustees of the State Normal School at Chico, vice E. B. Edson, deceased and term expired.

December 10, 1906—J. B. Sanford, of Ukiah, a member of the Board of Trustees of the State Normal School at San José, vice P. K. Dow, term expired.

December 10, 1906—John Swett, of Martinez, a member of the Board of Trustees of the State Normal School at San Francisco, vice F. A. Hyde, term expired.

January 7, 1907—Vanderlynn Stow, of San Francisco, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, term expired.

October 29, 1906—John G. Matros, Jr., of Centerville, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, vice John D. Mackenzie, term expired.

January 7, 1907—W. H. Anderson, of Los Angeles, a member of the Board of Trustees of the State Normal School at Los Angeles, vice J. H. Braly, term expired.

December 6, 1906—A. J. Ralston, of Berkeley, a member of the Board of Directors of the California Institution for the Deaf and Blind, vice self, term expired.

December 10, 1906—J. N. Anderson, of Santa Ana, a member of the Board of Trustees of the Whittier State School, vice James Clarke, term expired.

October 2, 1906—Fred Barnum, of Eureka, a member of the Board of State Harbor Commissioners for the Port of Eureka, vice J. G. Murray, deceased.

November 26, 1906—John C. Currier, of San Francisco, a member of the Board of Bank Commissioners, vice Z. S. Eldredge, resigned.

Respectfully submitted.

GEO. C. PARDEE,
Governor of the State of California.

MOTION.

Senator Belshaw moved that the message from the Governor be referred to the Committee on Executive Communications, hereafter to be appointed.

Motion carried.

PARTIAL REPORT OF COMMITTEE ON INAUGURAL CEREMONIES.

Senator Wolfe made a partial report for the Committee on Inaugural Ceremonies, and announced that the ceremonies would be held at the Clunie Theater at twelve o'clock M. of Wednesday, January 9, 1907.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Leavitt, the following Biennial Message from the Governor was read and ordered printed in the Journal :

SECOND BIENNIAL MESSAGE OF GOVERNOR GEORGE C. PARDEE.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 7, 1907.

To the Senate and Assembly:

GENTLEMEN: It becomes my constitutional duty, before retiring from the office of Governor, to communicate to you such knowledge as I have respecting the condition of the State, and to present such recommendations for your consideration as appear to be necessary for the public good.

The material condition of the State, as a whole, was never better than at present nor perhaps ever before so good. California is enjoying its full share of the remarkable prosperity of the whole country, and all business enterprises are being amply rewarded. This favorable situation of our State appears truly remarkable when it is remembered that the disaster of April 18, 1906, resulted in a destruction of property values of at least half a billion dollars and in a temporary suspension of all business in the commercial metropolis of the Pacific Coast. For six weeks the banks were closed, and yet they have now so well recovered the lost ground that the clearings for the past year have been greater than for the year which preceded it. The settlement of insurance losses soon will have replaced nearly one half of the direct losses from the great fire, and San Francisco is already well started upon a new career of prosperity which will eclipse all that went before. San José, Santa Rosa, and other cities which suffered seriously are displaying life recuperative powers. Meantime, the general progress of the State has been unaffected, except that it appears to have been accelerated, rather than retarded. Our farms and our mines have yielded their golden returns to industry; the lumberman, the manufacturer, and every other producer who has been called upon to aid in replacing the waste of the late disaster finds the demand for his products larger than he can meet, and 1906 will pass into financial history as a banner year for California, in spite of the unparalleled calamity which came so unexpectedly.

The outlook for the future is now far different from what it seemed last June, when I called the Legislature together in extraordinary session. At that time the problem was to provide such legislation as would tide the State safely over a period of impending distress, and the measures demanded and adopted were those of pressing temporary expediency. Now the dangers which threatened, and which were so ably met by the Legislature at that special session, have passed away, and the Legislature can again take the long look ahead and frame its policies on the lines of permanence.

I congratulate you, gentlemen of the Senate and Assembly, upon this happy deliverance of the State from serious perils, and I bid you godspeed in the important tasks you are called upon to undertake.

REFORM OF THE REVENUE SYSTEM.

It affords me pleasure, as I am about to retire from the office of Governor, to be able to announce that a good beginning has been made in the direction of a reform of our system of State taxation—an important subject which I called to the attention of the Legislature in my inaugural address in 1903 and again in my biennial message in 1905. On both of those occasions I referred to the glaring deficiencies of the existing system, which, though supposed to be founded on equality, operates most unequally and unjustly. The Legislature of 1905 gave the matter serious consideration, with the result that there was created a State Commission on Revenue and Taxation, composed of two members of the Senate, two of the Assembly, the Governor, and an expert appointed by him. The members representing the Senate were Hon. M. L. Ward and Hon. J. B. Curtin, and the members from the Assembly were Hon. W. H. Waste (who soon resigned) and was succeeded by Hon. E. F. Treadwell, and Hon. H. S. G. McCartney. Prof. C. C. Plehn, of the University of California, was appointed expert.

The Commission so composed organized soon after the Legislature adjourned and has prosecuted its important task with due diligence during the past two years. It has collected a mass of valuable information respecting the operation of the present revenue laws, which only serves to reveal more plainly their imperfections, and it has agreed upon the basis of a new system which it is believed will avoid the most serious objections to the old and will come much nearer doing justice to all interests and classes. With whatever difference of views the six members of the Commission may have entered upon the study of the subject, they were in entire agreement in the conclusions ultimately reached, and which were embodied in a preliminary report published last August. The final report, now completed, which will be laid before the Legislature, differs from the preliminary report only in minor details so far as affects the measures proposed and in presenting, in greater detail, the information collected.

A New System Outlined.—In my former message to the Legislature I advocated the separation, so far as it could be accomplished, of State and local taxation as being the necessary first step toward the reform desired. This is the conclusion reached by the Commission, and it has devised a form of separation which it believes will be both practicable and equitable. Briefly stated, it consists in taking for the exclusive use of the State all the taxes to be derived from certain classes of corporations; also the poll tax, inheritance taxes, insurance taxes, franchise taxes, and fees collected by State officers. If the product of all these taxes, at the rates suggested by the Commission, shall be retained by the State, it is estimated that there will result a revenue for State purposes of from \$9,000,000 to \$10,500,000, which would be sufficient to meet all demands upon the State treasury at the present rate of expenditure, including the support of the public schools. For the support of county, city, town, and other local governments there would be left the entire product of the taxes upon real estate and personal property, which they are now compelled to share with the State government. One of the greatest advantages to accrue from such a division of the different sources of revenue between the State and local governments would be that it would at once end all of the causes of dissatisfaction arising out of the equalization by a State board of the assessments of the different counties. Each county and each city or town could then have a high or a low assessment of property values as might best suit local conditions, without the possibility of doing injustice to other communities.

The inauguration of such a system as this can only be accomplished by amendment of the Constitution, and the proposal made by the Commission on Revenue and Taxation is that the present Legislature shall submit to the people, to be voted on at the next general election, a constitutional amendment legalizing the suggested change. The method proposed for the taxation of public service corporations and also of insurance companies is that of exacting a percentage of their gross earnings. Thus, it is proposed that all railroad companies, including street railroad companies, shall pay on their gross receipts earned within the State of California not less than four nor more than five per cent (the precise rate to be fixed by the Legislature); all sleeping-car, dining-car, drawing-room car, and palace-car companies, and refrigerator, oil, stock, fruit, and other car-loading and other car companies, not less than four nor more than five per cent; express companies, three per cent; telegraph and telephone companies, three and one-half per cent; gas and electric companies, not less than four nor more than five per cent. Insurance companies are to pay two per cent upon their gross premiums received on business done in the State, and banks and trust companies to pay one per cent upon the book value of their shares of capital stock. It is also proposed that all corporations shall pay to the State a tax of one-twentieth of one per cent upon their authorized capital stock.

An Estimate of Probable Revenues.—Assuming the adoption of this plan of taxation, the revenues, old and new, for the support of the State government will be about as follows:

Old Revenues Retained or Only Slightly Changed:

1. The poll tax.....	\$500,000
2. The inheritance tax.....	300,000
3. Insurance taxes and fees.....	300,000
4. Official fees, sundry offices.....	250,000
5. Collections by State boards and institutions..	225,000
6. Earnings of State property and investments..	1,000,000
	<hr/>
	\$2,575,000

New Sources of State Revenue:

1. Railroads, including street railroads.....	\$3,800,000
2. Express companies.....	120,000
3. Car companies.....	75,000
4. Telegraph and telephone companies.....	210,000
5. Light, heat, and power companies.....	600,000
6. Franchises	500,000
7. Banks	1,500,000
	<hr/>
	6,805,000
	<hr/>
	\$9,380,000

These amounts are computed on the lower of the two rates suggested for railroad and other corporations, and if the higher rates are adopted the total estimated income for State purposes is increased to \$10,500,000. It is proposed to insert the rates of tax in the Constitution, subject to the power of the Legislature to change them once in six years.

The rates suggested by the Commission have been computed with a great deal of care after very full investigation. The effect of their adoption would be to compel the corporations named to pay, in nearly all instances, more taxes than at present, and in some cases much more. Yet it is not believed these rates would do an injustice to the corporations, which could well afford to pay something addi-

tional in consideration of the advantage of always knowing just what their taxes would be in proportion to their income and being relieved of all fears of unexpected and possibly unjust assessments.

That the plan proposed would solve the revenue problem for the State government can not be doubted by any one who will carefully investigate. Our public-service corporations are growing rapidly, and the revenue derived from taxing them upon their gross receipts will increase to meet the increasing needs of the State. This has been the experience of other states which have adopted this plan of taxation in whole or in part. Only recently it was announced that the State of Wisconsin had found it unnecessary to levy any State tax because the revenues from indirect taxation were ample to meet all needs. Several other states have adopted a plan similar to that proposed by the Commission.

I urge upon the Legislature that it give its serious attention to this subject; that it review the work of the Commission, and determine the exact percentages of gross income tax to be levied, and that the constitutional amendment, when perfected, be submitted to the voters at the election two years hence. The people can be trusted to settle the question wisely. It has now been under discussion for four years, and when the discussion shall have extended over six years surely every intelligent citizen of California can be trusted to form his own opinion.

Our present law of taxation is antiquated and thoroughly discredited. Every State in the Union having one like it is dissatisfied and trying to effect an improvement. The plan suggested by the California Commission on Revenue and Taxation is along the lines which have been followed in the most advanced states and those whose revenue systems are now in the most satisfactory condition. There will be no more auspicious time than the present to refer the issue to the people, and by doing this the present Legislature can earn the gratitude of all citizens who are groaning under the unjust burdens of the present system, and praying for a better one.

PRIMARY ELECTION AND CONVENTION REFORM.

By a general consensus of opinion, the time has arrived when the citizens of California should proceed to effect certain needed changes in the methods by which candidates for office are nominated; and since the primary election lies at the root thereof, it is quite natural that there should be a demand that the reform shall commence at that point. Thus we find both of the old parties pledged by their latest State platforms to the inauguration of what is known as the direct primary.

This term does not appear to mean the same thing in all of the several states which claim to have direct primary laws, but in its most radical form the direct primary implies the nomination of all party candidates, State, county, and municipal, by direct popular vote. It would also follow from this that party committees, if still continuing to exist, would be of greatly diminished importance. In other words, this very thorough-going remedy for the admitted evils of conventions and of State and county committees consists in the practical annihilation of the system of which they are the principal parts.

But in certain states where the direct primary idea has found lodgment it has been applied in a modified way, conventions being retained but the voters being given the privilege of indicating on their ballots their choice of candidates, and the delegates being bound by the popular choice up to a certain point. The states of Oregon and Wisconsin have adopted the direct primary in its pure and unmodified form; Minnesota has done the same as to all local and district officers, but not as to State officers, who are still nominated in conventions; Illinois and North Dakota retain the conventions along with direct popular vote for candidates. In Iowa the Legislature has given serious consideration to a law of the latter type, but has not yet adopted it.

The Operation of the California Law.—There is little if any doubt that in its unmodified form the direct primary would be, at present, unconstitutional in California. At the general election in the year 1900 the Constitution was amended in the supposed interest of primary election reform, but the language of the amendment appears to exclude any primaries except those for the election of delegates to conventions. The statute of 1901, following the amendment, throws around primaries for the election of delegates the same safeguards as are provided for general elections; but the law makes these legalized primaries compulsory only in the twelve most populous cities of the State, and leaves it optional with the voters of other communities to adopt the system if they care to do it. They have not cared to do it, and, in consequence, in the greater portion of the State, delegates to conventions may be chosen in any manner desired by the party committees.

In most instances delegates to conventions which are to nominate county or municipal candidates are chosen at informal primaries, but very often in the cases of State and district conventions, including those which nominate Congressmen, Railroad Commissioners, Members of the Board of Equalization, and Judges of the District Courts of Appeal, the delegates are appointed by the county committees. The present law permits this thoroughly unrepresentative practice, and that is one of its greatest weaknesses. By such methods the people are prevented from taking any effective part in the making of nominations which concern them most vitally, and the way is opened for boss and corporation control.

To comprehend the full meaning of the system it is necessary to bear in mind that if a handful of politicians denominated a committee can appoint the delegates to a convention, they can usually perpetuate their power, because the convention thus composed appoints the new committee, which can in turn appoint the next convention. In other instances conventions composed of delegates elected at informal primaries name the delegates to State and district conventions, and this is better, because more nearly representative, than the appointment of delegates by committees; but this plan of indirect election is itself often very unsatisfactory and can not be entirely commended.

If the convention system is to be retained, as seemingly it must be until the Constitution is amended, the primary law should require the direct election by popular vote of all delegates to State and district, as well as county, conventions. Only by being kept in close touch with the people can a party organization be representative, and when it ceases to be representative it immediately becomes dangerous. That party control should be based upon the will of the party voters is universally admitted in principle, but in practice the principle is easily lost sight of, and though at first no evil result may be apparent from the acceptance of unrepresentative practices, a party organization which gets out of close relation with the mass of voters will cease to work in their interest; instead of being an instrumentality to give effect to the will of the people, which is the only rational function of an organization, it tends to become a means of thwarting and defeating it.

More Truly Representative Committees.—Direct popular election of delegates would do much to improve our nominating conventions by making them more representative, but at the same time equal care should be taken to secure representative committees to manage party affairs. I am of the opinion that State and county committees should never be named by or during conventions, but that the members should be chosen directly by the voters at the same time that delegates are elected. A member of a governing committee usually exercises more influence in the direction of party control than a delegate to a convention, and if there is ground for holding that the latter should be chosen only by popular vote, much more should that be the case with the committeeman. And when a State or county committee has been chosen by the party voters, the law should not permit such committee to be set aside, on the specious pretense of creating a State Executive Committee, or a Campaign Committee, or any other kind of committee devised and fathered by politicians. In former times, before political bosses had become so fertile in expedients, a State Central Committee was the governing body of the party in the State at all times when a convention was not in session; but to-day a State Central Committee is, at least in that party which is usually in a majority in California, no more than a meaningless name. Most voters do not realize this, but it is a fact. Real control is exercised by a body called a State Executive Committee, which is not a sub-committee of the State Central Committee, nor appointed by it, but is entirely independent of it and is a creation of the one-man power; it is appointed after the convention by the chairman of the latter, or, as has sometimes happened, by the candidate for Governor. When an election campaign is on the State Central Committee holds no meetings; it does not even elect its own president and secretary, for the officers designated for the State Executive Committee become those of the State Central Committee, which is thus captured, or dominated, by the body appointed to supplant it. The only function which appears to be left to the once-powerful State Central Committee is to meet once in two years and decide when and where the next convention shall be held.

A New Political Encroachment.—As if this perversion of party organization were not bad enough, the past year has witnessed another departure more surprising than any which preceded it. In the State convention of the majority party there was adopted, without debate, and seemingly without a thought, the strange proposition that henceforth the retiring State Executive Committee shall appoint the temporary chairman of the coming convention. Whatever may have been the motive with which this innovation was proposed, it is easy to see to what it will lead. A clique which may happen to be in control of the old committee will have it within its power to program the State convention through the temporary chairman, who is the only important chairman, because he appoints the committees on credentials, on organization, and on platform. When the State Central Committee was unhorsed by the State Executive Committee the party's governing body ceased to be representative of the people; the proposal to deprive the State convention of the power to organize itself is an extension of the same kind of politics and is an attempt to prevent the party voters from having any effective representation in State conventions. If one could really persuade himself that a State convention made up of intelligent citizens of California would actually permit itself to be denied the exercise of the right to organize and govern itself, there would be the strongest of justifications for joining with those radical reformers who demand the abolishment of conventions at once and forever.

Abuses in the Convention System.—But whether or not the next Republican State Convention shall surrender its right of self-government, it is only fair to admit that the convention system as now conducted develops some evils for which misrepresentation of the people is not wholly responsible, although the evils are

greatly aggravated thereby. By far the worst of these evils is the making of combinations whereby nominations cease to represent the honest preferences of a majority of the delegates and become a mere matter of "trading" or worse. The adoption of this practice in State conventions is the prolific parent of innumerable abuses, but in particular it facilitates domination by bosses and corporate interests. If these interests can succeed at the beginning in controlling absolutely only a small minority of the delegates, they may hope, by making a series of trading combinations, to capture the more important nominations and even to dictate for their own benefit the selection of judges for our highest courts. Further than this political demoralization could hardly go while keeping up even a pretense of self-government by the people.

Nevertheless, the genesis of this evil, as of most evils of politics, is in the people themselves, who are frequently so anxious to promote the success of local candidates that they do not stop to think of the ultimate consequences of setting in operation the dangerous system of trading combinations. They begin trading to secure what they believe to be a worthy object, and in the end they are traded out of control of the party and out of decency and self-respect. The special misfortune of the convention system is that it furnishes such a fertile field for the cultivation of this alarming abuse, and it is difficult to see how it can be remedied without either some essential modification of the convention or its abolishment, as many advocates of the direct primary propose.

Opinions Concerning the Direct Primary.—The direct primary, in one form or another, now exists in Oregon, Montana, North Dakota, Minnesota, Wisconsin, Illinois, Mississippi, and Texas, and, in the hope of ascertaining how far it is a practical working success, I addressed inquiries to the Governors of those states. In response I received letters generally affirming the success of the experiment, but admitting a few objections or suggesting certain changes. Thus Governor Chamberlain of Oregon wrote that the effects in his State had been salutary, that the direct primary tends to eliminate bosses and machine politics, and that it will in future be still more beneficial, because the voters will understand better the responsibilities devolved upon them. The principal objection found in Oregon was the large expense imposed upon candidates, who were compelled to make, practically, two campaigns. To remedy this Governor Chamberlain proposes a legal limitation of the amount of such expenditures.

Governor Johnson, in his reply, conceded that there are defects in the Minnesota law, which applies to city, county, and district nominations; efforts have been made to extend its operations to State nominations, but they have failed because, as Governor Johnson believes, no feasible plan has been presented. In the main the new method of making nominations has proved itself to be an improvement upon the convention plan, and it is a great promoter of independent voting.

Governor Davidson of Wisconsin wrote that the law in that State proved itself upon the first trial to be "very satisfactory" and that "nothing but words of commendation of it" were heard. Nevertheless, the Wisconsin law is admittedly imperfect as it stands, Governor Davidson saying: "What appears to me to be one of the chief faults in the statute is the opportunity it gave Democrats in Wisconsin to make the Republican nominations. The Republican party * * * is almost supreme in Wisconsin. Very few votes were cast for Democratic candidates here on September 4th, that party generally preferring to make the Republican nominations." This would indicate that a direct primary, to be conducted fairly, must go hand-in-hand with a strict party registration law which will render it impossible for a voter to participate in any primary contest except that of the party to which he professes to belong.

A Compromise Law in Illinois.—The Illinois law represents a compromise, which was adopted principally because it was feared that the direct primary pure and simple would lead to the making of many nominations by such small numbers of voters that such nominations would be as unrepresentative as the work of the worst convention. Therefore, while conventions were abolished in the making of municipal nominations, they are retained in all other cases. But when the voters cast their ballots for delegates they also vote for candidates for the various offices, including United States Senator. Moreover, it is left optional with counties to abolish conventions in making county nominations, if they choose to do so. Delegates are required to cast at least one ballot for the candidates who received a plurality vote in their respective districts; the law releases them after the first ballot in order to prevent a deadlock, but the theory seems to be that when there has been an explicit expression of the popular choice, or anything resembling it, delegates will not be likely to go far wrong. Governor Deneen asserts that the Illinois plan has worked well and believes that, with a few modifications, it will be superior to either the Minnesota or the Wisconsin method. He concedes, however, that there is still a strong feeling in his State in favor of a more uncompromising direct primary law.

It is not necessary to quote the replies received from other states, which present no points of special significance differing from the foregoing.

It will be observed that the direct primary, particularly as a method of nominating State candidates, has not yet advanced beyond the experimental stage, the

existing laws being conceded by their makers to call for amendment. The objections oftenest urged against a direct primary law which dispenses with conventions are that it tends to a multiplication of candidates and hence to the making of many nominations by small fractions of the electorate; that the largest centers of population in a State and the largest towns in a county will dictate most of the nominations, because their votes will be more concentrated than those of the rural districts; that the expense to candidates, already too great under the old plan, will be largely increased; that without conventions there will be no good way of making party platforms, the Wisconsin plan of having the candidates meet after their nomination and frame the platform being open to objection. On the other hand, it is argued that the new system will naturally be improved and that all of the objections before mentioned can be overcome; also, that the voters could well afford to put up with a good many disadvantages to get rid of the evils of convention nominations effected by trading and of unrepresentative party committees. As to whether the direct primary will abolish bossism opinions differ considerably, but in fairness it must be conceded that if the boss is not destroyed by direct nominations, the most profitable field for the exercise of his arts will be removed with the passing of the convention.

Conclusions From the Foregoing.—To sum up, I have pointed out that the present method of making nominations in California is susceptible of marked improvement; that the direct election by the people of all delegates would be a long step in the right direction; that the Illinois primary law, which permits voters to vote for candidates as well as for delegates, might be added to our convention system with beneficial results, as might probably be done without constitutional amendment; that the reform of the party committee organization is also a necessity; that if it be decided not to attempt to reform the existing methods but to cast them aside and establish the direct primary in its full vigor, there is at least a fair probability that the new plan would be successful, although a constitutional amendment would be needed to accomplish it, and therefore we should be compelled to wait two years before results could be obtained.

I recommend the careful and conscientious attention of the Legislature to this matter, as demanded by the party platforms and the people of the State.

STATE FINANCES.

On assuming the duties of Governor, four years ago, I found the condition of the General Fund such that, in order to meet the expenses of the State government, it became necessary to borrow from other funds \$1,368,000. In order to restore to the funds thus borrowed from, it was necessary to increase each of the tax levies for the years 1903-4 and 1904-5 nearly six cents above what would have been necessary had it not been for the deficiency in the General Fund.

The State Treasurer has been able to meet all demands upon the General Fund up to the close of the calendar year without touching a dollar of new taxes, and has a surplus of \$1,000,000 for meeting appropriations to be made by the incoming Legislature. This condition has resulted from making a sufficient tax levy each year during my administration, and from a more abundant yield from certain special forms of raising State revenue than conservatism had reckoned on.

Therefore, while economy should characterize all appropriations, it will not be necessary for the incoming administration to be parsimonious in approving appropriations for meeting the real needs of public institutions and the legitimate requirements of public expenditure, a necessity that was imposed upon me when I took office by reason of the depleted condition of the State treasury.

The disaster of April 18, 1906, and succeeding days, wrought great destruction to taxable property, but the splendid prosperity enjoyed by our State has well nigh made good to the State tax roll the taxable value destroyed. The total assessed valuation of all property in the State for 1905 was \$1,624,991,742. For 1906 it was \$1,595,897,411; a difference of \$29,094,331. There is no doubt that this deficiency has been much more than made good by increase of wealth since the last assessment was made.

Had it not been for the necessity for adding six cents to the tax levy for the first two years of my administration, in order to make up the deficiency I found in the State's funds, the average State tax rate during my four years' term would have been lower than that of the preceding administrations, except Governor Markham's. As shown above, there is, instead of a deficiency, a surplus of \$1,000,000 now in the State treasury.

Betterments.—A growing population and the consequent increasing demands on our public institutions tend steadily to increase taxation. It is only when taxation begins to trench upon productive enterprise that real injury is inflicted, provided, always, that public moneys are so expended as to give a dollar's worth of value for each dollar taken from the pockets of taxpayers.

In obedience to the views above expressed I have, during my administration, been as liberal in approving appropriations designed to meet real needs of public institutions as it seemed the tax-paying power of the people could meet without hardship, and I think that the following comparisons of appropriations made for permanent

improvements during my own administration and the three preceding ones will bear out this conclusion:

Markham administration.....	\$1,443,764 57
Budd administration.....	1,140,375 27
Gage administration.....	826,743 83
	<hr/>
	\$3,410,883 67
Pardee administration.....	3,191,372 79

Of the above amount credited to my administration only \$306,500 was appropriated by the extraordinary session of 1906.

This very substantial gain in betterments was accomplished without making an excessive tax levy. The average tax levies on each \$100 of assessed valuation under the three preceding administrations were as follows:

Markham administration.....	48.7 cents
Budd administration.....	52.8 cents
Gage administration.....	49.0 cents
Pardee administration.....	51.5½ cents

Legislative Expenditure.—Although excessive legislative expenditure is not under Executive control, yet the administration is, in the public mind, somewhat chargeable with it, and the dominant party can not escape responsibility for it. I therefore beg leave to call the attention of the Legislature to an instructive comparison of legislative expenditure during eight legislative sessions, exclusive of legislative printing:

No. Session.	Contingent Senate.	Contingent Assembly.	Cost of Session.
Thirty-first	\$55,500 00	\$63,359 19	\$196,409 59
Thirty-second	46,714 69	70,000 00	203,300 16
Thirty-third	35,431 09	24,707 53	170,629 57
Thirty-third, extra.....	1,351 87	3,000 00	31,881 87
Thirty-fourth	35,996 00	47,247 39	198,233 48
Thirty-fifth	51,950 00	59,922 30	225,493 42
Thirty-sixth	62,497 82	83,687 86	258,354 69
Thirty-sixth, extra.....	2,737 40	4,000 00	25,477 54

While excessive legislative expenditure does not, of itself, entail so heavy a burden upon taxpayers, the spirit that prompts it tends to excessive appropriations in other directions and it tends to destroy public confidence in the legislative branch of government and has been a strong factor in the refusal of the voting public to grant the Legislature time enough in which to perform the work which a growing State imperatively requires. No matter how sincerely disposed a Legislature may be to do so it can not, in a sixty days' session, give to public business the attention which it demands. Economy in legislative expenditure is a necessary first step toward the granting of a longer time in which to legislate. Unwelcome as the thought may be, it is lack of public confidence in legislative bodies that prompts the voter to confine legislative effort within such narrow moles and bounds, and gives such insistence to the growing demand for direct legislation.

Custody of Public Funds. In my message to the Legislature two years ago I pointed out the necessity for placing public funds in banks at interest on average daily balances, the banks to furnish unquestioned security for the loan and to hold the money subject to call. The Legislature, acting upon this suggestion, enacted a law, approved March 20, 1905, providing for making such deposits. But, being in doubt as to the constitutionality of the measure, the Legislature also submitted a constitutional amendment to the people providing for the deposit, not only of State funds, but also of county and municipal funds in like manner.

This amendment was adopted by the people, and I respectfully recommend to the Legislature such supplementary legislation as shall enable the purposes of the constitutional amendment to be fully carried out. I do this, not only in the belief that the policy commended will result in idle moneys producing large earning capacity, but also in the belief that the carrying out of this measure will prevent an unnecessary contraction of the volume of circulating medium to the injury of business. With the purpose of this amendment put into full operation, tax-paying time will thereafter produce almost no stringency in the money market.

Insurance of State Property. I desire again to call the attention of the Legislature to the fact that no provision has as yet been made either for insuring State property or for creating a State insurance fund out of which losses may be paid without waiting for a session of the Legislature to make appropriations therefor. The State has so far been more fortunate than prudent with regard to fire losses. It has no buildings that are strictly fire-proof, and no way is furnished institutions for making extensive repairs caused by fire without great delay and inconvenience.

A State tax levy of five mills on each \$100 of assessed valuation, imposed for the purpose of creating a fire indemnification fund, would yield something like \$75,000 a year, and would, in a few years, create a fund quite sufficient for the purpose, replenished from time to time by direct appropriation where losses are made good

out of it. This fund might well be placed in the custody of the State Board of Examiners for investment in negotiable securities, to be sold as moneys are needed for making losses good. The State can insure its own property more cheaply than it can hire it insured, and prudence dictates that it create an insurance fund of its own.

The Five Per Cent Land Fund.—The old adage that there is never a great loss that is not attended by some small gain was seldom better exemplified than in the recent procurement from the United States Government of five per cent on the gross amount realized on the sales of public lands within the State. Many other states were allowed and paid this fund years ago, and there was never more than a purely technical reason why the claim of California had not long since been paid. The great disaster of April 18, 1906, and the increased activity of the California delegation in Congress moved the heart of Congress to respond to the appeal, and legislation was at once had making the five per cent fund available. The State Treasurer has already received upon this account the sum of \$425,712.50, and a warrant for \$2,559.02 in addition has been drawn in favor of the State, but has not reached the State Treasurer. It is believed that this fund will reach \$1,000,000 when all allowances have been computed. As required by our State Constitution, this fund will be covered into the permanent State School Fund, which fund, no matter how large it may become, will still be inadequate for meeting the growing requirements of public education.

THE PRISON SYSTEM OF CALIFORNIA.

No fact in connection with the penal institutions of the State stands out with greater distinctness than the rapid growth of the prison population. Between June 30, 1900, and June 30, 1906, the number of inmates of our two prisons increased from 2,130 to 2,633, or 24 per cent. This increase in a period of six years was much greater than the increase during the ten years which preceded. In 1890 there were 2,057 prisoners in the two prisons; so that between that year and 1900 there was a total increase of but 73, as compared with an increase of 503 in the last six years. It is as difficult to explain the smallness of the increase during the preceding ten years as it is the magnitude of it in the last six years.

The Legislature of 1905 appropriated \$168,000 for the construction of a prison wall and new cell-house at Folsom Prison, and \$310,000 for the extension of the prison wall at San Quentin Prison and the erection of new cell-houses. None of this money was made available before July 1, 1905, and then in sums ranging between \$20,000 and \$40,000 each half year, extending, in the case of Folsom, to January 1, 1909, and in the case of San Quentin, to July 1, 1909.

At San Quentin it was necessary to execute a large amount of grading before construction work proper could begin, and there have been delays due to the necessity for securing the consent of the United States Government to the filling of an arm of the bay, to the San Francisco fire, and to other causes; in the case of Folsom the State Board of Prison Directors did not feel like commencing construction until after there should be a reasonable assurance that the State would not lose the benefit of the water power which was the principal reason for establishing a prison at that place. Work is now progressing at both prisons as rapidly as it can be performed with convict labor. Nevertheless, it will be several years before San Quentin and Folsom can be put in good condition for the discipline and proper care of even the present number of prisoners, and, owing to the increase in the prison population, the construction work provided for will no sooner have been completed than the State will again be face to face with the problem of more cells. The lack of a sufficient number of cells to permit the segregation and classification of prisoners has all along been the worst feature in the situation and largely explains the failure to develop a proper prison system in California.

Parole and the Indeterminate Sentence.—There are two good ways of lessening the congestion consequent upon having too many prisoners and too few cells to put them in, aside from constructing additional prison quarters for them. One of these is the extension of the parole system, and the other is to enact a prudent indeterminate sentence law. Both of these will require additional legislation to put them into operation.

During the fiscal year ending June 30, 1905, 48 prisoners were paroled out of the two prisons. During the year ending June 30, 1906, there were 53 paroled. In all since the parole law went into effect, in 1893, only 304 prisoners have been paroled. Of these 27 violated their parole, and of those who violated it 18 were returned to serve out their unfinished sentences, leaving only 9 to win their liberty by their perfidy, and these have the danger of apprehension perpetually hanging over them.

To make the parole system effective there must be a parole officer connected in some intimate way with each prison. He must know the prisoners, not only as prisoners but as men, and must make himself familiar with their pre-prison history. Then he must follow, helpfully, those who need help while out on parole. There are doubtless many men in our prisons who are well deserving of being paroled, if only the Board of Prison Directors had time to reach their cases, which, being busy men of affairs, they have not yet had.

That some punishment is due those who violate the law, merely as a vindication of the law, most penologists admit. It will not subserve the interests of justice

to turn such men loose upon society merely because they are sorry they have done wrong as soon as they are sorry, no matter how sorry they may be. There must be a degree of punishment that will prove a deterrent factor in the conduct of the criminally disposed. This attained by a minimum sentence, the best thought of prison discipline should be to return the prisoner to society as soon as may be with due regard to social safety. This the indeterminate sentence permits to be done by allowing the prisoner to work out his own liberation by good conduct and remedial effort.

There are those who have felt that the indeterminate sentence could not well be put in operation until the new cell-houses are constructed, but it does not appear that the operation of that law need wait for cell-houses. The sooner it is put in operation the less congested those cell-houses will be when completed.

It costs California \$138.70, besides interest on the investment, to keep a man in prison, and if one can be set at liberty, either on parole or by indeterminate sentence, so that he can, by his service, earn \$500 a year, it is immensely profitable to open the gates to such men as soon as they can be opened with due regard to the dignity of the law and the safety of society. This does not so much depend upon reformatory work as it does upon setting men at liberty who are not really criminals, but good men who have done bad things, as many good men do; but some of the bad things done by good men are, fortunately, not so very bad. There are prisoners enough who are criminals at heart to keep our new cell-houses full, and many such should never come out because thoroughly case-hardened. I think it time to inaugurate the indeterminate sentence system in California, almost as much for the relief of the State as for the relief of the prisoners who would be the sooner liberated by it.

More Work Needed in the Prisons.—Of 2,633 persons undergoing punishment in our prisons, 676, or a few more than one fourth, had undergone imprisonment before. It is noticeable that most of the atrocious crimes against life, as incident to onslaughts upon property, are committed by recidivists. This is partly because the confirmed criminal is a natural recidivist if ever allowed his liberty, and partly because the effect of prison life, as our prisons are conditioned, is to demoralize rather than to reform. When California shall come to the establishing of a true reformatory more redemptive work may be accomplished than can now be hoped for, and yet if more educational work were done in our prisons, and if the waking hours of prisoners were more fully occupied, we might look for less demoralization if not for more positive reformation.

Tasks unrelieved by any hope of personal gain are seldom educative into habits of sustained industry. California needs to have more profitable work for its prison population to do, and as soon as it can be brought about industries should be established at both prisons for the manufacture of such commodities as the State institutions require. If, then, in addition to a certain specified task to be completed on State account, the prisoners were given an opportunity to earn something for themselves, be it ever so little, they would learn to perform sustained labor before they knew it, and there are few men in prison who have been habituated to sustained labor.

I am more than ever persuaded, however, that not all the prison reforms we need are likely to be fully realized until our entire prison system of control shall have undergone a considerable reorganization. It is my judgment that the executive head of the prison system should be a General Superintendent of Prisons and Reform Schools, who shall be a specially trained man, and who shall be allowed to select such subordinates in his own office as he may need, and select the wardens of the State prisons by and with the consent of the Board of Prison Directors. Such an officer must necessarily give his whole time to the work, and the whole time of one competent official is worth several times more to the State than the spare hours of many busy men engrossed in private affairs, no matter how able and interested they may be.

STATE HOSPITALS FOR THE INSANE.

The provision made by the Legislature of 1905 for the maintenance of the five State hospitals for the insane aggregated \$2,013,055, without counting appropriations made for permanent improvements or acquisitions of new properties, and this sum will all be used before the termination of the fifty-eighth fiscal year June 30, 1907.

At the beginning of the fifty-sixth fiscal year, July 1, 1904, there were in the five State hospitals, 5,774 patients. On November 30, 1906, the population of these institutions was 6,091, a gain of 317; but as a result of the great earthquake of April 18 last, 101 patients at Agnews Hospital were killed; otherwise the total patient population of the five hospitals would have been 6,192, making the increase of patients 418, or about 14 per month. Projecting this ratio of increase forward for the ensuing two years it will be necessary for the Legislature to appropriate \$2,156,235 to sustain our hospitals for the insane during the fifty-ninth and sixtieth fiscal years, an increase of \$143,000 for the two years. This does not exceed the most reasonable anticipations, inasmuch as the increase in patient population during the next two years is likely to be as great as 500 persons.

There is a growing conviction among hospital authorities the country over that

better work ought to be done toward effecting permanent cures of patients suffering from mental ailments. Our hospitals have been taking good physical care of patients intrusted to their charge, but they have all been overcrowded and have not been supplied with up-to-date appliances for the proper treatment of the patients. There is not a State hospital in California to-day that is fully equipped. All of them should be, and I respectfully commend to the Legislature the wisdom, economy, and humanity of making appropriations for each of the five institutions sufficient in amount to build and equip suitable cottages for the care and effective treatment of acute cases. The hospitals at Napa and Mendocino have funds in hand for one such cottage each, but each should have another, and the other institutions should each have two. It costs the State in the neighborhood of \$3,000 to maintain each insane patient during the expectancy of hospital life. If by expending \$500 or \$1,000 in the most improved efforts to effect a permanent cure during the early stages of the disease such cures can be effected in any considerable number of cases, it will warrant the State, on purely economical lines, in making a very considerable expenditure for that purpose. It goes without saying that the humane considerations are at least as important as the economic.

For the care of chronic incurable patients the State should have recourse to cheaply constructed buildings upon agricultural lands where the labor of such patients as can labor should be profitably employed, and where all may be made happier by a freer and more wholesome out-of-door living. This will make room in the existing institution buildings for the accommodation of such patients, other than those already described, as may be committed from time to time. No new hospitals should be built until those we now have shall each contain 2,000 patients.

Agnews State Hospital.—This institution merits special consideration. It was totally wrecked by the earthquake of April 18, as the cost of salvage practically equaled the value of the material saved. The loss is estimated at about \$800,000, and 11 officers and attendants and 101 patients were killed and many injured. The earthquake was very severe at this point, but had the workmanship and superintendence of construction been what they should have been it is not likely that many, if any, lives would have been lost. It is impossible that so severe a lesson as that taught by the Agnews disaster shall fail of impressing its importance upon future public construction in this State. Temporary accommodations have been made for 800 patients still retained there with which they can be made reasonably comfortable until reconstruction work can be done. The situation is not all that could be wished for, but is at all events eligible. It is near to one considerable city and not far from the bay district of California with its rapidly increasing population. Its location is one that makes it especially adaptable for the care and treatment of special phases of insanity. The reconstruction of a modern institution at Agnews, upon lines that will insure safety of the officers and patients and make the security of the buildings probable, will involve the expenditure of possibly nearly \$1,000,000. If the construction work be extended over a period of four years, and it is not probable that it can be well done in less time than that, this appropriation can be made without seriously embarrassing the finances of the State.

Home for the Feeble-Minded.—Included in the estimates for the maintenance of the State hospitals is the maintenance of the California Home for the Cure and Training of Feeble-Minded Children, at Eldridge, in Sonoma County. This institution has taken good physical care of the unfortunates in its charge, but has fallen far short of accommodating all who are proper subjects for admission to it. I therefore respectfully commend to the Legislature the need for enlarging this institution to meet the legitimate demands made upon it. It is doing good work, and its ability to take care of the feeble-minded ought to be adequately extended.

A Colony for Epileptics.—There are probably as many as two hundred epileptic insane persons scattered through the five hospitals of this State, and there are probably half as many in the Home for Feeble-Minded, but there are scores of epileptics throughout our State who are neither insane nor feeble-minded. Our State should make reasonable provision for the care and treatment of this class of unfortunates.

This will not require the creation of a new institution. At the Home for Feeble-Minded there is abundant land, and a single board of managers will suffice for every purpose of both institutions. In my judgment, the Legislature should make provision for establishing an epileptic colony at the Home for Feeble-Minded. In this way many patients now improperly in our insane asylums would be given care and attention which they can not receive in the asylums. It is time for California to be moving in this direction, especially as it may be done with such comparative inexpensiveness.

DEPENDENT AND DELINQUENT CHILDREN.

During the eight years ending with June 30, 1906, California has paid out toward the support of dependent children the sum of \$3,664,408.03. Of this sum \$2,856,751.51 has been devoted to the sustaining, in part, of an average of 5,567 children in orphanages, and \$807,656.52 to sustaining 2,341 children aided through boards of supervisors outside of orphanages, mainly by allowance to the surviving parent, or

other relatives, in their own homes. During the last four years the number maintained in orphanages has dropped from 5,907 in the fifty-fourth fiscal year to 5,277 during the fifty-seventh, and the amount paid to the forty-odd orphanages has dropped from \$375,857 in the fifty-fourth year to \$337,955.22 in the fifty-seventh. In outside aid, dispensed through the boards of supervisors of the several counties, the number has decreased from 2,539 during the fifty-fourth fiscal year to 2,062 during the fifty-seventh, and the sum paid for this form of aid has decreased from \$114,442 in the fifty-fourth year to \$103,338.68 during the fifty-seventh.

This latter form of expenditure, commonly called out-of-door relief, has a rather constant tendency to increase, owing to a prevailing predisposition of county boards of supervisors to proceed in such matters along lines of least resistance, because they can pass their expenditures up to the State for reimbursement. There are some counties, however, which have their charities so well organized that their benefactions under this law are bestowed with great discrimination.

The comparative economy secured recently in the distribution of the moneys supplied by the State is the result of a more careful inspection of claims and more thorough visitation of applicants for relief. It is along the line of establishing the fact of dependency that the greatest reform in the administration of this fund is to be looked for, and this fact should be established by the juvenile court, and not otherwise, before any child shall become a State charge. It is now established by the managers of orphan asylums and by the supervisors of the several counties; and it is almost certain that a considerable percentage of children drawing State aid are not, or need not be, dependent on the State. No matter how conscientious the orphanage people may be, they can not have the same opportunity that a court would have for ascertaining all the facts in an inquiry conducted under oath. In order to prevent an unnecessary humiliation of deserving applicants, such examinations might well be held in chambers, at the discretion of the judge.

The money that the State gives our forty-four orphanages constitutes only one half to three fifths of the total cost of their maintenance. They are maintaining over 1,300 children for whom they receive no State aid at all.

Delinquent Children.—The number and atrocious character of crimes committed in this State by youths, and the steady growth of California's prison population, bring home to us all the tremendous importance of the problem of child delinquency. The advantageous point of attack for this evil is at its incipency, and this is when truancy first manifests itself. It is with truancy that delinquency almost invariably begins. Truancy and parental schools should be established where needed, and the compulsory education law should be more strictly enforced. Every considerable city in the State should have one or more special schools for backward children, and nearly every county should maintain a truancy or parental school and at least one school attendance officer to make the law and the school effective. A more general provision should also be made for the addition of manual training to our common school course. We should not only strive to compel children to attend school, but also do all in our power to interest them in their studies when they are there. Nothing contributes more certainly to this end than manual training.

The State is maintaining juvenile reformatories at both Lone and Whittier. The school at Lone, known as Preston School of Industry, is maintaining an average of about 210 students at a per capita annual cost of \$247, or a total of \$51,870 per year. The permanent investment in this institution now amounts to about \$325,000, including equipment. The school is doing good work, especially since a system of manual training has been introduced and since real work has been undertaken in building enterprises. However, there is room for improvement along the lines of educational work in mechanics and agriculture, and in commercial work for advanced pupils.

The State School at Whittier has been maintaining an average attendance of about 280 boys and 35 girls at a per capita annual cost of \$311.79, or about \$110,000 a year for salaries and maintenance. The school work *per se* has been good, but there has been wanting a keener spirit along the industrial side of the training given, and manual training has not as yet been established. The farm of 160 acres is in good condition, but the sanitation is and has been bad and something like an epidemic of typhoid has resulted, very likely from that source of infection. The State's investment in this school is about \$350,000, not counting repairs and betterments made from time to time with current and contingent funds.

Neither of the schools above mentioned is maintaining parole officers. I regard this as an error, and strongly recommend that the Legislature not only require the maintenance of such officers, but provide therefor in a financial way.

I commend these institutions to the favorable consideration of the Legislature.

Placing Out of Children.—The State should be the guardian of every child within its borders, especially the dependent children, but that guardianship has not heretofore been properly asserted. There is no question that the best place in which to rear a dependent child is in the home of some good, childless family, but there is no department of charitable work that needs to be carried on with more tactfulness, and with more unselfish motives than that of the placing of dependent children in homes other than their own. California has, as a State, exercised no such function of guardianship. Associations and individuals, with no official authority, have

undertaken this work, but it is time that proper legislative action were taken in this regard. It should be made the business of some department of State government to investigate and license such placing-out agencies as are entitled to public confidence, and prohibit the activities of such as are not.

States which undertake to discharge the guardianship of dependent children maintain systems of visitation and inspection to all homes in which dependent children have been placed, and the welfare of such children is thus assured, their education enforced and their personal and property rights protected. The work here outlined is usually performed by State Boards of Charities and Corrections, and it would be well to confer this function upon this board and equip it properly for that purpose. It is not improbable that as many as one thousand such children are now drawing State aid who should be placed in homes to be reared, thus saving the State anywhere from \$75,000 to \$100,000 a year in appropriations for dependent children.

STATE BOARD OF CHARITIES AND CORRECTIONS.

The duties by law imposed upon this Board are "to investigate, examine, and make reports upon the charitable, correctional, and penal institutions of the State, including the State hospitals for the insane, of the counties, cities and counties, cities and towns of the State, and such public officers as are in any way responsible for the administration of public funds used for the relief or maintenance of the poor in public institutions or of any of the inmates of said institutions." While this field of utility is a broad one, and abundantly justifies the continued existence of the Board, I think that it may well be further broadened to include a Children's Home Bureau, whereby every dependent child placed in a home other than its own may be visited, watched over and protected, and whereby homes may be found for such children as are free and fit to be placed in homes. Such a service should prove of incalculable advantage to dependent childhood, and an important source of economy to the State.

The management of county and municipal institutions is of scarcely less importance to the State than the management of State institutions. It has, in other states where prison management has far surpassed that of our own, been held to be true that the jails of counties and cities manufactured criminals faster than the State reformatories and prisons could redeem them to reputable living. The burden of pauperism in California, comparably rich and sparsely settled though the State is, is becoming grievous to be borne. It is as essential to the welfare of the commonwealth that local institutions and handling of public functions be looked after as that State institutions and public functions shall be, and I know of no agency better adapted to this service than the State Board of Charities and Corrections, being, as it is, non-partisan in character and entirely outside the main currents of political life.

CALIFORNIA AND THE EXPOSITIONS.

During the last four years this State has participated in two great expositions held in St. Louis and Portland, respectively. In each instance the display made was creditable and profitable to the State. At St. Louis the expenditures by the California commission were \$129,148.13, being \$851.87 less than the sum allowed by law to be expended. However, there were certain salvages, interest, and miscellaneous sources of income which enabled the commissioners to return to the State treasury the sum of \$5,762.97 in cash. Besides this credit to the exposition fund, there were left in the hands of the commissioners, available for use at the Portland exposition, materials and fixtures of an estimated value of \$12,480.85. In this exposition, as at Portland, California received a great number of grand prizes and gold and silver medals.

The fortunate results from the display made at St. Louis in 1904 prompted the Legislature to make an appropriation for the Lewis and Clark exposition in 1905. The amount appropriated for the former exposition had been \$130,000, and for the latter \$90,000 was provided. The law made the Governor sole commissioner, and as my assistants I selected Messrs. J. A. Filcher and Frank Wiggins, who had been the commissioners for the St. Louis exposition. The display of products made was admirable and challenged favorable comparison with displays made by any and all other states. Although the accounts in connection with the State's participation in this exposition are not quite all settled as yet, there will be a balance of about \$4,000 to be turned back into the State treasury, and, besides, there are materials and fixtures left for use in some future exposition of the approximate value of \$10,000. No scandal and no serious controversy marred the success of the State's participation in these two great expositions.

The Jamestown and Seattle Expositions.—At Jamestown, Virginia, during the present year there will be held a national and international exposition as an observance of the ter-centennial of the first settlement of this country. The United States Government and the governments of many states have arranged for participation in this exposition, which will possess many features of historic and industrial interest, and California has been urgently invited to provide for proper representation of her material products and of her contributions to the progress of civilization. The exposition management has set apart space for California, and it remains for the Legislature to say whether the State shall avail itself of the opportunity

presented. Believing that in the past the exhibitions made of our resources and products have been profitable to the State, as well as gratifying to the pride of all its citizens, I recommend participation in the Jamestown exposition and suggest the making of a suitable appropriation.

Another exposition will be held upon the Pacific coast in the year 1909, when, in the City of Seattle, the Alaska-Yukon exposition will throw open its gates. Although not fully informed concerning the plans for this exposition, I believe it will be important, and both for reasons of material profit to be anticipated and as a matter of courtesy to the State of Washington, I would urge participation by California. To that end I suggest some form of declaration of intention by the present Legislature, and also such an appropriation as will cover the cost of preliminary preparation. A further appropriation can be made by the Legislature of 1909.

DEPARTMENT OF PUBLIC HEALTH.

There is no department of State government that better deserves legislative support than the State Board of Health. The work it is now doing is of inestimable importance to the welfare of the people of the State, and yet it is doing but a small part of what could be done by it for the public good. Until recently there had been no adequate record kept of births, deaths, and marriages in this State. If for any reason it has been desirable to look up the antecedents of any person, or to trace any person to his grave to know of a certainty that death has taken place, it has been next to impossible to find a reliable record for the purpose. If the present Bureau of Vital Statistics shall be maintained, as it should be, both a full and an exact record can be found regarding births, deaths, and marriages. In the settlement of estates these records are invaluable.

The Board maintains a hygienic laboratory at Berkeley, by means of which pathological specimens are examined by experts for the benefit of physicians and health officers, making it possible to diagnose contagious diseases and so prevent epidemics and consequent sickness and death. Through its Secretary, other officers, and members, the Board has carried on an important public educational work throughout the State, has organized one State and two district health officers' associations, and has vitalized public interest in affairs which concern the physical well-being of the people. Much time and effort and a little money have been expended in keeping the streams of the State as free as possible from contamination, and so securing sources of pure water supply.

A pure food department is one of the imperative needs of the State Board of Health if it is to safeguard the public from fraud and from consuming deleterious substances. To make such a department effective California should enact a State pure food law supplementary to the National pure food law. With Nation and State working together for a common purpose, there is reason to hope for the doing away with an evil of gigantic proportions and lamentable consequences.

California needs, associated with its State Board of Health, a sanitary engineering office, with a competent sanitary engineer at its head, to whom may be referred all subjects connected with the sanitation of cities and towns and State institutions. As time passes systems of sewage disposal and sources of healthful water supply become increasingly important, and, unless competent advice can be furnished in such cases, mistakes will be made that will prove costly. Opportunities for educative work of incalculable value are here presented, and it is the proper province of the State to lead in educative work of this character.

Educational work is also needed along the line of remedying the physical deficiencies of children during the school age, and especially in relation to the deficiencies of dependent children cared for in orphanages. Many of these are handicapped for life for want of simple treatment given at the right time, and, for the lack of such treatment, paupers, criminals, and human failures abound where self-respecting and self-sustaining citizens would otherwise have resulted.

The profitability of the expenditures here recommended to legislative attention may not be immediately visible in a decreased tax levy, but we may be sure that those profits will be realized along lines of lessened inefficiency, pauperism, and crime. I commend the needs of the State Board of Health to the attention of the Legislature.

PUBLIC EDUCATION.

There has been a large increase in school census children in our State since 1904. The total for that year was 407,398 between the ages of five and seventeen years. For 1906 the total reached 440,917. The gain of attendance at school, either public or private, does not keep pace with the increase in the number of children. During the year 1904 the number of those who had attended some school during the year was 355,746. The report for 1906 increased this number to only 364,950, a difference of only 9,104. This would seem to show that California is receiving additions to its population from people who do not appreciate the advantages which education affords.

The number of school census children who had attended no school at all during the year 1905 was 75,965, while two years before it was 71,652. If we say of the larger number that four twelfths are either between five and six years old, and therefore under school age, or between fourteen and seventeen, and therefore

above the age of compulsory school attendance, we still have in California more than fifty thousand children who ought to be in school, but are not there.

This is sufficiently startling to challenge attention, and yet it has only to deal with those who have not at any time during the year enrolled themselves in any school, public or private. When the crucial test of average daily attendance comes to be considered, the case becomes astounding. The average daily attendance at the public schools reported June 30, 1905, was 217,873. That year the number of school census children was 418,315. If we deduct from this the number accredited to private schools, 12,092, and assume that they all went to school every school day, we still have 376,223 to account for. Out of this number only 217,873 averaged as being in school, while 158,350 averaged out of school every day in the school year. In brief, only 58 per cent of the children accredited to the public schools in California are in school continuously.

It is not by the amount expended in school houses, or the sum annually expended in teachers' salaries, or in apparatus and supplies, that the value of a school system is to be determined. The supreme test is that of efficiency, and with the parents of 50,000 children utterly disobeying the compulsory education law, and the parents of 108,350 more children disobeying it partially, the standard of efficiency for 1905 was certainly not one to satisfy this State. I recommend legislation requiring incorporated cities and towns to maintain one or more attendance officers, for it is probably in cities and towns that the most serious dereliction of school duty lies.

The new law for the apportionment of State school money works well. In six counties out of fifty-seven it has wrought a decrease in the amount of State school moneys apportioned, but inasmuch as the loss sustained in such counties was effected by cutting off allowances for children who were never inside a school house, the injustice inflicted was more apparent than real. Of the \$4,092,691.59 of State funds apportioned during 1906, the sum of \$2,141,691.59 was apportioned on a basis of average daily attendance and \$1,951,000 on a basis of the number of teachers allowed by the school census. The weaker counties and communities have been helped, and the stronger ones can not complain of being injured, for the reason that no injustice has been done them.

It will be of interest to note the effect of State aid upon the high school system of the State. The total number of high schools entitled to receive State aid June 30, 1903, was 143. June 30, 1906, the number was 159. The enrollment for 1903 was 17,473. For 1906 it was 28,075. The average daily attendance for the year ending June 30, 1903, was 13,689. For 1906 it was 21,397. The number of teachers employed in 1903 was 741. For 1906 it was 1,137. The number of graduates in 1903 was 2,074. For 1906 it was 2,813. The total expenditures for 1903 were \$1,229,500.39. For 1906 they were \$2,118,849.15. The total investment in high school property in 1903 was \$3,353,646. In 1906 it was \$5,093,014. State aid has increased the strength and efficiency of high schools rather than created a multiplicity of them, and it has helped a good work all along the line. It should be continued.

The University of California.—Our State University is a noble monument erected by the people of this State to the cause of education. It is the realization of the ambitions of the Pioneers of '49, who planned, even before California was admitted to the Union, in our first State Constitution a system of free public schools crowned by a great university. It is an institution of advanced learning, where the poor and the rich, the high and the low, can, and do, meet on terms of equality. With its free instruction, many poor young men and women, whose efforts will more than repay the State, in good citizenship and in dollars and cents, all the University has cost or ever will cost us, have been able to secure an education.

California, with only two millions of people, supports—one entirely and the other partially—two of the greatest of the educational institutions in the United States: the University of California and the Leland Stanford Junior University. No other State can boast of an equal self-sacrifice on the part of its people.

Some twenty-five hundred of the sons and daughters of California attend our State University, and the great cost of their instruction is cheerfully borne by the taxpayers. Yet, the buildings at Berkeley can well and conveniently accommodate only one half the number of our sons and daughters actually in attendance at the University. And many of the buildings in use are mere, cheap makeshifts, which the Board of Regents, bending to stern necessity, have been compelled to put up to house, even inconveniently and crowdedly, the army of young people whom the people of the State have put into its charge. Many of these buildings are rickety firetraps, housing collections, instruments, and apparatus which cost much labor, knowledge, and money to acquire. Yet, until now, the finances of the State have never been in such condition as to warrant sufficient enlargement of University quarters. Now, however, with the great increase in taxable property in this State, with a million dollars surplus at its command, I am of the opinion that, in addition to the many other calls that will be made upon its resources, the State treasury can find the means, without increasing the burdens of taxation beyond the normal, to make an immediate addition to the beginning made by the erection of California Hall toward properly housing our University. Private benefaction has done more than the State toward the realization of dignified, convenient, and proper educational domiciles for our University young people. The magnificent Mining Building, the gift of Regent Hearst, the Doe Library, the Harmon Library and Gymnasium,

and other smaller but no less appreciated gifts to the University, testify to the high esteem in which, by generous individuals, our institution is held. Only California Hall, among the many buildings erected by legislative appropriation, is now worthy of this great State and that great University.

One of the first buildings erected at Berkeley ought to be a building in which to house the College of Agriculture. California's wealth, prosperity, and fame rest largely upon her agricultural and allied interests. And these are important enough to warrant us in adding to the Davisville University farm and the Kearney farm, near Fresno, a great and necessary building at Berkeley devoted to agriculture and all that goes with it.

I therefore recommend to the Legislature that the sum of \$500,000 be appropriated for the erection of a proper Agricultural Building at Berkeley.

University Farms.—The University farm at Davisville and the Kearney gift at Fresno should both receive the support of the State. Neither is unnecessary for uses to which they both may be put in the practical teaching of agriculture and all the industries connected with it, such as pomology, viticulture, dairying, and livestock raising, all so necessary to the State's prosperity. To properly equip these two farms will require the erection of suitable buildings on each, the acquiring of machinery, tools, stock, and equipments of various kinds, as well as the employment of instructors, mechanics, and laborers. All this should be done intelligently, liberally, and well. I therefore recommend to the Legislature the appropriation of at least \$400,000 for these purposes. No better use of public money can be made.

University Salaries.—I desire, while speaking of the University, to call attention to the fact that the salaries paid to the teaching force at Berkeley are, in many cases, only to be designated as niggardly, and in but very few even approaching a satisfactory standard. The limited funds at the disposal of the University and the great number of students who present themselves for instruction compel the Board of Regents to pay instructors and assistants, most of whom have spent years of time and thousands of dollars in qualifying themselves to teach California's sons and daughters, salaries that are, compared with the wages of mechanics and other skilled workmen, to say nothing of those occupying private positions of even less responsibility and importance than those who teach our young people, shamefully small. Many such men at Berkeley, men of standing and reputation in the world of letters, known throughout this country and Europe for their attainments, are paid eighty, ninety, one hundred, one hundred and fifty dollars a month. Such salaries as these are totally inadequate to recompense those to whom they are paid, nor can those who receive them live upon them in these times and enjoy those comforts of home and family which such people are, in simple justice, entitled to.

Even the professors and heads of departments in the University are not adequately paid. Comparisons with the professional salaries paid at other, but no better, universities than ours show how poorly paid, as a whole, our professors are. Harvard's minimum professorial salary is \$4,000; and for each five years of service this minimum is increased \$500, until a maximum of \$5,500 is reached. Columbia and Chicago pay their professors \$5,000 each, with \$7,000 in exceptional cases. Stanford pays \$4,000. Our professors receive \$3,000, \$3,500, and \$4,000. Taking the difference of living expenses into account, Harvard's \$4,000 is equivalent to at least \$5,000 here.

It is a high tribute to the devotion to their professions of the men whom we have at Berkeley, and a high compliment to the standing and reputation of our University, when men of world-wide reputation, such as our professors are, will stay with us when, at other universities, they could receive equally honorable positions and higher salaries. California, in her present time of prosperity, is able to pay the University teaching force somewhere near adequate salaries; and, being able, she ought to do it. I therefore recommend to the Legislature that the appropriation for the salaries of the teaching force at the University be increased at least twenty-five per cent.

Public School Teachers' Salaries.—The members of the faculty of the University are not the only people connected with our educational system who are underpaid. For the teachers in our public schools, who receive from sixty to eighty or ninety dollars per month, are very much underpaid.

We should have, for the teachers in the public schools, the very best talent obtainable. Teaching, like the practice of medicine, law, or theology, is a profession, and its practitioners should be trained as doctors, lawyers, and preachers are. This training requires years of time and large sums of money to acquire; and, like all other professional people and those who learn trades, our teachers should regard their work as a life work. Now no person should be expected to take up a life work which will, as in the case of our teachers, yield a maximum salary of only ninety or one hundred dollars per month.

Almost any active, intelligent man or woman can earn more money in private employment than our teachers do. The natural result is that too many of our best teachers, especially men, are deserting the schoolroom for other employments. We need more men teachers, and all our teachers ought to be more contented with their positions than they can be with the salaries we pay them. In almost all private businesses there is an opportunity to gain better salaries by closer application and

years of service. The opportunities to do this in the school department of this State are not very many; and, when gained, the rewards are not very great.

I therefore recommend to the Legislature the amendment of the school law so that the pay of teachers shall increase a certain fixed sum, say ten dollars per month, at intervals of, say, five years of continuous service. By this means long service will give promise of greater returns, and, in this way, better inducements will be held out for the ambitious to take up and remain in the profession of teaching as a life work.

SALARIES OF STATE OFFICIALS.

On several occasions I have called attention to the totally inadequate salaries paid to State officials. Even the Governor, with \$6,000 per year, a house to live in and \$2,500 per year toward its support, and traveling and other funds at his disposal, is unable to make both financial ends meet. But a State Treasurer, whose bond alone is \$100,000 and costs \$300 per annum, is paid but \$250 a month as recompense for the great responsibilities he has to assume. The Secretary of State, with the many and varied duties of his most important office, is also paid but \$250 per month. The State Controller, also a very important and necessary official, receives a like salary of only \$250 per month. The Attorney-General, the legal counselor and adviser of the State, with its vast and multifarious interests, is paid, like all the others, only \$250 per month. So, also are the State Superintendent of Public Instruction, the head of our great public school system, and the Surveyor-General. In private businesses, much smaller than that of the State of California, similar positions are accompanied by salaries twice, even thrice, as great.

It is true that it costs a large sum, a very large sum, of money to run this State government. But its great cost does not arise from the salaries paid its elective officers.

I desire, also, to call the attention of the Legislature to the fact that it is already very difficult, and rapidly becoming impossible, to secure and retain efficient skilled, or even unskilled, help at the hospitals and other State institutions. When the mechanic, even the unskilled laborer, receives, at private employment, three, four, five, six, and eight dollars per day, the State can not expect to retain the services of skilled and competent persons for one, two, or three dollars per day. I therefore recommend that sufficient money be appropriated to secure, at the State institutions, by means of better pay, the willing services of skilled and competent employes.

SAN JOSÉ AND LOS ANGELES NORMAL SCHOOLS.

The main building of the State Normal School at San José was rendered wholly unfit for use by the earthquake of April 18, 1906. This building, utilized for the Normal School proper, was of brick. The children's training school is of wood and has been put in a thorough state of repair and safety at an expense of about \$5,000. Competent architects and engineers have examined the main edifice and report that it should be taken down, discarding even the foundations, and an entirely new structure erected in its place. Such new building should be built of nothing less staunch and durable than a steel framework and concrete curtain walls. It is probable that such a structure will cost as much as \$250,000, and I recommend that the Legislature make this appropriation. The school is now being conducted in temporary buildings, and no time should be lost in proceeding to reconstruction work.

The State Normal School buildings at Los Angeles were repaired at a cost of \$40,000, and there is no pressing need of replacing these buildings with others. The site occupied by these buildings is of great and increasing value, and it is as valuable for the State to hold as it is for private or corporate ownership. It is only a question of time when the State will desire to erect buildings in Los Angeles for the accommodation of its courts and other offices, and when that time comes no better site can be found than that now occupied by the State Normal School.

THE STATE PRINTING OFFICE.

During the last two fiscal years the State Printing Office was operated at a gross expense of \$572,319.21, and if the cost of new equipment be added, the total expenditure has been upwards of \$600,000. Of this sum nearly \$300,000, or one half, represented the expense of manufacturing school text-books, which, being sold, returned their cost, or a little more, to the State. The printing executed for the different departments of the State government, including the University, cost \$180,102.60, and \$92,443.66 was the cost of printing for the Legislature. The number of school books manufactured during the fifty-sixth fiscal year was upwards of 400,000, and during the fifty-seventh year upwards of 550,000. Few persons are aware that the State government conducts the largest book manufacturing business on the Pacific Coast and the only large school-book printing establishment west of Cincinnati.

Public printing is a rather serious problem for all State governments as well as for the Federal Government, and one of the most frequent complaints is the excess of cost as compared with private printing. An expert who had made inquiries in different parts of the country asserted recently that public printing cost from two

to ten times as much as private printing. The cost of printing done in the California State Printing Office is high, but a comparison with other public printing establishments would probably result favorably to ours. As the best way to reduce the cost of work I have favored the equipment of the office with the most improved machinery in the form of type-setting machines, presses, folders, automatic feeders, and book-binding machines. This has been accomplished, and the office is now so well equipped that in the school-book department the cost of the work has been sensibly diminished, and during the year 1907 it should be possible to further reduce the prices of the school text-books, although they are already lower than retail prices of corresponding books produced elsewhere by private publishers. The apparent assets in the school-book department of the office increased in three years and a half under Superintendent of State Printing Shannon from about \$130,000 to approximately \$340,000.

The State Printing Office plant is too valuable to be much longer housed in the present unsafe building in the Capitol park; a suitable building should be erected at some other place in Sacramento, nearer to the river and the railroads, so that incoming and outgoing freight may be more cheaply handled.

COÖPERATION OF STATE AND NATION.

In my inaugural address of four years ago I called the attention of the Legislature to the pressing need of protection for the forest and water interests of this State and advised coöperation on the part of the State with the United States in these matters. The Legislature of 1903 appropriated \$60,000 to be expended in collaboration with the several departments of the National Government engaged in this kind of work, with the express understanding that the National Government would expend a like sum for the benefit of California, the work to be done by the Government's trained experts. This has been done, even in excess of contractual requirements, and the work is still progressing. The Legislature of 1905 appropriated \$76,000 more to be devoted to the same ends. This work has been, and is now being, done mainly along the following beneficial lines:

1. *Topographic*.—This work has been prosecuted by a department of the United States Geological Survey and has consisted, mainly, in surveying and mapping the physical features of the west side of the Sacramento Valley from Iron Cañon, above Red Bluff, to Suisun Bay. Contour lines have been run at intervals of five feet, difference of level and the work will be completed on the west side by June 30, 1907, and within the present appropriation. The results of this work are being accurately mapped and printed for distribution by the Government at Washington. This work will, by June 30, 1907, have cost the State \$50,000, and the National Government an equal sum. It is estimated that it will require four years more and an expenditure by the State of \$80,000, to do a similar work covering the east side of the Sacramento Valley. It is of great importance to the State, and I recommend that this expenditure be made and that the coöperative topographical work be continued until the entire State shall have been covered.

2. *Hydrography*.—The area of land in California suitable for irrigation is easily ascertainable. Not so the supply of water for the irrigation of that land. A part of the coöperative work under consideration has been the making of an exhaustive study in order to determine the quantity of waters in California both above ground and below available for irrigation and the generation of power. Many of our principal streams have been, and are being, carefully gauged. More than seventy gauging stations have been maintained, but the work needs to be extended over a period of years to make the results of permanent value. Careful investigations are being made into the extent and probable permanency of subterranean water-bearing strata throughout the State. The importance of this work may be judged from the fact that two thirds of the irrigated area in Southern California is now being supplied with water by irrigation from wells, and that the single community of Pomona has \$565,000 invested in pumping plants. One fifteenth of the entire expenditure of the United States Government for this kind of work is being expended in California. Our State Legislature has appropriated \$35,000 to carry on this work for the four years ending June 30, 1907, and it is estimated that it will require \$25,000 as the State's share for carrying on the work the next two years, the increase to be devoted to investigations of underground waters. So far, only one third of the expenditure has been devoted to this work and two thirds to investigations regarding surface waters. I earnestly recommend that this appropriation of \$25,000 be made.

3. *Hydro-Economic Investigations*.—The determination of the quality of the waters used for domestic supply for cities and towns, and for manufacturing and irrigation, is of equal importance with that of the available quantity. The State's contribution to this branch of the work has been small, only \$1,000 having been set apart for it during the last two years. The United States Government has, in this particular, expended two dollars to California's one, and wholly for California's benefit. It has been found that certain streams are contaminated by certain of their tributaries and not by others, but to trace the source of such contamination to its head is a work of some magnitude, inasmuch as sample waters must be taken from streams each day in the year and carefully analyzed. To prosecute this work effect-

ively the Legislature will be asked to contribute \$2,000 a year for the next two years, the General Government contributing a like amount. This appropriation should be made.

4. *Irrigation and Drainage Investigations.*—This branch of the coöperative work has been undertaken in collaboration with the United States Director of Experiment Stations, and is most important to California. Next to the quantity of water available, and the quality of it, must be ranked its economical use, for only by economy in use can all the arid lands of our State be finally brought under successful tillage. This investigation has covered the wasting of water by irrigating communities and methods of preventing such waste, the duty of water where it is being used economically and otherwise, the rates and conditions governing evaporation and percolation in handling water for irrigation, the cost of pumping under differing conditions and with different appliances and powers, and the drainage of surplus irrigation and other soil waters for their conservation and for the reclaiming and preservation of soils. For this branch of coöperative work the State has contributed \$25,000 for the four years ending June 30, 1907, the Government contributing an equal sum for the same work. The Legislature will be asked for \$10,000 a year for the next two years for continuing this important work, and I recommend that the appropriation be made.

5. *Forestry Coöperative Work.*—When this department of coöperative work was undertaken California had no general forest policy and had made no beginning toward having one. Under coöperative endeavor with the United States Forest Service, the forestry resources of the State were carefully surveyed, methods of conserving our forest resources were studied by expert foresters, our best timbers were subjected to scientific tests touching their utility for commercial purposes, and so were trees grown here but imported from foreign lands. The effects of fires and of grazing timbered lands were carefully and even exhaustively noted, and methods were studied and experiments made in reforesting burnt and cut-over areas. Finally, a forestry policy for California was elaborated and presented to the last Legislature, which enacted forestry laws making at least a beginning toward an ultimate forestry system for our commonwealth. This has about completed the coöperative forestry work for California as originally outlined, and no appropriation will be asked for this department of work for the next two years. The total cost of this branch of the work, so far as appropriations have been made during the last four years, has been \$25,000.

OUR STATE FORESTRY SERVICE.

The Legislature of 1905 made the Governor, Secretary of State, and Attorney-General ex officio a State Board of Forestry, and authorized the appointment of a State Forester with two assistants. An appropriation of \$17,600 was made to defray all of the expenses of the forestry work for the succeeding two years. This was, confessedly, a beginning, and only a beginning, looking toward the ultimate evolution of a comprehensive and efficient forestry service for the State. The forestry act was essentially coöperative in its spirit and comprehended coöperation with the Forest Service of the United States Government so far as practicable, coöperation with the respective counties of California, and coöperation with corporate and private forest owners in a united attempt to protect alike the forestry property of the Nation, the State, and individuals from destruction by fire, in renewing deforested areas, and in generally advancing forestry interests.

There is an increasing demand for reliable information as to the renewal of forests when cut-over, as to feasible methods of making trees grow where they do not now grow naturally, as well as how best to conduct a lumbering business without destroying the reproductive powers of timbered areas. But the resources placed at the disposal of the State Forester are wholly inadequate to the attainment of these ends. His own time, and that of his assistants, is chiefly taken up with routine work in striving to secure coöperation along lines of fire protection rather than tree planting and forest renewal through aiding natural processes. The service needs more money and more technically trained assistants in order to meet demands that are legitimate and insistent. Technically trained foresters can not now be obtained, so great is the demand for them the whole country over, for less than \$1,800 per annum.

For forest protection 367 fire wardens have been appointed by the State Forester. Of these 103 were paid by the several counties coöperating with the State Forest Service, 128 are being paid by the United States Forest Service and are mainly forest rangers guarding National forest reserves and parks, and 136 are paid by corporate or individual forest owners, or are serving without compensation and therefore without the best results. During the danger season of 1906 there were reported as many as 120 forest fires, which burned over a total area of 650,000 acres, destroying forest property of immense value. Forest wardens reached and aided in extinguishing 75 of these fires, but there can not be an adequate protection of the forests without the employment, during the season of danger, of at least twenty district fire wardens for the proper organization of their respective districts for coöperative fighting of fires. Such wardens will each cost \$90 per month, and expenses, during the danger season, but will save to the tax rolls of their respective districts many hundred times their cost. The price of lumber in the open market is a forceful

reminder of the necessity for a more adequate forest protection in this State. During the past season twenty-four arrests were made under the forest laws, sixteen of the resulting court cases have been disposed of, and fines to the amount of \$425 have been imposed and the money covered into the State treasury to the credit of the State Board of Forestry. It would be conducive to greater efficiency on the part of counties cooperating if half the amount of fines imposed and collected were covered into the forest funds of the counties wherein such convictions are had.

The present forestry law, and code provisions in conflict therewith, should be so revised by the coming Legislature as to eliminate inaccuracies and ambiguities. It is estimated by the State Forester that an efficient safeguarding and advancing of the forestry interests of California will necessitate an appropriation of \$30,000 per year for the support of the State Forest Service, and, in the light of the destruction heretofore wrought in California's forested areas, once regarded as inexhaustible but now sadly depleted, I am of the opinion that the Legislature should make such an appropriation. Not only are our lumber interests involved, but our irrigation and drainage interests as well. A good beginning has been made, but let it not remain merely a beginning. There is too much at stake to permit of any hesitancy on the part of the State.

LANDS REVERTING TO THE STATE.

As a consequence of the present laws in regard to the sale of property for non-payment of taxes, the State is acquiring a great deal of more or less valuable land, and an intelligent policy in regard to the disposition to be made of it is urgently needed. An investigation recently undertaken by S. J. Flinham, of the United States Forest Service, who worked in cooperation with the State Forester, resulted in the discovery that there was in certain counties an aggregate of nearly half a million acres which had not only been sold but deeded to the State for unpaid taxes. The scope of this investigation included only the counties containing forest lands and a few other counties in the south where forest-tree planting is being encouraged. The total area for the whole State is, of course, considerably larger and is being added to annually.

In some counties the removal from the assessment roll for taxes of the great extent of lands which has been sold to the State is becoming a serious evil. As a means of lessening the same the Legislature of 1905 passed an act permitting the acquirement, under certain conditions, by purchasers from the State, of tax-delinquent lands for a sum less than accumulated taxes and interest, but it is a question whether this law does not work an evil by encouraging many persons to let their taxes go delinquent in the hope of buying their property back for less than the taxes would have amounted to. In a good many instances lands sold to the State for unpaid taxes continue to be occupied and used by the former owners, and there are even instances where valuable mines continue to be worked after having been sold and deeded to the State. The temptation to this form of speculation is increased by giving unlimited right of redemption of tax-delinquent property up to the time when the State has actually sold it.

As a beginning for the needed remedy I suggest that the law be amended to terminate the right of redemption six months after the land is deeded to the State. This would still give property owners five years in which to redeem—as a deed to the State is not given until five years after the first sale for non-payment of taxes—and that period is believed to be amply sufficient. A considerable portion of the tax-delinquent lands—more than 180,000 acres—is located within the boundaries of United States forest reserves and national parks, and it is believed that the Federal Government would acquire these lands and give in exchange other lands situated outside of said reserves and parks. But it would hardly be profitable to the State to make the exchange until after our land laws have been so amended as to keep enterprising speculators from snapping up at \$1.25 per acre any lands of value which might be acquired by the State in this way. To that end I suggest that there be created a board of control, to consist of the Governor, Controller, Surveyor-General, and State Forester, empowered to appraise, sell, exchange, or reserve, subject to court review, these lands, as may be deemed most advisable in each instance. One of the advantages of such a system would be that timbered lands which ought to be reserved for the benefit of watersheds could then be protected. The Legislature could not have for consideration a more important subject than this, and I respectfully urge action along the lines proposed.

SIXTH DISTRICT AGRICULTURAL ASSOCIATION.

On August 17, 1904, there was commenced in the Superior Court of Los Angeles County an action by the Sixth District Agricultural Society against a number of individuals, who, it was claimed, were unlawfully in possession of the fair grounds, and claimed the title thereto. The complaint alleges that the Sixth District Agricultural Society holds the title to the fair grounds upon a trust to use them for maintaining agricultural fairs and for public exhibitions of live stock, and that the defendants had associated themselves together for the purpose of asserting ownership to the property and of diverting the rents and profits thereof to their own use.

The controversy thus brought into court had its beginning as early as the year 1883, when some of the defendants in the above-mentioned action and the predeces-

sors in interest of other defendants instituted an action affecting the title to the fair grounds, in which action the Sixth District Agricultural Society intervened, with the result that a judgment was had confirming the title in the Society and ordering certain conveyances to be made to perfect the record.

In the year 1897 a second attempt was made to obtain control of the property by substantially the same group of persons who had made the previous attempt. Having organized an association designated as "District Agricultural Association No. 6," they elected under the provisions of a statute passed in 1895 to have a capital stock and distributed the shares among themselves and others making like claims. The first board of directors of this corporation comprised a majority of the directors of the Sixth District Agricultural Society. Proceeding under the Act of 1895 this new association took possession of the fair grounds, and ever since has exercised ownership over them for the individual profit of its stockholders.

This was the state of affairs when, in the year 1904, new appointments to the board of directors of the Society were made and the control of its affairs came into the hands of a majority disposed to contest the claims of the new association. As stated above, the suit in court to determine the controversy was commenced in August, 1904. A judgment has been recently rendered in the case which establishes the title and right of possession in the Society, and in addition declares that the defendants are accountable to the Society for rents and profits in the sum of \$5,584.

Among other things the court finds as follows: "That there is not, and there never was, any such corporation as 'District Agricultural Association No. 6,' and that no such corporation ever in fact or of right issued any certificates alleged to be certificates of stock. That the attempt to form such corporation was without the authority of law, and that the acts whereby the defendants and their associates attempted to form said corporation, and their acts in attempting to create a capital stock and to issue so-called certificates of stock, and their acts purporting to elect directors, and all other proceedings taken by said defendants and their associates in connection therewith, were and are a mere pretense, sham, and wholly without right, and were taken by defendants and their associates as a pretext for and in pursuance of a scheme for obtaining the said property of the said Sixth District Agricultural Association and converting and using it for their own use, profit, and gain, and diverting it from its lawful and proper purpose and uses."

This tract of land, now lying in the City of Los Angeles, is worth several hundred thousand dollars, and the State should intervene strenuously to resist every effort that may be made to take it from her. As shown above, the Superior Court, after a long and exhaustive trial of the case upon its merits, has decided that the property belongs to the State. Only a finally adverse decision of the court of last resort should cause the State to relinquish to any individuals this valuable property. It is more than probable that an attempt will be made at this session of the Legislature to so modify the law under which the State now holds the property as to make it possible for the adverse claimants to gain possession of it. All such attempts should be frowned upon, and nothing should be done or be permitted to be done that will, in any way, weaken the State's title to the land. I commend this important matter to the especial attention of the Legislature.

THE STATE CAPITOL.

At its last regular session, upon the recommendation of architects employed by it, the Legislature made an appropriation of \$352,925 to remodel and improve the interior of the State Capitol building. The report upon which the appropriation was based called for the adding of a fourth story by lowering the ceilings of the Senate and Assembly chambers; for new heating, ventilating, lighting, and plumbing systems; for two electric elevators, for the removal of the wooden roof-trusses, and for other extensive changes calculated to render the building more nearly fireproof.

The improvement work is now well on its way, considering the setback caused by the San Francisco disaster, and when completed the building will be as comfortable and convenient as the most modern office structure. This end is devoutly to be wished, the present improvements having been long needed. Although the Capitol was a magnificent building when it was erected, little has been done in the last thirty-five years to replace the original primitive conveniences with more modern ones. The plumbing system, in particular, is bad, and the heating and ventilating facilities are of an antiquated type.

If it be found, upon investigation by the Legislature, that additional appropriations are needed to complete and beautify the interior of the Capitol, I recommend that such appropriation, if possible, be made. With the work still in progress, there can be no doubt that further improvements can be made at the present time with much less expense to the State than at any future time. In comparison with the cost of similar buildings in other states, the expenditures required at this time, added to the original cost of the State Capitol, make a very modest total. The State of California should take pride in having its most important public building reflect the wealth and the refinement of its citizenship.

RAILROAD RATE DISCRIMINATIONS.

The practice of rate discriminations on a wholesale scale by railroads in California has been revealed through an investigation of the transportation of oil

which was recently completed by the Commissioner of Corporations of the Department of Commerce and Labor of the United States. This is a serious evil, menacing the very existence of many business interests, and calls for a remedy which at present our State laws fail to supply. One of the worst features in the situation is that most of the discrimination has been practiced in favor of the gigantic trust known as the Standard Oil Company and against competing companies representing California enterprise and capital, many of which competing companies have been already crushed out of existence.

When great oil discoveries were made, a few years ago, in the Kern River and other districts, a large number of companies was organized and capitalized to carry on the production and refining of oil and the allied industries. For a time many of these companies prospered and their enterprising promoters were in a fair way to reap the reward of their efforts. But the Standard Oil Company came into the California field, and since then scores of independent oil industries, as if stricken by a deadly blast, have withered and died. The report published by the Commissioner of Corporations upon his investigations shows how this changed condition has been brought about.

The Standard Oil Company has pursued in California the same practice which it has adopted elsewhere of securing special tariffs and rebates for the double purpose of gaining extraordinary profits for itself and driving its competitors out of business. In this, the Southern Pacific, the Santa Fe, and several other railroads appear to have been willing instrumentalities in the hands of the trust.

Some Details of the Discriminations.—A hundred pages of the report of the Commissioner are devoted to a description of the various devices by which injurious discrimination is practiced. The payment of rebates to favored shippers—generally the Standard Oil Company and its allies, the Pacific Coast Oil Company and the Associated Oil Company—has played a large part, and the employment of secret rates has been the next most common practice. The investigation "developed the existence of more than eighty different deviations from published tariff rates on oil in California." A list of all these discriminations is given in the report, from which it appears that many of these discriminations are in rates from Bakersfield, a considerable number from Richmond, and others from Los Angeles and other points.

In California fuel oil is generally sold to manufacturing plants and other large consumers on contracts running for a year or longer, and the margin is so close that even a small difference in transportation rates is likely to turn the scales in favor of one competitor in the trade and against another. But the advantages in rates given to the Standard Oil Company and its allies were not always small ones; they were often large in amount. To quote Commissioner Garfield: "Again and again the bid prices of independent crude oil producers, based on the full tariff rate of freight, indicate that they would have underbid a favored competitor had they been given the secret rates that he obtained." While the published tariff rate of the Southern Pacific Company on shipments from Bakersfield to Redding, Red Bluff, Keswick, and other points in the northern portion of the State was 2 cents per gallon, the Standard Oil was shipping at 1.4 cents. This discrimination amounted to 25.2 cents per barrel, and enabled the Standard to make a handsome profit while shutting its competitors out of the trade.

In one instance the Standard Oil Company contracted to sell oil in Redding for 79 cents per barrel, when for competing companies the freight alone cost 84 cents a barrel. From Richmond, where its principal refinery is established, to Keswick the Standard Oil was given a secret rate of 46 cents per barrel, while from other points around San Francisco Bay where rival refineries had been established the rate was 84 cents. From Richmond to San José, a distance of 55 miles, the railroad company shipped oil for the Standard Oil Company at the rate of \$1.20 per ton, while from Stockyards to San José, only 45 miles, a rival company paid \$2 per ton. At a time when the Santa Fe Company's published rate on oil from Redondo to Los Angeles was 10 cents per hundred pounds, the Standard Oil Company was allowed to ship for 4 cents, and even this discrimination was afterwards increased. From Bakersfield to San Diego the Santa Fe gave to the Associated Oil Company a rate which meant a discrimination of more than 42 cents per barrel.

Other Devices to Hamper Producers.—The foregoing are a few out of many instances of injurious discriminations in favor of the trust and against the independent producers; but rate discriminations were only one of a number of means employed to harass or destroy independent producers, as demonstrated by the Commissioner of Corporations. One of the most potent means used for their discouragement has been the failure to furnish them cars when needed. Several years ago most of the oil cars in use in California were owned by a subsidiary company of the Standard Oil, and when the latter came into the California field these cars were withdrawn. The railroad company could or would not supply others, and the independent oil producers, being unable to guarantee deliveries of oil, were reduced to distress. The Standard and its allies could guarantee deliveries with little or no fear of car shortage. Some of the enterprising competitors bought or built cars in the East, but the railroads refused to haul them, and compelled the owners to sell or rent them. Evidence is presented to show that when the car

shortage was at its worst, large trains of oil cars were standing in railroad yards marked "Hold" or "To be held."

Under such intolerable conditions as these, it is not strange that most of the independent producers and refiners have been driven to the wall, and the only wonder is that so many of them survive as really do. But unless they are given the protection of the law in some better manner than that in which it has been afforded hitherto they will all be reduced to helplessness and the sway of the oil trust in California will become absolute.

Legislation is Needed.—All of the discriminations and other improper practices before described have occurred in connection with commerce within the State of California, and therefore do not constitute a violation of the laws of the United States. It is not within the power of the Interstate Commerce Commission to deal with these particular abuses. But the Legislature of this State can provide remedies, or at least can supply the means to punish those who are responsible for the evil. At present there is a most remarkable absence of statute law on the subject; although the State Constitution contains a stringent provision forbidding just such discriminations as have been described.

Section 21 of Article XII says: "No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State, or coming or going to any other State."

Nothing could be clearer or more positive than that constitutional declaration, but although another section says that "the Legislature shall pass all laws necessary for the enforcement of this article," it has failed to do so in the matter of rate discriminations. The Constitution itself provides no penalty for violation of the prohibition of discriminations, and no statute on the subject can be found. It is true that Section 489 of the Civil Code purports to fix maximum rates, but the Supreme Court has intimated that this is no longer in force, and it does not touch upon the subject of discriminations. Consequently, as matters now stand, any railroad which chooses to do so may, in spite of the absolute prohibition by the Constitution, proceed to practice such discriminations in intrastate commerce as could not be practiced in interstate commerce without incurring the severe penalties of the Federal law. These discriminations may be carried even to the extent of destroying independent business concerns and aggrandizing the trusts, and bring down no legal punishment on the heads of the authors of such acts. There is crying need of a punitive law, and I call the subject to the serious consideration of the Legislature.

TRUST METHODS, AND A REMEDY.

It is not solely by securing unfair discrimination in transportation rates that the Standard Oil Company and other trusts are enabled to destroy competition, and, after having done this, to oppress the great mass of consumers, as they had previously oppressed rival producers. By the very weight of their capital and the extent of their credit they make competition difficult, and when, by the adoption of unscrupulous commercial methods, they push their advantages to the limit, they become a serious menace to many industrial interests. In other states these conditions, some time since, reached the stage which justified government intervention so far as government could intervene on grounds which would be legally and economically sound.

California has had too little development along commercial and manufacturing lines until very lately to call for the attention of trusts and cause them to ask and receive such railroad rate and other discriminations as in the East first created great trusts and then gave them the further power to ruthlessly crush out of existence their business competitors. Our climatic and other conditions are such as to enable our people to produce much more per capita than those of other states and countries. Our first production was gold; our second cereals; our third was, and is, citrus and deciduous fruits. Our manufactures are just beginning to be developed. If allowed to compete on equal terms with those of other states, if given the opportunity, free from the "strangle-hold" of transportation discriminatory rates and other trust methods, our State's manufactures, in the hands of our people, will soon develop into magnificent proportions. The fate of our oil producers, driven to the wall by the foreign Standard Oil Company by means of favorable transportation discriminations, teaches us that we are in danger of having any and all home industries which may assume considerable proportions taken from our people and given over into the hands of foreign trusts by our railroads, which are dependent upon us for their existence and the colossal fortunes which, from us in part, they are making for those who have them in charge.

For these reasons the control and regulation of industrial trusts is a subject which deserves to engage the attention of the Legislature during the present session. In this connection I desire to direct special attention to the anti-discrimination law adopted in Kansas two years since, and which is so entirely sane and evidently just that it appears to be a model for California and other states. It is directed against one of the most common practices of the trusts, consisting in selling the same products at high prices when no competition exists, and at other times, or

in other places, at prices so low that competition is speedily crushed out. The law in question provides that it shall be adjudged "unfair discrimination" and a penal offense if any person, firm, or corporation shall intentionally, for the purpose of destroying the business of a competitor in any locality, discriminate between different communities by selling a given commodity at a lower rate in one place than in another, after making due allowance for difference in cost of transportation or manufacture. The offense of unfair discrimination thus created is made punishable by a fine of from \$500 to \$5,000, and contracts made in violation of the law are declared void.

It is not conceivable that such an act as is above described would do injury to any legitimate interest in California, and it could be made to put an end to some of the competition-wrecking operations which the trusts are accustomed to carry on. In the oil investigation conducted by the Commissioner of Corporations, it was learned that the Standard Oil Company resorted to discrimination in prices as a weapon against its strongest competitor, the Union Oil Company, and the latter was forced into an agreement to sell to its rival all the refined oil it should make and cease to compete in that branch of the business. This is an example of the iniquitous trust practices which can not be punished by any law now on our statute books, but could be reached and stopped by such a law as is here proposed.

THE STATE RAILROAD COMMISSION.

The regular biennial report of the State Board of Railroad Commissioners will be laid before you, and from it you may be able to determine whether the usefulness of this branch of the State government is great enough to justify the expense it involves. It is a matter of common knowledge that for a good many years the amount of business transacted by the board has been small and that few persons who consider that they have suffered grievances at the hands of the railroads manifest a disposition to submit them to that tribunal. I have caused an examination of the minutes of the board to be made, and from this it appears that during the last two years about a dozen more or less trifling complaints were all which were brought to the attention of the Commissioners; the authors of these complaints generally dropped them when called upon to make a formal showing, and in all that time there has not been a single contested case calling for the taking of testimony and the hearing of arguments. In short, the board has, practically, done no business, because it has no business to do. Its main function is supposed to be the fixing of transportation rates, but it has fixed no rates, unless it be upon an agreed basis, for a long time past. Even the compilation and publication of the railroad statistics of the State, which was formerly done with some thoroughness, has been abandoned in recent years, and when, not long since, one of the leading railroad companies asked for a compilation of railroad laws and decisions in California, the Commission answered that it could not be furnished because of lack of funds.

The railroad commissions of some of the other states are kept continuously busy with a variety of useful work, though in most cases they have less power in regard to the fixing of rates than has the California Commission. They are charged with such duties as regulating grade crossings, inspecting the trackage, bridges, and equipment of railroads in the interest of public safety, investigating the causes of disasters in which loss of life occurs, and examination of railroad accounts. The New York and Massachusetts Boards of Railroad Commissioners, for example, are required by law to keep informed on such matters and be prepared to make recommendations concerning the physical condition of all railways and their equipment and the degree to which their train service affords reasonable accommodation to the public. They are also required to investigate all accidents involving loss of life, if in their judgment an investigation is needed.

By the framers of our Constitution it was doubtless expected that the California Commission also would be a busy, working commission, and an administrative authority, rather than a court of appeal; but they failed to assign to the board these additional duties imposed on other state railroad commissions, and it is at least questionable whether the field of duty defined by the Constitution can be enlarged by statute. But it is plain that if the California Commission can not be made more useful than it is it should be abolished, and I recommend that the Legislature consider the advisability of submitting a constitutional amendment to that end.

REGULATION OF INSURANCE COMPANIES.

The experiences of many of those who held insurance policies on property destroyed by the fire of April 18 to 21, 1906, teach us that some legislation is necessary in order to protect the insured in this State from the dishonest methods which certain insurance companies adopted in the settlement of their losses. The paying of premiums ought to insure the payment of the losses which the insurers contract to pay. The average insured has no means of ascertaining whether or not the insurance company which solicits his risks is financially sound or conducted by honest men. The State should protect the insured by insisting that all companies doing business here shall pay any losses that may occur under their policies. Too drastic legislation, however, will defeat the very thing aimed at; it will so hamper business as to keep out of the State many solvent, honest companies.

It has been suggested that the State shall require the deposit of a large sum of money as an evidence of good faith and ability to pay. To be of any real protection in cases of great catastrophe, when protection is especially necessary, would require a very large deposit. Other states may make the same requirement, with the result that most, if not all, companies would be able to do business in not more than one or two states. The more insurance risks are distributed, the less apt is bankruptcy to follow a localized catastrophe.

Any legislation, therefore, which will tend to limit the field of activities of insurance companies would be undesirable. If, however, the Insurance Commissioner of California were empowered by law to refuse to admit to this State any company which does not keep on deposit, in the hands of a trustee, on conditions imposed by this State, a sufficiently large sum, either in money or bonds, the objections to the requirement of a deposit in this and any other states might be overcome, and, at the same time, a reasonable guarantee might be secured. If this trustee were some well-known and safe financial institution, not necessarily in this State, and if the conditions imposed by this State concerning the purposes and uses of this deposit were such that it would protect, not only California, but other states, it is not at all improbable that the other states in which the depositing company does business would, by law, accept such a deposit as a means of also protecting their citizens.

One thing, however, that seems absolutely necessary to protect the insured in this State is a standard policy form, which should be simple, concise, and exact. Such a standard policy should not contain any provisions which will in any way enable the company issuing it to rid itself of its obligations on account of the indirect effects of "an act of Providence." A fire loss resulting as the indirect or even the direct result of an earthquake should not lessen the claim of the insured upon the insurer; nor should the immaterial injury by any cause of any insured property lessen the responsibility of the insuring company.

If it be considered necessary to permit the addition of "riders" to the standard form of policies, it should be provided that the form and wording of these additions to the policies should receive the approval of the Insurance Commissioner and be printed in the policy in red ink and in antique style type not smaller than small pica, and, finally, in order to become effective, should be signed by the insured, thus making him a presumably willing and cognizant party to the contract thereby created.

Whatever may be said in favor of mutual insurance, which, ordinarily, must be local in its character and extent, it is safe to say that had San Francisco fire risks been carried in such companies there could have been no fire losses paid in that city. For all, or a large proportion of the insured, who would also have been the insurers, having lost all their insured property, the ability to pay the losses would have been destroyed. Any mutual insurance legislation should take cognizance of this lesson taught by the San Francisco disaster, and should provide that risks shall not be assumed where such massed losses may occur.

THE NATIONAL GUARD.

Experience in all the wars that this country has ever had teaches that it is necessary to have either a trained citizen soldiery or a large standing army. The latter, for many reasons, we do not want, and, if it be possible to avoid it, we must not have. Recognizing the necessity for a serviceable National Guard from which to recruit its armies in time of war, the Government of the United States annually appropriates large sums of money toward its equipment and training. But in order that this governmental aid shall be continued, to say nothing of being increased, it is necessary that the State shall do its part toward properly sustaining our National Guard, which is composed of our young men, who, without personal recompense, spend their own time and money in learning military drill and tactics.

I again call the attention of the Legislature to the service rendered by the National Guard of California during the time of San Francisco's great distress. I also call legislative attention to the need of the National Guard for proper armories, which other states, recognizing the necessity for their state troops, have erected. The money now spent in renting armories for our National Guard amounts to a high rate of interest on the money it would cost the State to erect them.

I therefore strongly recommend to the Legislature the appropriation of sufficient money for the erection of suitable armory buildings in all the cities in this State where there are two or more companies of State troops.

In addition thereto, I also recommend, in accordance with the request of the Adjutant-General, the appropriation of sufficient money to properly maintain the National Guard of California.

LABOR AND SOCIAL STATISTICS.

The twelfth biennial report of the Commissioner of the Bureau of Labor Statistics shows a large amount of conscientious investigation and compilation, although the material accumulated prior to April 18, 1906, was destroyed by the fire and it was necessary to reproduce it so far as possible. The scope of the operations of this Bureau was considerably enlarged by the legislation of 1905 which required the collection of statistics of marriage and divorce and of crime. Some very valuable

data on these lines will be found in the report, which also includes a mass of statistics on wages, strikes, lockouts, child labor, Chinese and Japanese competition, farm labor, and rehabilitation work in San Francisco. In addition to its statistical work, the Bureau has rendered good service in enforcing the child labor act of 1905, which has proved effective for the purpose for which enacted.

COMMISSIONERS VERSUS COMMISSIONS.

I am impressed with the conviction that the good results attained through legislation providing for the abolishment of the State Board of Horticulture and the substitution thereof of a single Horticultural Commissioner with power to organize his assistant forces so as to make them responsible directly to him, and himself responsible to the chief executive office, is worthy of imitation in other departments of the State government. It seems to me that the United States Government, with its executive and administrative functions organized under departments, each having a single head and an undivided responsibility, is a good model to follow. State governments should not be the last to benefit by a process of concentration of effort and responsibility that has proven so advantageous to all other enterprises of large magnitude. State and institutional boards are neither very efficient nor economical, and can not be, because the responsibilities of their members are so divided. Division of responsibilities never makes for efficiency in the conduct of either public or private affairs, and I am strongly of the opinion that if most of our State boards and commissions were abolished and departments substituted, each being under a responsible head, holding office at the pleasure of the chief executive, with the executive strictly responsible to the people, a marked degree of improvement in efficiency and economy in the dispatch of public business would result.

TULARE LAKE LANDS.

There are some 300,000 acres of valuable agricultural lands now lying under water in Tulare Lake. It is not improbable that a succession of seasons of deficient rain and snow may cause their emergence again, nor is it improbable that they will again be inundated when the snows of winter and the showers of spring again fill the incoming streams to overflowing. Meantime these lands will continue to be of uncertain value and will contribute inconsiderably to the productive power of the State. For many years there has been desultory talk of the construction of a canal down the trough of the San Joaquin Valley for the double purpose of carrying away flood waters and for aiding the drainage of adjacent irrigable lands at ordinary stages of water. It may be questioned whether it would prove of public advantage to precipitate these waters into the San Joaquin River, and thereby complicate the reclamation problem along the lower reaches of that river; but it may be possible to construct a canal of such carrying capacity and length that it will not only furnish drainage for the trough of the upper valley, but irrigation for the west side of the lower part of the valley.

I commend this to the serious attention of the Legislature, coupled with the suggestion that provision be made for a careful survey of the territory concerned for the purpose of ascertaining the most practicable method of reclaiming that large body of valuable land. Also, I would suggest that a method for the proper financing of such an enterprise be made a part of the report made to the succeeding Legislature.

REPORT OF STATE MINERALOGIST.

The report of the State Mineralogist shows that for some years past California's mineral products have been increasing in value at the very satisfactory rate of \$2,000,000 per annum. This fact alone would demonstrate that mining, the State's oldest industry, and one of its most important, is enjoying a high degree of prosperity; but additional evidence of this is found in the figures of total production, which exceed \$43,000,000 for 1905 and represent forty different mineral substances. I am glad to be able to report that the new law for the suppression of illegitimate mining companies, which, by means of misleading advertising, preyed upon the public, has worked well, and the dishonest promoters have generally sought other fields for their operations.

Acting upon information furnished by State Mineralogist Aubury, the United States authorities recently instituted an investigation of the charges that fraudulent land locations of large extent have recently been made in the counties of Butte and Plumas. It appears that approximately 500,000 acres of land, most of it covered with valuable timber, have been located under the placer laws, and certain of these locations have also been made over the claims of miners who have long been in peaceable possession. This matter is one of immense importance, and the result of the proceedings taken by the Government of the United States will be awaited with deep interest.

DEPARTMENT OF ENGINEERING AND ARCHITECTURE.

Since the office of State Engineer was abolished, a good many years ago, the engineering work of the State has been divided between several different boards

and commissioners. The Commissioner of Public Works, the Highway Commissioner, and the Débris Commissioner all have their duties, the boundaries of which are not very clearly defined, and oftentimes it is merely a question of convenience to whom or to what department a given piece of work shall be assigned. In the construction of public buildings the board of trustees, or of managers, of each institution usually selects its own engineers and architects, and each engineer or architect works along lines laid down by himself, with the result that the lessons learned from experience in the construction of one building profit nothing in the building of the next. Better results could be secured by a centralization of authority. It would be well to merge the engineering department of our State government into one department of engineering and public construction, with a single engineer at its head, who should be held responsible to the executive office and should be empowered to associate with him an expert architect, and such other experts along special lines as his work may from time to time require. It should be the duty of this office to procure or make plots of the grounds of all institutions, locating thereon all sewer and other pipe lines and drainage systems, and no alterations or enlargements of any public building should be made without first having obtained the consent and coöperation of this department of public construction.

California is a growing State, and it is inevitable that a great deal of public building must be done, roads constructed, dams built, and reservoirs excavated, and, besides, there is a world of overflowed lands to be reclaimed and arid wastes to be redeemed from drought. Of all such enterprises the fullest records should be preserved and the work be done under a continuing policy that shall begin somewhere and end at some definite goal, instead of being a patchwork beginning and ending nowhere.

It would be wise to centralize and systematize the constructive work of the State under a single head in a single office, with the purpose of procuring uniformity of effort coupled with economy of expenditure.

THE STATE AGRICULTURAL FAIR.

This State institution, properly conducted, can be made, as it once was, of great value to the agricultural and allied interests of this State. The exhibition of 1906, shorn of the objectionable features which characterized some of its predecessors, proved, by the attendance at, and interest shown in, it by exhibitors and others, that a real State agricultural fair, either in districts or at one central place, can be made worthy of State patronage.

In many of the other states such exhibitions are considered, as ours should be, of the greatest interest and value, and are visited by, literally, hundreds of thousands of people.

I would therefore recommend to the Legislature the appropriation of sufficient money to properly equip and maintain the State agricultural fair and to remove from the Capitol grounds the present eyesore of a pavilion, and erect, on the fair grounds, a respectable, convenient building for the purposes of such exhibitions.

PUBLICATION OF OPINIONS OF ATTORNEY-GENERAL.

I desire to commend to the Legislature for its special consideration the recommendation made by the Attorney-General that authority be granted for the compilation and publication of a volume to be made up of the more important opinions written in the Attorney-General's department during past years. Many such opinions which have been furnished in response to requests from different State officers and boards are of great value, and if made easily accessible would greatly facilitate the transaction of State business. A modest appropriation will be needed for this purpose.

Another important suggestion is made by the Attorney-General, who renews a recommendation first presented two years ago, that his office be relieved of the duty of passing upon applications to sue in the name of the State, and that the function of granting or withholding such permission be left with the courts, where it seems more properly to belong.

RIVER IMPROVEMENT, NAVIGATION, RECLAMATION, DRAINAGE, IRRIGATION.

The people of this State who are directly interested in preserving the navigability of our rivers, in the reclamation and drainage of the vast bodies of very fertile land which lie in our river basins, or in irrigation of those other vast bodies of fertile land which require only the irrigating ditch to make them most productive—the people who are directly interested in these matters are beginning to realize that all four of these important projects are inseparably connected the one with the other, and that each and all of them are dependent for their final perfection upon the improvement of our rivers.

The navigation of our rivers is of the utmost importance to all who occupy the great valleys through which they flow. The six million acres of level land lying between Bakersfield and Redding, together with the four million acres of rolling arable land lying tributary to these valleys, will one day easily support, in affluence

and comfort, five million people. The open waterways of our great rivers will, if they be kept navigable, furnish cheap and easy transportation to the great commerce created by this dense population, as the presence of these navigable rivers will do much to keep down freight rates on the railroads. It behooves the State and the Government to see to it that the navigability of these rivers be not only kept as it is, but greatly improved. There should be fifteen feet of water in the San Joaquin as far up as Stockton and in the Sacramento as far up as Sacramento City, and nine feet above these points.

It is a well-known fact among experts that if the waters of a river be kept within its banks it will scour out its bed and deepen itself. The Sacramento and San Joaquin rivers have had many, and still have some, crevasses, or breaks, in their banks, through which the water escaped and still escapes when the rivers rise. The full scouring effect of the water was and is thus lost, and consequently the rivers are not so deep and their navigation, therefore, is more difficult than ought to be the case.

Improvement of Navigation.—Four years ago the Legislature appropriated \$200,000 for river improvements, putting its expenditure into the hands of the Auditing Board to the Commissioner of Public Works and the Governor. It was determined to use this money, first, in the closing up of the largest and worst breaks in the river banks, thus confining most of the water to the channel and securing the scouring effect, and, second, to securing certain threatened points of the banks against erosion and other breaks. It was also determined, when possible, to require the owners of lands on which breaks in the river banks were or were threatened, to cooperate with and pay dollar for dollar with the State for the prosecution of the work. Under this system of cooperation several bad breaks have been stopped, other threatened breaks have been prevented, and the rivers have been greatly improved, so that navigation is much easier than it had been for a long period of years. There is now a tide of several inches at Sacramento, a thing unknown for many years before, and river steamers have no difficulty in reaching this city even at the season of lowest water.

The State appropriation, by means of this cooperation, has been made to do duty for four years. It is now about exhausted. The work on the rivers should be continued. I therefore strongly recommend that another appropriation of a like sum be made, to be expended under like conditions.

With a better river, reclamation work is made easier, cheaper, and more certain. The water, confined to the river and not allowed to escape into the basins and attack cross and back levees in the rear, is much more rapidly, easily, and cheaply prevented from inundating reclaimed lands. Navigation and reclamation go hand in hand; both being dependent upon the carrying capacity of the river channel.

The surface of lands along our rivers lying behind levees is generally lower than the high-water surface of the rivers. It is, therefore, more or less troubled by seepage water, and the rain that falls on it can not be readily drained off. The higher the bottoms of the rivers are, the more serious and expensive becomes the problem of taking care of the seepage and rain waters. The deeper the rivers, the better is navigation, the cheaper, more certain and less expensive is reclamation and drainage. The latter is, therefore, like navigation and reclamation, dependent on river improvement.

A Vast Area for Irrigation.—About ten millions of acres in and adjacent to the San Joaquin and Sacramento valleys will, if irrigated, raise, in prodigious quantities, almost everything from potatoes to oranges. With proper storage reservoirs in the upper reaches of the rivers and streams of these valleys and the proper use of the countless millions of gallons of water that every year go to waste, this land will support, on irrigated and intensively cultivated farms, a family to every ten acres of its vast expanse. Upon these farms, and in the towns and cities that will grow up and be dependent on them, there can live, as I have said, five million happy, prosperous, and contented people.

The water with which to irrigate these ten million acres must be taken from our rivers and their affluents. The necessary storage reservoirs and the water for irrigation purposes can be much more easily and cheaply utilized if the rivers themselves are improved and their channels deepened so that the water may be confined therein and not allowed, as it has been, and, to a far too great extent, still is allowed, to burst the river banks, inundate the surrounding country, and play havoc with reclaimed lands. Thus, deep rivers will, as has been shown, aid navigation, reclamation, drainage, and irrigation. And these four things will add much, very much, to the wealth of this State and the prosperity of its people. With these four things provided for, north and south of the Tehachapi, our two million people will increase by leaps and bounds, and our one hundred million acres will harbor twenty-five or thirty million people.

The Legislature can, in my opinion, make no better use of the public funds than to provide for the continuance of the work of river improvement.

CALIFORNIA'S HARBORS.

With a north and south coast line of something like eight hundred miles, California has but four natural harbors of sufficient size to safely accommodate a large

ocean commerce, viz: at Eureka, San Francisco, San Pedro, and San Diego. Upon these avenues to the ocean California is dependent for the exit and entrance of all the ocean commerce which may be directly or indirectly hers. Upon their proper improvement and use the prosperity not only of the cities lying on these harbors, but also of the whole State of California, to a very great extent, depends. If the shores of these harbors shall be monopolized by a single, or a few, transportation companies, that healthy development of trade and competition, upon which the prosperity of cities, states, and countries depends, will be greatly hampered and the whole State will suffer in consequence thereof.

San Francisco Bay, on its Oakland side, is an example of the paralyzing effect of such monopolization. Here, when the town was first organized, all the water front was given over into private ownership. This ownership finally passed into the hands of the Southern Pacific Company.

San Francisco's water front, thanks to the farsightedness and patriotism of some of her early citizens, has been saved to the State and is being used by and for the State. But San Francisco's water front is only part of the Bay of San Francisco. On the Oakland side is also a water front which is also of great importance to this State. It is of almost equal importance, even to San Francisco, with that portion of San Francisco Bay and its shores which lie in the City and County of San Francisco. For, through Oakland and its neighboring cities is the natural, easy, and convenient access of transcontinental railways to San Francisco Bay and city. The more railroads that terminate on San Francisco Bay, the better it will be for San Francisco. And the easier it is for these railroads to get to San Francisco, the more of them will come.

The Water Front of Oakland.—The Oakland water front, however, has been monopolized by the Southern Pacific Company and its predecessors in ownership. By means of this ownership the Southern Pacific is endeavoring to keep other and competing railroads from acquiring an easy and convenient access to the bay and San Francisco. The struggle of the Western Pacific to break through the Southern Pacific's water-front barrier is an example of what difficulties competing roads must encounter in their endeavors to get to San Francisco. That city and the whole State of California would be better off if this impediment to the approach of competing railroads did not exist.

Oakland's water front, which has passed into private ownership, consists, according to the decision of our Supreme Court, in the strip of land lying within the boundaries of the original town of Oakland and bounded by the lines of high and low tides, as they existed in 1852. Below that line of low tide, both in the estuary of San Antonio and in the Bay of San Francisco, the land lying beneath the water belongs to the State of California. Over it, however, in the interest of navigation, the United States has certain jurisdictions, which are bounded by the so-called bulkhead and pierhead lines, already established by the Government, the names of which explain their purposes.

In my first biennial message to the Legislature I called attention to the fact that certain transportation companies had already built moles and piers over this State land, and that, if not regulated by law, either the companies already occupying portions of it or others coming in hereafter, might monopolize, to the exclusion of still later comers, the whole extent of this State land. This sort of a monopoly dwarfs that portion of California's commerce passing to and from San Francisco.

Section 478 of the Civil Code requires the approval of the Surveyor-General, which approval is open to review by the courts, before a railway corporation may acquire a right of way over public lands of this State. The Legislature of 1903 passed a bill leaving out the provision that the courts may review the approval of State officers of such applications for rights of way. I vetoed this bill on the ground that the interests of the State would be much better conserved if such matters were to remain subject to court review.

Section 475 of the Civil Code provides that grants of rights of way for railroads over public lands, as provided in Section 474, do not apply to any lands of the State within the corporate limits of towns and cities, or within three miles thereof. The Legislature of 1903 passed a bill repealing this Section 475 of the Civil Code. I vetoed this bill on the ground that no particular inconvenience had resulted from this restriction; that railroad companies had had apparently no particular difficulty in gaining access to and across the lands described in Section 475; and that public improvements have not suffered to any appreciable extent because of the provisions of this section.

Section 474 of the Civil Code grants rights of way to railroads over swamp, overflowed, or other public lands of the State, not exceeding two hundred feet in width. The Legislature of 1903 passed a bill which removed the limit of width for railroad rights of way over such public lands. I vetoed this bill on the ground that it is not sound public policy to allow unlimited width for railroad rights of way across the public lands.

Occupation of State Lands.—On the Oakland side of the Bay of San Francisco, extending beyond and below the line of low tide, and, therefore, occupying State lands, are the mole and pier of the Southern Pacific and the pier of the Key Route. These two structures cover many acres of State lands. Under Sections 475 and

478 of the Civil Code as they now stand, these two structures have been built without any authority of law. Had the proposed amendments of 1903 become laws, these lands could have been granted to the railroads and could have been widened indefinitely until they monopolized, to the exclusion of other railroads, the land of the State opposite the Oakland water front and for three miles to the north of the town of Berkeley and three miles to the south of the city of Alameda. Soon after I became Governor I asked the opinion of Attorney-General Webb as to how railroad companies could obtain rights of way across public lands lying within incorporated cities or towns within three miles thereof. His answer may be summed up in the following quotation from it:

"There is no procedure laid down in the codes of California by which a railroad corporation may acquire a right of way for the location and maintenance of roadbeds, tracks, wharves, piers, slips, or terminal facilities over submerged lands beyond the corporate limits of the City of Oakland, which limits are the ordinary low-tide line, and the only method left for such a corporation to pursue is to obtain a special grant from the Legislature."

In my message to the Legislature in 1905, in commenting on this opinion of the Attorney-General, I said as follows:

"If this state of facts obtains as to Oakland, it must also obtain as to any other city or town which is placed as Oakland is, and the need of a State policy in respect to water fronts appears to be indicated. Such a policy should be carefully considered, in order that laws framed in accordance with it may be liberal enough to encourage enterprise and yet conservative enough to prevent monopolization of valuable privileges and to protect the rights and interests of the State in water-front property. Commercial opportunities are beneficial only as they are utilized, and the building of wharves, piers, and docks promotes the general welfare. There should, therefore, be some well-guarded law under which the right to occupy submerged State land, within or near, incorporated cities for these purposes may be facilitated and regulated.

"As the lands under navigable water are held by the State only in trust, for the promotion of commerce, it can never entirely alienate such lands, and it is a question to be determined by the State government what the tenure of the occupants shall be. Some states, like the State of Washington, on this coast, and the State of Massachusetts, on the Atlantic coast, grant leases for long terms of years and charge rentals. If legislation should be had on this subject, and it should be determined that the leasehold policy is the most expedient one for California, the rentals should not be fixed so high as to deter enterprise. The primary aim should be to develop commerce; the collection of revenue from this source, while desirable in itself, is secondary."

I renew my recommendation that a well-guarded law be passed, under which any railroad company may be allowed to lease from the State a sufficient, and only a sufficient, portion of the public submerged lands lying within the limits of incorporated cities, or within three miles thereof, to enable them conveniently to carry their traffic to navigable water. This law should be carefully guarded so as not to remove it from court review and so that only portions of the public domain not more than two hundred feet in width shall be leased to any corporation. The greatest care should be exercised to keep out of such legislation a repetition of the attempt of 1903 to put it into the power of a single corporation, or even a few corporations, to monopolize, to the exclusion of competing roads, public lands, the proper use of which is of such great value to all the people of this State.

Such lands, in limited quantities, ought to be leased to the corporations desiring to use them; and the terms of the leases should be such that the rental to be paid shall be determined at intervals of not longer than ten years. While the yearly rentals should, in no case, be large enough to hamper trade or put any onerous burdens upon the lessees, the privilege to be enjoyed is valuable enough to call for the paying of a reasonable rental. And in this rapidly growing State there would be no hardship in providing that the rental should be fixed every ten years.

Safeguarding of State's Interests.—All these observations apply not alone to the Bay of San Francisco. They are equally pertinent to Humboldt Bay, to San Pedro, and to San Diego. The City of Los Angeles is especially interested in the port of San Pedro; and the rights of the State to the lands in that harbor should be jealously guarded, lest the metropolis of the south suddenly wake up to the fact that her sea trade and commerce, having fallen into the hands of a monopoly at the shore, are seriously hampered and her prosperity greatly interfered with.

I especially call the serious attention of the Legislature to this matter of the protection of our few harbors, upon which depends, to a very great extent, the future prosperity of this State and its people.

In regard to the Oakland harbor, or that portion of San Francisco Bay lying opposite or contiguous to Oakland, I can not refrain from again calling the attention of the Legislature to the vast importance of so safeguarding it that it may be open to the approach and use of all railroads that desire to get to deep water. I have called attention to the fact that upon its proper safeguarding and use the future prosperity of San Francisco, to a very large extent, depends. For, as is apparent, San Francisco's future prosperity depends, very largely, upon competing railroads

obtaining easy and convenient access to her; and that access is easiest and most conveniently obtained over the State lands lying in front of and contiguous to Oakland.

But San Francisco is not the only portion of this State that is vitally interested in the protection from monopolization of these State lands and their use by competing railroads. The counties lying in and contiguous to the great Sacramento and San Joaquin valleys, in fact all the counties lying north of the Tehachapi, are also vitally interested in the preservation and the proper use of this property of the State. For over it must pass much of the trade and commerce coming from and going to these counties; and the railroads, steam and electric, transcontinental and intrastate, which we hope will, ere long, gridiron our valleys in every direction, will center at the Bay of San Francisco and will, if it be possible for them to do so, gain access to deep water across the State lands lying in front of or adjacent to Oakland. The whole State, certainly every county north of Tehachapi, is interested in seeing that these lands be not monopolized by one, or even a few, transportation companies, but that they be kept for the use of all who desire to utilize them.

A Commission of Inquiry.—In line with this is the taking over by the State of the actual improvements, for trade and commerce, of these lands, as the water front of San Francisco has been taken over and improved by the State. I recommend that a commission, to consist of the President of the Board of State Harbor Commissioners for San Francisco, the Mayor of the City of Oakland, and the State Commissioner of Public Works, be authorized to examine into the State lands lying in front of and contiguous to the City of Oakland and plot and map a system of improvements thereof, in the interest of commerce and trade, and report the same to the next session of the Legislature; and that, in order that this work be expeditiously carried out, the sum of \$75,000 be appropriated by the Legislature for the employment of engineers by and the necessary expenses of the said commission.

I also recommend that similar commissions, for similar purposes, be constituted for Humboldt Bay, San Pedro Harbor, and San Diego Bay, and that adequate appropriations for the use of these commissions be made.

In this connection, I call particular attention to the report of the Harbor Commissioners for the Bay of San Diego, which represents that there has been extensive encroachment upon the State's tide lands in that harbor, and that to prevent the ultimate loss of much valuable property the boundaries of the State-owned lands should be definitely ascertained and clearly established as soon as possible through surveys and the production of other evidence. This is an important suggestion, and no doubt it applies with as much force to San Pedro and other harbors as to San Diego.

Wharves and Docks in San Francisco.—The wharf and dock facilities at San Francisco are by no means sufficient for the purposes of the vast commerce which is passing through its portals. For a long time previous to the catastrophe of April, 1906, it was evident that the growing commerce of the port of San Francisco required immediate extension of its facilities. And, therefore, the Legislature of 1903 proposed to the people that they vote the State's credit for two millions of dollars in bonds for that purpose. This legislative proposition was submitted to the people two years later, as the law directs, at the election of 1904. The people voted the bonds, but owing to an adverse opinion of the Attorney-General of the State concerning their legality, it became necessary to submit the matter to the Supreme Court. That tribunal decided, late in 1905, that the bonds had been legally issued. The Harbor Commission thereupon, following the red-tape provisions of the law, proceeded to ask for and accept bids, and award contracts for part of the necessary work, and had decided to award a contract therefor on April 19, 1906. The catastrophe of April 18th, however, compelled a postponement of the work for several months. It is now under way.

It will thus be seen that the delays in the prosecution of this work have been from two sources: first, three years as required by law and necessity; second, six months on account of the catastrophe of April 18, 1906, and the days following.

The destruction of the City of San Francisco has suddenly increased the work put upon the harbor facilities. The much larger importations of building materials, which have suddenly increased one hundred per cent, to say nothing of other supplies, together with the destruction of a portion of the already insufficient docks and wharves, have demoralized the trade of the port.

Another thing which has added to the confusion is the fact that, owing to the bad condition of the streets, the capacity of teams for moving freight from the docks has suddenly decreased one third at least. That is to say, a team that was able to move three tons before the fire, is now able to move but two tons. The result of this is that it has become impossible to remove freight from the wharves as fast as it is unloaded from the vessels; and, therefore, on account of the incumbered docks, it is impossible to unload vessels so expeditiously as they should be. Add to this the fact that the warehouses of the city have been, in great part, destroyed, which renders consignees loth to remove freight from the covered wharves, and we have a still further, and not inconsiderable, increase in the causes which lead to San Francisco's present distress in regard to her wharfage facilities.

Charges Imposed on Shipping.—The claim is often made that the port of San Francisco is the most expensive port in the world. As a matter of fact, however, the port charges of San Francisco, that is, those that are fixed by and controlled by the State, are lower than those of any other organized port in the world. Similar charges in other ports, such as Sydney, in Australia; Hamburg and Bremen, in Germany; London and Liverpool, in England; New York, Boston, Philadelphia, Portland (Oregon), Seattle, and Tacoma, in this country, vary from $7\frac{1}{2}$ cents to \$1.50 per ton, according to kind, for freight which, in San Francisco, pays a uniform toll of 5 cents per ton. Pilot charges, towage, water, ballast, stevedoring, and supplies of all kinds may be higher in San Francisco than they are in other ports, but these charges are not fixed by the State. I repeat that instead of being higher in the port of San Francisco, the port charges which are fixed by the Harbor Commission under the State laws are lower than those of any other port in the world.

The dockage charged by the State at San Francisco is 2 cents per ton for vessels up to 208 tons register discharging cargo; three quarters of a cent for each additional ton; half rates for vessels receiving cargo or discharging or receiving ballast or lying idle. European dockage charges vary from $5\frac{1}{2}$ to 34 cents per registered ton for vessels entering or leaving the docks. Besides this there is a discharging expense of $1\frac{1}{2}$ to 8 cents per ton. There are many ports also in which, in addition to these charges, there are town dues on goods ranging from 7 cents to \$1.25 per ton of freight passing over the wharves. Our wharfage charges are a uniform rate of 5 cents per ton passing over the wharves.

Only about one half the revenue received by the State is derived from tonnage and dockage. The other half is derived from the belt railroad, rents of the ferry building, etc. And only about sixty per cent of the wharfage, of 5 cents per ton, is collected from the freight of ships lying at our docks. The remainder, forty per cent, of our wharfage receipts is collected from the freight which arrives, by ferry, in the railroad cars which pass over the water front.

The method of administering the State's property at the port of San Francisco has long since outlived its usefulness. Already decrepit, its absolute inability became apparent when the great catastrophe suddenly threw upon it a large amount of extra work for which it was not prepared. When the business of the port was much smaller, its affairs could be readily managed by a commission of three members, none of whom need be or can be, under the law, expert in such matters. A commission appointed every four years, as this one is, and composed, as this one has to be under the law, of men whose business is not connected with ships, shipping, wharves, or salt water, must necessarily fail, as the Harbor Commission has, slowly, but surely, deeper and deeper into the pool of politics, until it is looked upon, from Siskiyou to San Diego, from Del Norte to Riverside, as a convenient place in which to take care of political workers and incompetents of all kinds. This is no new thing. It has grown up during the years, until the pressure from the politicians upon the commissioners is too great to be entirely resisted, and the San Francisco water front is looked upon as a fair haven into which shall be towed the political derelicts of the whole State. It would be cheaper, far cheaper, for the State to pension off on full salaries a large percentage of the employees of the water front and employ in their place competent and industrious men. Under such circumstances, the work could be better, more expeditiously and more economically done with two thirds or one half as many employes.

Competent Persons Who Are Debarred.—I said above that the law prevents the appointment, as Harbor Commissioners for the port of San Francisco, of men whose business is connected directly or indirectly with ships, shipping, wharves, or salt water. In support of that statement I quote from the law, as follows:

"No person shall be appointed to any office by virtue of this article, nor be employed in the service of the board, unless he be a qualified elector of the State, nor shall any person be so appointed or employed who is interested in any vessel sailing or plying in and out of or on the inland waters of the Bay of San Francisco, as owner, mortgagee, or otherwise, or a stockholder or in any company owning such vessels, who is a consignee, the general or freight agent or manager of any such vessel, or agent or other employé of the owner of any such vessels, or who is engaged in the business of marine insurance, or of procuring such insurance, or who is engaged as a stevedore, in loading and discharging such vessels. No person not a citizen of the United States shall be employed either as a contractor or laborer on any work done under this article. And eight hours shall constitute a legal day's work, whether performed directly for the State or for the person or persons receiving a contract under this article." (Sec. 2545, Political Code.)

It will thus be seen that any Governor who obeys the law in the appointing of Harbor Commissioners, must overlook all those who, by business training, are best capable of administering and looking after the affairs of a great port. But worse than this, worse because even those who are not trained by previous business experience to be Harbor Commissioners can, with reasonable intelligence and assiduity, become expert in the duties thereof—worse than this, the term of office of the commissioners being four years, no sooner do incumbents become acquainted with the duties of their positions than they are displaced by others, who, as their predecessors were, are compelled to learn their duties, to be, in turn, displaced, when they

have accomplished the task. Worst of all, however, is the notion, which has become an unwritten law of custom, that the first duty of a Harbor Commissioner is to take care of political delinquents, without regard to fitness, competency, or industry, except in political campaigns.

The salaries paid commissioners are also entirely inadequate to secure the services of men of large experience and business fitness as Harbor Commissioners. No man whose previous business training would fit him to successfully manage such an immense and varied business enterprise as is transacted on the water front of San Francisco can afford to give all his time, as the President of the Board must, for \$300 per month, even if the position were secure for a longer period than four years. And to expect competent men to give their whole time, or any great portion of it, as associate commissioners should, to the State for \$250 per month, is worse than an absurdity.

The System Wrong in Conception.—The whole system upon which the administration of the San Francisco water front is based is wrong, radically wrong. Instead of there being three commissioners, there should be one commissioner, whose term of office should be dependent only upon his rendering efficient service and who should be paid a salary commensurate with the value of the service rendered to a business of the magnitude of that transacted on the San Francisco water front. Under this commissioner should be various departments, each headed by men selected by and responsible only to the commissioner. The subordinates of these department chiefs should be selected by and be responsible to, and only to, their chiefs. Efficiency and competency should be the only criteria of employment or retention. But while the executive functions, for the sake of a more energetic administration, should be thus concentrated in one person, it might, and probably would, be found expedient to associate with the commissioner an advisory board, in about the same way in which the State Commissioner of Public Works has associated with him, for certain purposes, an auditing board. In this way, and in this way only, can the water front of San Francisco be put into shape to properly take care of the business passing and to pass over it.

Whether such a state of affairs shall be brought about depends upon the Legislature, in whose hands is the power to initiate and to bring about the necessary changes in the law.

Progress of the Construction Work.—There has been a good deal of complaint because the destroyed portion of the San Francisco water front has not been more expeditiously restored and new wharves built. That material for the restoration of private edifices in San Francisco has not been available in sufficient quantities, everybody knows. The State is in no better position in this regard than individuals. It has been absolutely impossible for the State to secure lumber and material, either in proper sizes or sufficient quantity, to more expeditiously replace its destroyed property. It would, for instance, be worse than foolish to use green, or uncreosoted, piles in the teredo- and limnoria-infested waters of San Francisco Bay. Such piles have a life of only about two years, and wharves built upon them would hardly be more than completed before their supports, eaten off by the marine worms, would require the entire replacement of the piling. Not only would this be an absolute waste of public money, but it would require that such wharves shall be thrown out of commission, pending repairs, about every two years, and this should not be permitted even to relieve the present water front distress. The only way in which wharves can be made to live ten years or more in the Bay of San Francisco is to creosote the piles or build the superstructures on cement or metal piers. At present it is utterly impossible to secure creosoted piles, and the building of cement or metal piers requires a long time, a longer time, probably, than will be required to secure and use creosoted piles.

When it is realized that private permanent work in San Francisco, meeting, as it does, the restraints of want of material and the means of its transportation, is slow in beginning, it is not to be wondered at that public work, meeting the same obstructions and the red tape required by the law, is also slow, but no slower than, if as slow as, private work.

But a properly organized administrative and executive force is not the only thing necessary for the proper expansion of the shipping facilities of the port of San Francisco. To build the necessary wharves and docks will require many millions of dollars and years of time.

The State's Duty Regarding Harbors.—San Francisco harbor and water front is the property of and should be administered by and for the benefit of the people of the State of California, of which San Francisco is only an important part.

While the improvement and expansion of the facilities at San Francisco are of direct benefit to that city and, as I have shown, to the whole upper part of this State, and also of indirect benefit to the rest of California, it must not be forgotten that there is a good harbor at San Diego, another at San Pedro, and a third at Eureka, in the improvement of each of which many of our people have a direct, and all of us have an indirect, interest. Let it not be forgotten, also, that, on the eastern shore of San Francisco Bay there is a water front which is of nearly equal value to San Francisco and the rest of the State as that which lies in the City and County of San Francisco. Therefore, when the people of California are asked to

pledge the credit of the State for the extension and perfection of the shipping facilities for the water front of San Francisco, those who ask it should not forget that, while it should improve that water front, the State of California, for its own protection and future prosperity, should also see to it that the shipping facilities at San Pedro are taken in hand by the State, to the end that the great and growing City of Los Angeles and the country surrounding be not left to the tender mercies of private monopolies. The ports of Eureka and San Diego, for similar reasons, should not be longer neglected by the State. Nor should San Francisco and the counties lying north of the Tehachapi permit, for reasons before spoken of, the monopolization of the water front lying on the eastern shore of the Bay of San Francisco. And if the harbors other than that of San Francisco be not looked after and taken care of by the State, it will be difficult to persuade the people of California to vote the State's credit for the improvement of San Francisco water front.

In other words, let the efforts of those who are interested in the improvement of our harbors be directed toward a broad, patriotic, comprehensive plan looking to the improvement and the saving to the people of the State of all our harbors. Let there be no selfish, localized plan; let it be State-wide.

BETRAYALS OF TRUST BY PUBLIC OFFICIALS.

Two years ago California was humiliated by the trial and conviction of two of her State Senators for bribery. A third member of the Senate fled, and is now a fugitive from justice. The Senate is to be congratulated on its prompt action in expelling, after an exhaustive trial and before their conviction by juries, the Senators who, by their dishonest acts, brought shame and disgrace upon California and cast a stigma upon our boasted republican form of government.

The recent developments in the City of San Francisco, which seem to indicate a state of affairs at least as bad as that which existed in New York City under the regime of Tweed, ought to shame every person who claims to be a Californian. That official corruption could go to the extreme which seems to have existed in the metropolis should concern every person who loves this country and desires to see its free institutions perpetuated. For, if unchecked, this official corruption will so poison the whole body politic as to cause the sure death of public spirit and private patriotism.

The official who betrays the trust imposed in him commits a crime against his fellow citizens that is blacker, more despicable and more to be detested than even cold-blooded murder. The latter is a crime against an individual, or, at most, against a very few. But the former is a crime against many and disturbs the very foundations of our free institutions. The bribe-taker is, however, no greater criminal than the bribe-giver. Both should be scorned of all men; both should be punished for their crimes against the State. He who betrays the people in times of peace is no less a traitor to his country than he who betrays it in time of war. There are, to our shame, be it said, Benedict Arnolds still among us.

I commend to the careful, patriotic attention of the Legislature this subject and hope that some method will be devised whereby detection and swift conviction may be made more certain than, to our disgrace, be it said, appears now to be the case.

Technicalities in Our Criminal Procedure.—Another thing that is engrossing the attention of all thinking men in this State is the way in which, by juggling with the technicalities of the law, justice is defied and our courts and laws made laughing-stocks by cunning lawyers. California ought to blush when it remembers how our criminal procedure permitted the notorious George D. Collins to juggle with justice, defy the courts, roll up needless expenses for the public purse to bear and, worse, far worse than this, implant still deeper in the public mind the suspicion that our laws and courts are made and conducted not for the purpose of doing but hampering justice. And no one has forgotten how, only a short time ago, another attorney, in suing for a fee, publicly set forth how, by means of dilatory motions and an endless trickery with the machinery of the law, he had so delayed the bringing of his client into court that the matter had become outlawed.

The San Francisco officials who have been indicted for crimes against the public good are either innocent or guilty; and in the interests of public morality, that innocence or guilt should be quickly established, and justice, either in vindication or severe punishment, should be swiftly and surely meted out to the accused. Yet we see the courts blocked and day after day, week after week, spent in the interposition of dilatory motion upon dilatory motion, followed by time-consuming argument after argument, until it would seem almost as if there was some truth in the public suspicion that the courts are sieves whose meshes are large enough to let through those with sufficient money and influence.

It is a serious matter, one that appeals to us all, that justice may be thus laughed at, the courts mocked, and the protection of our laws against criminals and criminal acts thus defied. No one of us is safe, either in life, liberty, or property, if those accused of crime may thus stave off trial until witnesses forget, are bribed or disappear, or until, by the very bedevilment of the record, some error is made upon which the technical courts of appeal may hand a reversal of conviction.

I commend this whole subject-matter also to the careful and patriotic attention of the Legislature, hoping that such changes in our criminal procedure will be made at this session as will prevent the spectacles that have, within the past two

years, brought disgrace upon our laws and placed a premium upon dishonest, shameful, and indecent trickery. Be the fault where it may be, at the bar, in the trial courts, or in the Appellate or Supreme Courts, let the proper remedies be applied, so that those accused of crime shall be compelled to go to trial within a reasonable time; and let that trial be upon the merits, not the fine-spun technicalities, of the case and the law. Let a crime be quickly followed by punishment and not by judicial legerdemain and wearisome justice-refusing technicalities.

THE IMPORTANCE OF GOOD ROADS.

A living, concrete example of the benefits of good roads is afforded by conditions now existing in the City of San Francisco. Since the 18th of April, 1906, the streets of San Francisco have been, as a result of the great catastrophe, in bad condition. As a result of this, teams that could formerly handle loads of three tons can now draw but two tons. In other words, the cost of teaming, from this item alone, to say nothing of the greatly increased wear and tear on horses, harnesses, and vehicles, has increased about 33 $\frac{1}{3}$ per cent. No more eloquent sermon on the benefits of good roads could be preached.

California has done comparatively little toward inculcating into the minds of its people the benefits of good roads. Road-building has been left almost entirely to the cities and counties, and the result has been that, with comparatively few exceptions, our counties have gone on, year after year, squandering money in turning up dirt roads in the spring, which in the winter become quagmires. The reason for this is a dual one. In the first place, those who have the making of roads in charge know little or nothing about either its theory or its practice; and, in the second place, it costs less to turn up a dirt road than it does to build a good road. The cost of the good road is, of course, less, much less, in the long run, than the summed-up cost of the yearly turning up of the dirt roads, to say nothing of the saving of money in horse flesh, harnesses, wagons, time, draught power, etc., on the good road as compared with the poor one.

Most of us in California seem to think that a road is pretty good if the natural dirt, be it sand, loam, or adobe, is thrown up in the center and smoothed a little. And it is generally considered a sort of luxury if, in addition to this, gravel is put on, to sink in the mud beneath and disappear. It is only in a very few counties that macadamized roads are at all in vogue, and they, in most localities, have been put in against the protests of those who benefit most by them.

But the macadamized road is not the best road that can be built in these days of crude oil. Nor is it the cheapest to build or maintain, the properly built oiled road being cheaper, and better, than any other road that can be constructed in California except, perhaps, in localities where rock is cheapest and oil dearest. But while it is the fact that crude oil properly applied to our various soils—sand, loam, gravel and adobe—has, in many places, made first-class, substantial roads, at a cost even as low as \$150 per mile, it is also a fact that, in many other places, crude oil, improperly applied at a much greater cost, has resulted in failures and has, therefore, been abandoned as a road-making material.

The State Commissioner of Highways, Hon. N. Ellery, has made an especial study of oil as a road-making material, and has given the result of those studies in his report for 1906. Copies of this most excellent document may be had by applying to him; and I call to it the especial attention of the members of the Legislature and all those interested in good roads.

Effect On Land Values.—Not only do good roads make the products of the farm more valuable because they enable the farmer to deliver them more cheaply, but, conversely, they make the land on which those products are raised also more valuable, because the products themselves are more valuable. Just as the railroads make land more valuable because its products can be delivered more cheaply and quickly than by team, except under certain conditions of short haul and good roads, and just as the cheaper rivers can beat the railroads, so the good roads make the farmers' products and farm more valuable and bring into productive and remunerative use lands that, with poor roads, can not be utilized at a profit. By this increase in value of its lands, to say nothing of the greater prosperity of its people, the State and all its political subdivisions are greatly benefited. Smaller farms replace the great holdings, the great wheat fields give way to intensive cultivation, school houses spring up in all directions, free rural delivery, with the daily paper, and the periodicals, and the telephone, all follow fast upon the heels of the good road. It humanizes, civilizes, brings prosperity, luxury, and affluence to the farmer's door, and enables the former lonely dweller in the country to have and enjoy many of the comforts of the city.

The student of political economy sees the dangers that always have resulted and always will result from the overweening growth in wealth and population of the cities at the expense of the country. No nation has ever long survived, and no nation ever can survive, the corrupting, weakening influences that result from such a state of things. Among the healthy, vigorous, clean people of the country is found the greatest patriotism. Upon them depends that watchful care upon which in turn the perpetuity of our country depends. We have only to look at our stricken metropolis of San Francisco to see the menace to our institutions, our very liberty,

that will follow the depopulation of the country brought about by the migration of the country people to the cities. The country must increase in population as do the cities to keep the balance of power and wealth from passing to the latter. The good road will do more, far more, than any other influence, to bring this about. The good road leading to the electric railway will bring the dwelling place of him who lives fifty miles from town almost within its suburbs, and will thickly dot those fifty intervening miles with villages and the homes of happy and contented people.

Time for California to Act.—But, as I have said, California has done but very little toward encouraging the building of good roads. European countries, with centuries of experience behind them, knowing the necessities thereof, maintain good roads as we maintain sheriffs and policemen. And some of the states of our country, like New York, are spending millions of dollars to aid in the building of these necessary adjuncts to and spreaders of population and civilization. The time is ripe for California, toward which are now turned the eyes of all the world, to follow the example of her older and more experienced sister states and the guidance of the still older and more experienced nations of the Old World and do her part toward aiding and encouraging the advancement of good roads.

I invite the careful attention of the Legislature to this important matter, and would recommend that a sufficiently large sum of money be appropriated, to be expended, under the supervision of the State Commissioner of Highways, in cooperating with counties and abutting landowners, in building good roads throughout the State. These State-aided good roads should be State-selected main arteries, built to State-made specifications and State-approved surveys. And toward their construction the State can well afford to pay at least one third the cost.

Oiled roads, as I have said, are cheap and good, when properly constructed. The cooperative sharing of the cost by the State would put a comparatively small expense upon the State treasury or the cooperating counties and individuals. The benefits would, however, be very great to the State, the counties, and the individuals; and the example of her older and good main highways would soon lead to the building of similar roads by the counties themselves. The State can well afford, I think, to pay at least one third of the cost of such highways, if for no other purpose than to insure, by its supervision of the work, good roads in California. And for this purpose I recommend the appropriation of at least \$250,000. This sum, in cooperation with counties and individuals, should build at least one thousand miles of good oiled roads in this State and save at least an equal sum in decreased wear and tear and increased efficiency of horses, harnesses, and wagons; besides which it will greatly increase the assessed valuations of the lands tributary to the roads thus built and soon bring back in taxes the money spent upon them.

BUILDING AND LOAN INVESTIGATION.

Whether or not the Building and Loan Associations, or any of them, have been guilty of practices which can not be defended under the law or correct business methods has not been, I believe, authoritatively proven. In view, however, of the uneasiness in the public mind concerning these associations, or some of them, I am of the opinion that an investigation, by some competent authority, legislative or other, into their methods, and the enactment of legislation which will correct any evils that may be found to exist, are both timely and necessary.

Building and loan companies have been of great benefit to thousands who have availed themselves of their privileges. Honestly and well conducted, they can be of still more benefit to the home-builder of small means. And as there has been no advance in legislation to keep up with the development of the building and loan companies, I recommend to the Legislature a thorough investigation of the whole subject-matter, to the end that abuses and weaknesses, if any there be, in the laws governing these companies may be remedied and provided against.

THE STATE LIBRARY.

Within the last two years the State Library has been more thoroughly organized by the Board of Trustees, who have applied the principles of the merit system by adopting a graduated scale of salaries and arranging for regular promotions from the lower to the higher grades based on experience and proved ability. At the same time the library service has been extended in a number of directions and its usefulness greatly increased. I desire to call the attention of members of the Legislature to the valuable assistance they may expect to receive in their work by consulting the legislative reference department which has been established for their convenience. Through the establishment of the traveling library system, the benefits of the State Library, heretofore confined largely to the capital city, have now been extended to all parts of the State, but more especially to the small communities which do not enjoy the advantages of public libraries of their own. There are at the present time no less than three hundred and twenty-five traveling libraries, located in as many different places, in fifty-six counties. Thus, the residents of even the smallest village may have brought to their doors, practically without cost, the advantages of a great modern library. Moreover, the State Library is rapidly becoming a storehouse of rare and valuable books, documents, and manuscripts upon the history of California.

THE JAPANESE QUESTION.

It is safe to say that the President, when he penned that portion of his annual message upon the opening of Congress in which he refers to the treatment of the Japanese in the San Francisco schools, was not aware of the conditions on this Coast, especially in California. In common with the people of the East, who have had no experience with the unassimilable people of Japan and China, the President does not understand the racial differences between the Japanese and the Chinese and people of Caucasian blood. Coming in contact only with a few educated and intelligent individuals of these two races, the people of the Eastern States do not understand that to permit the immigration of only a small fraction of the whole number of these people means the monopolizing by them of such pursuits as they may engage in. This monopolization would not militate against the public good were the monopolizers capable of being absorbed into the body politic, and, in this generation, or even in the next, becoming integral parts of our cosmopolitan people.

Unfortunately, however, neither the Japanese nor the Chinese appear to be capable of absorption and assimilation into the mass of our people. Neither race has, apparently, any desire to renounce allegiance to its mother country and become, in the true sense of the word, citizens of the United States. Our laws and customs regard intermarriage with them as miscegenation. All their energies are bent toward acquiring a competency here to enable them to live in comfort and affluence in their own countries. They collect in colonies, either in the cities or in the country, do only such business as necessity compels with any but those of their own people, and have no close relations of any kind with our people. Being able to live on a small fraction of what seems necessary to support Caucasian people, being, furthermore, clannish in the extreme and evincing neither desire nor ability to mingle with our people, the lower classes of these two nations are not, in any sense of the word, desirable immigrants to, much less citizens of, this country. There are Chinese and Japanese, especially the former, who have lived in this State many years, some of them half a century, and in no essential particulars have they acquired our manners and customs. They are, practically speaking, as much foreigners, in manners, customs, habits of thought, and loyalty to their mother countries as they were when they came here. The great mass of them make no investments in this country, have no interest in its institutions and no sympathy even with our civilization or modes of thought; they make no attempt to accommodate themselves, even in dress, modes of living, or customs to those surrounding them, and, in fact, desire only to gain sufficient wealth to enable them to return to their own countries to live out the rest of their lives.

The Causes in the Races Themselves.—It is beside the question to say that they show these peculiarities because of the inhospitableness of our people. Were the racial differences in civilization, thought, manners, and customs not insuperable between these Asiatics and the Caucasians, whatever inhospitableness our people might show toward them would insensibly disappear and there would be, in spite of all attempts to the contrary, signs of Americanization, in the best sense of the term, among them. Such, however, does not appear to be, in any sense, the result of their residence here. The Chinese among us are still Chinese; they wear, for the most part, their national costumes and queues; they live strictly in quarters by themselves, and preserve their national customs inviolate. The Japanese also have made no attempts to disassociate themselves from their fellows and become individuals among us. They, like the Chinese, congregate together, not in quarters, as the Chinese do, but still apart by themselves. They wear, it is true, American clothes, but they preserve the Japanese customs. And they, even more than the Chinese, refuse to do business, when it is possible to avoid it, with Caucasians.

It is useless to expect that people with such different racial characters, of such different civilization, can ever mix with our people and become absorbed into our body politic. They can not become good American citizens; it is useless to attempt to make them such.

But while the Caucasian can not reconcile himself to the Asiatic, it must not be forgotten that the Asiatic can not reconcile himself to the Caucasian. While the Caucasian looks askance at the Japanese and Chinese, both the latter have an equal, a greater, contempt for the Caucasian. To the Asiatic the Caucasian is an inferior, with whom it is little short of degrading to closely associate.

This condition of affairs exists not only in this country, but also in Japan and China. Both Europeans and Americans have lived for many years in both of these countries, yet there is no mingling of the races even there, no intermarriage, no assuming, on terms of equality, amity, and unconscious friendliness, of the dress, manners, customs, mode of living, or religion of these countries by the Caucasians living there. There, as here, each race looks upon the other as inferior.

Reasons for Separate Schools.—Under these circumstances, it is not at all strange that there is an aversion to the mingling of the children of the two races. And, therefore, California has decreed that, whenever it is so desired, the local school authorities may provide separate schools for the Chinese and Japanese children, in which they shall be taught as Caucasian children are, and by equally capable teachers.

In the case of the Japanese this separation seems to be the more necessary, because many of the Japanese who desire to attend our schools are much older than the Caucasian children with whom, on account of their deficient learning, the Japanese must be enclosed. It is not at all desirable that youths, even Caucasian youths, of eighteen years or more of age, should be associated in the schools with children of tender ages. The reason therefor is sufficiently explained by its mere statement.

The laws of California require, when the local school authorities so decree, the separation of the Chinese and Japanese scholars from the Caucasian. And, as I read it, the treaty of the United States with Japan does not require that the Japanese shall be put in classes with our children. To give them as good school facilities more than complies with the treaty. Therefore, it would appear that San Francisco, in providing separate schools for the Japanese, is acting strictly within the letter and spirit of the laws of this State and is in no way acting in contrariety to the treaty with Japan.

The State of California, a sovereign state of the United States of America, has no quarrel with the government of either Japan or China. On the contrary, California has the greatest respect for these two countries, and deprecates equally any indignities which may be put upon Americans in Japan or China, or upon Japanese or Chinese subjects in this country. We realize thoroughly that it is only the irresponsible and vicious in China and Japan who insult and injure American citizens; we know equally well, and we hope that the Japanese and Chinese governments also know, that it is only the irresponsible and the vicious who, in America, insult and injure the subjects of these two great nations. All good Americans frown upon such indecencies here, as all good Chinese and Japanese frown upon them in their own country. But, nevertheless, until the courts of this country shall have declared that California has no right to do so, this State reserves to itself the prerogative and privilege of conducting, under the law, State, National, and treaty, its schools in such manner as seems best to us; and this without the slightest disrespect toward the Government of the United States or the subjects of any foreign nation.

THE DEATH OF CONTROLLER COLGAN.

The State has met with a serious loss in the death of Edward Power Colgan, State Controller, which occurred on the 20th day of last November. When last the Legislature was in session, so recently as the month of June, 1906, Mr. Colgan was present, apparently in his usual health, and rendered, as usual, valuable service, aiding in solving the financial and other problems arising out of the great disaster of April 18, 1906. Almost immediately following the close of the extraordinary session his health began to fail, and for many weeks before his death it was evident that the end could not be far off. Happily, Mr. Colgan, who had served the people of California faithfully in his important office for nearly sixteen years, lived long enough to know that his fellow citizens had honored him by re-electing him for a fifth term by the largest majority ever given to a candidate seeking their suffrages for a State office. The public career of Controller Colgan was one of high honor, and in private life he was greatly beloved. I suggest that it would be in order for the Legislature to testify in some fitting manner its appreciation of the distinguished public services of Mr. Colgan.

GEORGE C. PARDEE, Governor.

APPENDIX—LIST OF ORDERS EXTENDING EXECUTIVE CLEMENCY.

The number of orders extending executive clemency during the four years of my administration is as follows: Commutations of sentence, 100; pardons, 10; reprieves of sentence, 18; restorations to citizenship, 13. The total number of applications for clemency which were granted is therefore 141. The number of applications for clemency of all kinds received and passed upon exceed five hundred, so that the cases where favorable action was had constitute only a little over twenty-five per cent of the total number considered.

The pardon orders were issued in cases where it was clear that the prisoner was not guilty of the crime of which he was convicted, which accounts for the small number granted. The grounds upon which the commutations of sentence were made are various, including all cases where it was shown that mitigating circumstances had been uncovered and undue hardship or injustice done.

In nearly all cases the orders of commutation were granted upon the condition that, if the prisoner were ever again convicted of felony, he shall be compelled to serve out the remainder of his original sentence, in addition to the sentence imposed for the new offense. The efficacy of this condition as a deterrent of further crime on the part of the released prisoner has been demonstrated, and in several cases, where the condition was violated, the offender has been made to suffer the added penalty.

Following is a list of clemency cases where favorable action was had, with a brief synopsis of the facts of the case and the reasons for extending clemency:

PARDONS.

March 4, 1905. Benjamin Wright, convicted in Santa Clara County in January, 1905, of misdemeanor and sentenced to pay a fine of \$150 and to imprisonment of

ten days in the County Jail. It was represented that Wright had paid his fine and that he had been amply punished for his infraction of the law. The pardon was issued upon the recommendation of the following officers of the town of Mayfield: A. B. Clark, C. Ducker, L. Distel, P. Towne, Alexander Peers, all members of the Board of Trustees; W. H. Myrick, Clerk; Frank Forshay, Marshal; F. W. Weishaar, Treasurer; W. A. Beasley, Attorney.

December 21, 1905. *Thomas W. Kelly*, convicted in Fresno County in November, 1891, of murder in the first degree, and sentenced to life imprisonment. At San Quentin State Prison, on October 6, 1905, in the presence of the Warden and the Chaplain, Frank Woods, condemned to death and then about to mount the scaffold, confessed that it was he and not Kelly who committed the murder for which Kelly was imprisoned. After searching investigation, the prison officials certified that they could discover nothing to indicate collusion between Woods and Kelly. In addition the following persons who were familiar with the facts of the crime, state that they have always entertained grave doubts as to the correctness of the verdict, and all urged the release of Kelly, who had served a term equivalent to a sentence of twenty-two years, viz: W. D. Tupper, then District Attorney; H. H. Welsh, the Assistant District Attorney; Frank H. Short, and J. M. Hensley, then Sheriff.

July 21, 1906. *Narcisso Mariotti*, convicted in Sacramento County in November, 1904, of assault with a deadly weapon, and sentenced for two years. Mariotti, who was then confined in Stockton State Hospital for the Insane, was pardoned upon the report of Dr. F. W. Hatch, General Superintendent of State Hospitals, which was in part as follows: "I am convinced of his insanity at the present time and am of the opinion that the developments in the case go far to confirm our opinion that he was not sane at the time of the commission of the crime." This report was supplemented by a statement signed by Judge E. C. Hart and District Attorney A. M. Seymour, which is in part as follows: "It is our sincere belief that he was insane, and we are of the opinion, as a matter of law, that he committed no crime."

November 20, 1906. *James Dowdall*, convicted in San Francisco in October, 1906, of robbery, and sentenced for fifty years. Dowdall was pardoned because of the confession by John Siemsen and Louis Dabner that they committed the crime for which he was imprisoned. The confession was so circumstantial and accurate in its details as to leave no doubt of its truth. Dr. T. B. W. Leland, the prosecuting witness, acknowledged that he was mistaken in identifying Dowdall, and recommended his pardon. The papers were referred to the Justices of the Supreme Court, who recommended pardon, saying: "We are satisfied from an examination of the papers accompanying his application that his conviction was due to mistake of identity."

December 6, 1906. *Edward Pincus*, convicted of vagrancy in the Police Court of Los Angeles City in March, 1903, and sentenced for six months in the County Jail. The judgment was entered upon the failure of Pincus to appear, and after his bail of five dollars had been forfeited. It was represented that sentence was passed without the knowledge of Pincus, and that, although it was never set aside, there had never been any effort on the part of the Los Angeles officials to take him into custody, though nearly four years had elapsed and he had lived openly and decently in said city. He was pardoned on the recommendation of W. H. Savage, John W. Stetson, Dr. H. J. Daniels, and others familiar with the facts.

COMMUTATIONS OF SENTENCE.

January 7, 1905. *Rosie Alameda*, convicted in December, 1904, of vagrancy before the Police Court of the City of Oakland, and sentenced for a term of six months in the City Prison. It was represented by Anita C. Whitney, Secretary of the Associated Charities; Warren Olney, Mayor of Oakland; J. W. McClymonds, City Superintendent of Schools, and other workers in charitable organizations, that the associations in the prison would thwart all effort to reform said prisoner, and that her extreme youth (sixteen years) rendered it possible to effect her reformation by means of proper influences and surroundings. Having served one month in prison, which, under the circumstances, was ample punishment, she was released.

January 18, 1905. *Joseph Bryan*, convicted on two charges of burglary in Sonoma County, in April, 1896, and sentenced for a term of twenty years. His term was commuted to expire January 23, 1905. It appears that a rumor current at the time of the trial to the effect that Bryan was concerned in a still more serious crime, lately committed, contributed to the severity of the sentence. This rumor was afterwards found to be without foundation. Bryan's petition was indorsed by S. K. Dougherty, who presided as Judge at the trial; Emmett Seawall, the District Attorney, who prosecuted the case; A. G. Burnett, A. B. Lemmon, J. A. Barham, and other prominent citizens of Sonoma County. A majority of the Justices of the Supreme Court also recommended clemency in this case.

January 23, 1905. *John E. Serton*, convicted in El Dorado County, in January, 1900, of extortion, and sentenced for a term of two years. His sentence was commuted to expire January 30, 1905. Counting the time spent in the County Jail

awaiting trial and appeal. Sexton had served all but one month of his full sentence. In passing upon Sexton's case the Supreme Court said, "Owing to the peculiar circumstances of the case, and the character of the evidence relied upon to support the verdict, we think the law would have been well satisfied with a judgment finding the defendant guilty of a misdemeanor." It was these considerations which were urged by citizens of El Dorado County and elsewhere to warrant Sexton's release, among such citizens being C. E. Peters, District Attorney; G. J. Carpenter, W. F. Bray, James W. Keys, W. C. Van Fleet.

May 2, 1905. *Thomas Cody*, convicted in Los Angeles County in December, 1901, of grand larceny, upon two separate informations, and sentenced for a term of ten years. His term was commuted to expire July 1, 1905. The recommendation for Cody's release was signed by the State Board of Prison Directors and by B. N. Smith, the Judge who presided at the trial. The resolution of the Board recites that Cody's offense consisted in the stealing of two bicycles, and that the sentence was disproportionate to the crime committed. It also certified that his conduct as a prisoner was exemplary and that he had rendered faithful and valuable services to the State.

May 2, 1905. *Charles H. Parks*, convicted in Solano County in September, 1900, of rape, and sentenced for a term of twenty years. His term was commuted to expire on the first Monday in May, 1906. Clemency in this case was granted upon the recommendation of the trial Judge, A. J. Buckles, and upon a statement of the case showing extenuating circumstances. There was also presented a sworn statement by the prosecuting witness exonerating Parks from complicity in the crime.

May 9, 1905. *Frank Kelly*, convicted in Sacramento County in April, 1897, of burglary in the first degree and prior, and sentenced for a term of fifteen years. His term was commuted to expire May 15, 1906. It appears from the statement signed by Max P. Fisher, the arresting officer; E. C. Hart, the committing Judge; F. D. Ryan, District Attorney at the time of the trial, and A. M. Seymour, present District Attorney, that Kelly was not the leader in the crime, and that after his conviction he imparted valuable information to the officers, which assisted materially in obtaining other convictions. At the time of his release he had served a term equivalent to a sentence of about twelve years.

May 9, 1905. *Espolinario Martinez*, convicted in Los Angeles County in June, 1903, of rape, and sentenced to the minimum term of five years. His term was commuted to expire May 15, 1905. The release was granted upon the recommendation of Judge B. N. Smith and District Attorney Fredericks. The Judge stated that if any discretion had been given him under the law Martinez would never have been sentenced to the State Prison, since it was clearly shown that the offense was committed without criminal intent, and with the consent of the prosecutrix, whom Martinez had lived with as man and wife.

June 14, 1905. *Albert L. Williams*, convicted in Merced County in December, 1888, of murder in the first degree, and sentenced to life imprisonment. His term was commuted to expire July 3, 1905. The release of Williams was recommended by C. H. Marks, the committing Judge; a majority of the trial jurors, and by a majority of the Justices of the Superior Court. It appears that the crime was committed without the appearance of any murderous motive, and without premeditation or malice, the relations between Williams and the deceased being of the friendliest nature at the time of the homicide, and the shooting having occurred under circumstances which might well bear out the theory of accidental homicide, or at most of manslaughter. Williams had served a term equivalent to a sentence of twenty-seven years.

June 20, 1905. *William J. Hamilton*, convicted in June, 1905, of drunkenness and vagrancy before the Police Court of Oakland, and sentenced to a term of thirty-three days in the City Jail. He was released by commutation, after serving about half of his sentence, upon a statement of facts by W. R. Thomas, Commander of Appomattox Post, No. 50, G. A. R., and upon the recommendation of George Samuels, the committing Judge. The statement showed that Hamilton was in no sense a vagrant, but was employed at San José, and had come to Oakland to prepare vouchers for his quarterly pension.

August 14, 1905. *Christopher Murphy*, convicted in Alameda County in September, 1904, of assault with a deadly weapon, and sentenced to a term of eighteen months in the County Jail. He was granted clemency upon a statement of facts indorsed by the following citizens of Oakland, viz: Alexander Young, Jr., L. L. M. Salsburg, E. M. Gibson, W. G. Palmanteer, H. Abrahamson, M. J. Keller, and Frank Barnett. Murphy's offense consisted in participating in a general fight, started in a crowd returning from a public picnic, in which many others took part, none of whom were prosecuted for their part in the affair. At the time of his release Murphy had served all but four months of his sentence.

August 18, 1905. *Walter Talmadge*, convicted in Tulare County in November, 1896, of grand larceny, and sentenced for a term of eighteen years. He was released upon the recommendation of a majority of the Justices of the Supreme

Court and upon a report by Charles F. Gladding, the prison physician, to the effect that the prisoner was suffering from an incurable ailment. Tallmadge's crime consisted in the stealing of hogs, and it appears that the sentence was out of all proportion to the offense committed.

September 22, 1905. *James K. McKenzie*, convicted of battery in San Francisco in June, 1905, and sentenced for five months in the County Jail. His term was commuted on the recommendation of the committing Judge, George H. Cabaniss, who stated that in the light of subsequent developments the sentence was too severe, the offense being that of drunkenness and disorderly conduct. The petition was indorsed by the prosecuting attorney, J. M. Hanley; by Sheriff P. J. Curtis, and by other officials of the County Jail.

October 11, 1905. *William Crawford*, convicted of battery in Kern County in May, 1905, and sentenced for six months in the County Jail. The petition was indorsed by the committing Judge, A. W. Marion; Hon. S. C. Smith, Congressman, and R. L. Stockton, Superintendent of Schools, and recited that facts were disclosed subsequent to the trial mitigating the seriousness of Crawford's offense.

October 23, 1905. *J. J. Donnelly*, convicted in San Francisco in October, 1894, of robbery with a prior conviction of misdemeanor, and sentenced to life imprisonment. This is one of the several cases in which the committing Judge had no discretion in imposing sentence, the law then being such that no lesser punishment could be given in cases where the prisoner was convicted of robbery with a petit prior. W. T. Wallace, the committing Judge, writes: "The statute, which I am informed has since been repealed, compelled me to sentence the man for life. The circumstances are peculiar. Of course he has suffered enough, and I hope that you will intervene in his behalf." Donnelly had served a term equivalent to a sentence of about nineteen years. His term was commuted to expire in June, 1908.

October 23, 1905. *Thomas McDonough*, convicted in San Francisco in October, 1894, of robbery, and sentenced for twenty years. The State Prison Directors recommended the release of McDonough as "specially deserving of consideration by reason of his conscientious performance of prison duties, his consistent good conduct and the evidence of his complete reformation," and a majority of the Justices of the Supreme Court concurred in such recommendation.

October 23, 1905. *Beito Linares*, convicted in Los Angeles County in June, 1902, of robbery, and sentenced for ten years. Linares was released upon the petition of the officers of the County Jail at Los Angeles, indorsed by Henry T. Gage, J. D. Fredericks, Frank P. Flint, George P. Adams, and other prominent citizens of Los Angeles County. The petitioners state that while a prisoner at the County Jail Linares did signal service to the community by preventing, at the risk of his life a general jail delivery.

October 23, 1905. *William Wilson*, convicted in San Joaquin County in April, 1901, of robbery with a petit prior, and sentenced to life imprisonment. This case is similar to the case of Donnelly (*supra*) where the committing Judge had no alternative in pronouncing sentence. Upon the statement of Judge Edward I. Jones that, if discretion had been vested in him, he would have imposed a sentence of only ten years, the term of Wilson's imprisonment was commuted to expire in April, 1910.

October 23, 1905. *William Berry Holland*, convicted in Alameda County in August, 1895, of robbery with a petit prior, and sentenced to life imprisonment. This case is similar to those of Donnelly and Wilson (*supra*). Judge A. L. Frick stated that if discretion had been vested in him, he would not have imposed a sentence exceeding twenty years. Upon this showing Holland's sentence was commuted from life imprisonment to a term of twenty years.

October 24, 1905. *George Green*, convicted in San Francisco in April, 1901, of robbery with a petit prior, and sentenced to life imprisonment. This case falls in the same class as that of Donnelly, Wilson, and Holland. Judge Cook states regarding the sentence: "Had the statute stood then as it stands now, I should, in consideration of his having pleaded guilty, have imposed the minimum sentence permitted, to wit, ten years. As it did stand, however, I had no discretion, and was compelled to sentence Green to life imprisonment for stealing fifty cents." The sentence of Green was accordingly commuted to a term of ten years.

November 14, 1905. *A. E. Eldridge*, convicted in San Bernardino County in January, 1904, of forgery, and sentenced for two and one half years. On April 1, 1905, Eldridge was released on parole, and took up his residence in San Diego, where he obtained a responsible position, and won the respect of the community. Upon the recommendation of M. L. Ward, D. C. Collier, and other prominent citizens, Eldridge was released from the restrictions of the parole law by commutation of sentence.

November 28, 1905. *John S. Leroy*, convicted in Glenn County in October, 1891, of murder in the first degree, and sentenced to life imprisonment. On January 7, 1904, Leroy was paroled by the Prison Directors, and took up his residence in

Kings County, where he has lived an exemplary life. The evidence upon which Leroy was convicted was wholly circumstantial, and many responsible persons, familiar with the facts, expressed their belief in his innocence, among such being D. K. Trask of Los Angeles. The petition for Leroy's release was also signed by M. L. Short and W. V. Buckner, Judge and Sheriff respectively of Kings County.

December 21, 1905. John Mahatch, an Indian, convicted in Del Norte County in June, 1904, of murder in the first degree, and sentenced to be hanged. On October 10, 1904, upon the recommendation of Marshall B. Woodworth, United States Attorney for the Northern District of California, who had been requested by the Attorney-General of the United States to investigate the case, a reprieve was granted said Mahatch. Before the expiration of the reprieve the death sentence was commuted to life imprisonment upon the recommendation of the seven Justices of the Supreme Court, and the report of Mr. Woodworth, which showed that the case was not one deserving the extreme penalty, both Mahatch and the person killed being engaged in a drunken row at the time of the killing.

December 22, 1905. J. J. Alvarez, convicted in San Diego County in February, 1880, of murder in the first degree, and sentenced to life imprisonment. The State Board of Prison Directors twice recommended the release of Alvarez, and favorable letters were received from the committing Judge, five of the jurymen, and from the representatives of the Mexican Government at Washington, D. C., and San Francisco. The ground of the various petitions was that the crime was more of the nature of manslaughter than of deliberate murder. The commutation was made conditional upon his departing from California.

December 23, 1905. Percy Holt, convicted in Sacramento City in July, 1905, of petit larceny, and sentenced for a term of six months in the County Jail. At the time of his conviction Holt was under the age of eighteen years. The commutation of sentence was granted upon the recommendation of R. M. Clarken, the committing magistrate, who stated that the sentence was imposed without full knowledge of the circumstances of the case and the previous good record of the prisoner. The petition was also indorsed by S. Luke Howe, City Attorney, and John C. March, City Justice.

December 23, 1905. Edward Sprague, convicted in Yolo County in July, 1905, of attending a boxing contest, and sentenced for a term of three hundred days in the County Jail. At the time of his release Sprague had served over five months of his sentence. Sprague pleaded guilty to the charge, expecting a fine only to be imposed. H. L. Huston, District Attorney, and E. T. Lampton, committing magistrate, recommended clemency, stating that if all the facts of the case had been brought to their knowledge Sprague would not have been so severely dealt with.

January 8, 1906. John Murbach, convicted in Napa County in February, 1883, of murder in the first degree, and sentenced to be hanged, which sentence was thereafter commuted to life imprisonment by Governor Stoneman. The present order of commutation was made on condition that Murbach depart for the State of New York and never return to this State. W. E. Price, a responsible citizen of New York, undertakes to care for him during the remainder of his life. The crime was committed while Murbach and the deceased were in a hand-to-hand fight, and the facts indicated manslaughter rather than murder. Murbach had served a term equivalent to a sentence of thirty-seven years.

January 13, 1906. George Barker, convicted in San Francisco in June, 1898, of robbery, and sentenced to imprisonment for life. Barker's term was commuted to expire on January 22, 1906, upon condition that he leave the State. The order of release was made because of the confession of T. F. Gorman, a convict under death sentence in the State of Nevada, who exonerated Barker from complicity in the robbery, and stated the facts of the crime with such detail and accuracy as to leave no doubt of the truth of his confession. It was believed, however, that Barker had a guilty knowledge of the crime, it being shown that his previous record was bad and that he had close association with the perpetrators of the crime. For this reason he was not given a full pardon.

January 29, 1906. John Grant, convicted of adultery in Contra Costa County, in November, 1905, and sentenced to imprisonment for four months in the County Jail. Grant was released upon the recommendation of W. S. Wells and H. V. Alvarado, Superior Judge and District Attorney respectively of Contra Costa County, who stated that after the passing of sentence in this case, the Supreme Court, upon a similar state of facts had held that no crime was committed, there being no knowledge on the part of the community as to the actual relations of the parties charged with adultery.

January 31, 1906. Laruc Calmes, convicted in Los Angeles in November, 1905, of non-support of his family, and sentenced for one hundred and fifty days in the City Jail. The petition for clemency was indorsed by J. F. Chambers, the committing magistrate, and Wm. Frederickson, prosecuting attorney, who stated that the wife of the prisoner was ill and without means or strength to obtain necessities

for her two small children, and that, having served over half of his sentence, the prisoner should be given opportunity to provide for his family.

March 26, 1906. *John Murphy*, convicted in San Francisco in February, 1902, of robbery, with a petit prior, and sentenced to imprisonment for life. This case is similar to that of Donnelly and others (*supra*) where the committing Judge had no alternative as to sentence. Judge Cook, who passed sentence, said: "Had it not been for Section 666 of the Penal Code, as it then stood, I should not have imposed more than a ten-year sentence." Accordingly the sentence was commuted to a term of ten years.

April 7, 1906. *William Shanks*, convicted in Napa County in May, 1906, of disturbing the peace, and sentenced for ninety days in the County Jail. The release was made upon the recommendation of Raymond Benjamin, District Attorney, who stated that Shanks' only offense was his addiction to the liquor habit, that "the purposes of his punishment have been entirely served, and it will be to his benefit and that of his needy family that he be pardoned." Luther J. Evans of Napa also indorsed the petition and agreed to give steady employment to Shanks.

April 17, 1906. *John Oakes*, convicted in Los Angeles in February, 1906, of battery, and sentenced for ninety days in the City Jail. The release of Oakes was ordered upon the recommendation of W. C. Patterson, member of the State Board of Charities, Rev. P. H. McDonnell, of St. Vincent's Church, and H. H. Rose, the committing magistrate, all of whom represented that imprisonment had effected a complete reformation, and that the aged wife of the prisoner was in dire need of his aid and comfort.

April 26, 1906. *Wm. F. Hopkins*, convicted in San Francisco of simple assault, and sentenced for ninety days in the County Jail. Upon the recommendation of Captain H. N. Morse and Captain J. J. Callundan, the prisoner was released. They represented that by reason of the fire and earthquake the prisoner's mother was alone and unprotected and on the verge of collapse, and was greatly in need of his care.

April 28, 1906. *James Fitzpatrick*, convicted in San Francisco in September, 1905, of burglary, and sentenced for a term of one year. It was shown that the earthquake and fire had reduced the family of Fitzpatrick to a condition where his aid and counsel were of immediate necessity, and having creditably served all but two months of his sentence he was released.

May 5, 1906. *Donald A. Urquhart*, convicted in Kern County in December, 1901, of forgery upon two counts, and given an aggregate sentence of ten years. The Board of State Prison Directors recommended the release of Urquhart because of his good conduct as a prisoner and the severity of his sentence, and J. W. Mahon, the committing Judge, approved the bestowal of clemency. Urquhart had served a term equivalent to a sentence of over eight years.

May 31, 1906. *John McClure*, convicted in Los Angeles County in March, 1905, of murder in the first degree, and sentenced to be hanged on May 4, 1906. Upon the recommendation of Chief Justice Beatty and Associate Justice Shaw, of the Supreme Court, the sentence of McClure was reprieved to June 8, 1906, to afford time to investigate the case. Fuller statements of the case were thereafter presented and the sentence of McClure was commuted to life imprisonment upon the recommendation of said Justices, it being shown that the act of McClure had not the accompaniments that betray an abandoned and malignant heart; that he was a cripple, aged, poor, and friendless, and that he committed the act to enforce his supposed rights, and out of sudden anger arising from the unjust treatment he had received from the person killed.

June 9, 1906. *Julia Wilson*, convicted in San Francisco in February, 1906, of vagrancy, and sentenced for a term of six months in the County Jail. The prisoner was released upon the recommendation of W. H. Langdon, District Attorney, who certified that, since her confinement in jail, she had given birth to a child, and that the accommodations were entirely inadequate for the proper care of mother and child.

June 20, 1906. *John A. Harmon*, convicted in San Francisco in January, 1903, and sentenced for seven years. His term was commuted to expire on November 5, 1906, upon the representation of the Folsom Prison officials that said Harmon gave intelligence to the prison officials of the contemplated break in July, 1903, and that later at the trial of the captured convicts, he testified as a witness on behalf of the prosecution. It was shown that by reason of his said services to the State said Harmon had incurred the ill-will of his fellow convicts, to such an extent that his life was not safe in their company, and he was therefore kept in solitary confinement.

June 26, 1906. *Thomas Gormley*, convicted in Los Angeles County in November, 1887, of rape, and sentenced for fifty years. The order of release was made upon the recommendation of Wm. A. Cheney and J. R. Dupuy, the Judge and District

Attorney respectively at the trial. Judge Cheney stated that the long sentence of fifty years was imposed more because of the prevalence of crime at the time than for any other reason. Gormley's conduct as a prisoner during his confinement of nearly twenty years was exemplary.

June 26, 1906. *F. O. Meister*, convicted in San Francisco in January, 1906, of obtaining money under false pretenses, and sentenced for a term of nine months in the County Jail. The release of Meister was recommended by F. H. Dunne and W. H. Langdon, the Judge and the District Attorney respectively officiating at the trial. They stated that Meister's family had lost their home and support as a result of the earthquake and fire, and were in great need of his assistance. Meister had served seven out of his nine months' sentence.

June 26, 1906. *Eugene Sutherland*, convicted in Amador County in April, 1905, of rape, and sentenced for five years. R. C. Rust, the committing Judge, and C. P. Vicini, the District Attorney prosecuting the case, represented that the crime was one of constructive rape only, there being no violence or persuasion, and the person raped having the appearance of being over the statutory age, and consenting to the act. The Judge stated that, had he the power, he would have imposed a sentence of only one year. Sutherland's term was accordingly commuted to expire July 30, 1906.

June 26, 1906. *Fred H. Taylor*, convicted in Solano County in May, 1906, of disturbing the peace, and sentenced to pay a fine of ninety dollars or be imprisoned in the County Jail for ninety days. Taylor was released on the recommendation of Lieutenant F. N. Fillmore, of the U. S. Navy; John A. Brown, the committing magistrate; L. G. Harrier, Superior Judge, and T. T. C. Gregory, District Attorney. Lieutenant Fillmore stated that Taylor served on board the fire tug "Leslie" during the earthquake and fire in San Francisco, and did heroic service, his hilarious condition having undoubtedly been brought on by a relaxation from the strain of continuous rescue work.

June 26, 1906. *Fred Wilson*, convicted in San Francisco in March, 1901, of burglary with a petit prior, and sentenced for fifteen years. His sentence was commuted to a term of ten years on the recommendation of Judge Carroll Cook, the case being one where there was no alternative, under the law, but to give the sentence imposed. The case is similar to that of Donnelly and others (*supra*).

July 5, 1906. *John W. Sanders*, convicted in San Francisco in July, 1899, of murder in the first degree, and sentenced to life imprisonment. On December 20, 1903, the State Board of Prison Directors granted a parole to Sanders, who has since resided in Mendocino County, where he has led an exemplary life. Having been imprisoned for a term equivalent to a sentence of thirty years, he was given his freedom by commutation, the following citizens, among others, petitioning therefor: Judge J. Q. White, J. B. Sanford, John L. McNab, H. H. Miller, and J. H. Smith.

July 5, 1906. *Joseph Harveston*, convicted in Santa Cruz County in March, 1898, of mayhem, and sentenced for fourteen years. On October 10, 1903, Harveston was paroled by the Prison Board, and he has since lived an upright life in Santa Cruz County. Following are a few of the many responsible signatures to his petition: Judge L. F. Smith, F. A. Hihn, Duncan McPherson, F. D. Baldwin, A. A. Morey, and J. J. Leonard. His term was commuted to expire in July, 1906.

July 16, 1906. *B. Roselli*, convicted in Los Angeles County in March, 1906, of violating the "Child Labor Act," and sentenced for a term of five days in the City Jail. It was shown that while technically guilty of the offense, which consisted in permitting a minor child to be employed about his store, there was no intent to violate the law. The petition was indorsed by Joseph F. Chambers, the committing Judge; George Beebe and Guy Eddie, prosecuting attorneys, and W. V. Stafford, Commissioner of the Bureau of Labor Statistics.

July 16, 1906. *J. H. Swain*, convicted in Los Angeles in October, 1905, of a misdemeanor, and sentenced to pay a fine of fifty dollars and be imprisoned in the City Jail for thirty days. H. H. Rose, the committing magistrate, and Wm. Fredericks, prosecuting attorney, recommended clemency, certifying that Swain was in a weak condition from pulmonary disease and that confinement in jail would greatly endanger the chances of his recovery. A certificate signed by Dr. J. W. Jauch corroborated this statement regarding the serious consequences of confinement. Accordingly he was released by commutation of sentence.

July 21, 1906. *Earl Duke*, convicted in Stanislaus County in May, 1905, of grand larceny, and sentenced for two years. At the time of the crime Duke was but eighteen years of age and pleaded guilty without urging extenuating facts which have since come to light. Having served all but six months of his sentence he was released upon the recommendation of L. W. Fulkerth, the committing Judge, and L. J. Maddux, District Attorney.

August 30, 1906. *D. McVicker*, convicted in Napa County in June, 1906, of selling liquor within one and one-half miles of the Veterans' Home, and sentenced

FOR LIEUTENANT-GOVERNOR.

The total number of votes cast for each of the several candidates for the office of Lieutenant-Governor of the State of California was announced as follows:

Warren R. Porter.....	133,990
Thomas O. Toland.....	108,493
James H. Blagge.....	35,187
Frank I. Wheat.....	16,831
C. N. Whitmore.....	7,395

Whereupon the Speaker of the Assembly declared Warren R. Porter had been duly elected Lieutenant-Governor of the State of California.

RESOLUTION.

Senator Wolfe offered the following resolution, and moved its adoption:

Resolved, That the hour of twelve o'clock M. of Wednesday, January 9, 1907, be appointed the time and the Clunie Theater, Sacramento, California, the place when the Governor and Lieutenant-Governor elect shall take the official oath in the presence of both houses of the Legislature, in Joint Convention assembled, as required in and by Section 905 of the Political Code.

That the joint committee on inauguration, already appointed, be and are hereby directed to inform the Governor and Lieutenant-Governor elect of this action, and that when this Joint Convention adjourns it adjourn to meet at the hour and place aforesaid.

Resolution read and adopted.

READING AND APPROVAL OF MINUTES.

The minutes of the Joint Convention were then read and approved.

ADJOURNMENT.

At two o'clock and fifty-five minutes P. M., the President of the Senate declared the Joint Convention adjourned until twelve o'clock M. of to-morrow, Wednesday, January 9, 1907.

IN SENATE.

RECONVENED.

At three o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

APPOINTMENT OF COMMITTEE.

In accordance with a motion of yesterday, the President appointed Senators Wolfe, McCartney, and Caminetti as a committee to draft resolutions of condolence to Senator Savage, who lost his wife by death on Saturday, January 5, 1907.

ADJOURNMENT.

At three o'clock and five minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned until ten o'clock A. M. of Wednesday, January 9, 1907.

IN SENATE.

SENATE CHAMBER,

Wednesday, January 9, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 8, 1907, the further reading was dispensed with, on motion of Senator Curtin.

LEAVE OF ABSENCE.

Senator Weed was, on motion of Senator Belshaw, granted leave of absence for this day.

RESOLUTION.

By Senator Carter:

Resolved, That a temporary committee of three be appointed on contingent expenses and mileage.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President pro tem. appointed Senators Carter, Hartman, and Caminetti as such committee.

RESOLUTION.

By Senator Leavitt:

Resolved, That the following named persons be and are hereby elected to the statutory positions, and at the per diem set opposite their respective names:

John Varcol	Assistant at the Desk	\$5 00
A. A. Watson	Assistant Sergeant-at-Arms	5 00
Daniel Doody	Assistant Sergeant-at-Arms (Finance Committee).....	5 00
Robert Savage	Assistant Sergeant-at-Arms (Judiciary Committee)	5 00
J. F. Kelly	Assistant Sergeant-at-Arms	5 00
Lorenzo Soto	Assistant Sergeant-at-Arms	5 00
O. Greenabaum	Committee Sergeant-at-Arms	4 00
T. F. Burke	Assistant Minute Clerk	6 00
George Huestis	Assistant Minute Clerk	6 00
W. F. James	Assistant Minute Clerk	6 00
S. W. Austin	Journal Clerk	6 00
H. G. Wright	Assistant Journal Clerk	5 00
E. D. Miner	Assistant Journal Clerk	5 00
L. A. Pfeiffer	Engrossing and Enrolling Clerk	6 00
I. Staiger	Assistant Engrossing and Enrolling Clerk	5 00
Mrs. A. Lansing	Assistant Engrossing and Enrolling Clerk	5 00
Mrs. M. Andrews	Assistant Engrossing and Enrolling Clerk	5 00
C. E. Canfield	History Clerk	6 00
A. H. White	Assistant History Clerk	5 00
John Falkenstein	Bill Filer	4 00

H. N. Fletcher	Bill Filer	\$4 00
Frank Grosom	Bill Clerk	4 00
Terry McManus	Bill Clerk	4 00
C. A. Lee	Bill Clerk	4 00
Miss C. Johnson	Postmistress	4 00
Miss L. Surrhyne	Assistant Postmistress	4 00
Ralph Schluer	Gatekeeper	3 00
Wm. Saunders	Messenger to State Printer	3 00
H. B. Stewart	Messenger to State Printer	3 00
W. Veale	Skilled Stenographer	5 00
Miss A. Mix	Skilled Stenographer	5 00
Miss L. Bottarini	Skilled Stenographer	5 00
Mrs. C. B. Duncan	Skilled Stenographer	5 00
N. Rambo	Skilled Stenographer	5 00
J. W. Barefield	Watchman	3 00
B. Talbot	Watchman	3 00
Harold Wolfe	Press Mailing Clerk	4 00
James Shea	Press Mailing Clerk	4 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

Whereupon the President pro tem. declared that the above-named statutory officers had been duly elected.

APPOINTMENTS BY THE SECRETARY.

The following communication was read by the Secretary:

MR. PRESIDENT: I beg leave to report that I have this day appointed J. W. Kavanagh, Donn J. Shields, and W. G. Randall to the positions of Assistant Secretary, at the per diem of \$6, and respectfully ask the consent of the Senate thereto.

LEWIS A. HILBORN,
Secretary of the Senate.

Senator Leavitt moved that the appointments be confirmed by the Senate.

The question being on the confirmation of the appointments.

The roll was called, with the following result:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—36.

NOES—None.

Whereupon the President pro tem. declared that the appointments had been duly confirmed.

APPOINTMENT BY THE SERGEANT-AT-ARMS.

The following communication was received and read:

MR. PRESIDENT: I beg leave to report that I have this day appointed J. H. Grindley to the position of Bookkeeper for the Sergeant-at-Arms, at the per diem of \$5, and respectfully ask the consent of the Senate thereto.

J. L. MARTIN,
Sergeant-at-Arms of the Senate.

Senator Leavitt moved that the appointment be confirmed by the Senate.

The question being on the confirmation of the appointment.

The roll was called, with the following result:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentzer, Nelson, Price, Rambo, Rolley, Rush, Sanford, Walker, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Whereupon the President pro tem. declared that the appointment had been duly confirmed.

REPORT OF SPECIAL COMMITTEE.

The following report was received:

MR. PRESIDENT: Your Committee on Condolence to Senator Savage beg leave to report as follows:

WHEREAS, The Senate of California has learned with profound sorrow of the death of Mrs. Mary A. Savage, wife of Senator Savage; therefore, be it

Resolved, That the Senate condole with the Senator, and extends to him its sincere regret in his sad bereavement in the death of his wife; and be it further

Resolved, That a copy of this resolution be printed in the Journal of the Senate.

McCARTNEY, Chairman.

Resolution read and unanimously adopted by rising vote.

RESOLUTION.

By Senator Anthony:

Resolved, That Senate Rule No. 43 be amended by omitting therefrom the requirement that motions shall be seconded before being announced by the President.

Resolution read, and referred to Committee on Rules, to be appointed.

RECESS.

At ten o'clock and thirty minutes A. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eleven o'clock and forty-five minutes A. M. of this day.

RECONVENED.

At eleven o'clock and forty-five minutes A. M. the Senate reconvened.

Hon. Frank W. Leavitt, Senator from the Sixteenth Senatorial District, in the chair.

TIME FIXED FOR ADJOURNMENT.

Senator Welch moved that when the Joint Assembly do adjourn this day, the Senate stand adjourned until Thursday, January 10, 1907, at eleven o'clock A. M.

Motion carried.

RECESS.

At eleven o'clock and fifty minutes A. M., the acting President declared the Senate at recess for the purpose of meeting with the Assembly in Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,

Wednesday, January 9, 1907.

Pursuant to adjournment on yesterday, the Senate and Assembly of the State of California met in Joint Assembly on this day, Wednesday, January 9, 1907, at twelve o'clock m., for the purposes set forth in the following resolution, adopted in Joint Assembly on yesterday:

Resolved, That the hour of twelve o'clock m. of Wednesday, January 9, 1907, be appointed the time and the Clunie Theater, Sacramento, California, the place when the Governor and Lieutenant-Governor elect shall take the official oath in the presence of both houses of the Legislature, in Joint Assembly assembled, as required in and by Section 905 of the Political Code.

That the Joint Committee on Inaugural Ceremonies, already appointed, be and are hereby directed to inform the Governor and Lieutenant-Governor elect of this action, and that when this Joint Convention adjourns it adjourn to meet at the hour and place aforesaid.

Hon. Frank W. Leavitt, of the Sixteenth Senatorial District, acting President of the Senate, and Hon. R. L. Beardslee, Speaker of the Assembly, presiding.

The acting President of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—38.

The acting President declared a quorum of the Senate present.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobbridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—78.

The Speaker declared a quorum of the Assembly present.

ORDER OF BUSINESS.

The following was the order of business followed:

1. Call to order of the Assembly by the Speaker, Hon. R. L. Beardslee.
2. Announcement of the arrival of the Senate at the Bar of the House.
3. Call to order of the Joint Assembly of the Legislature of the State of California by Hon. Frank W. Leavitt, acting President pro tem. of the Senate.
4. Roll call of the Senate by Secretary Lewis A. Hilborn.
5. Roll call of the Assembly by Chief Clerk Clio Lloyd.
6. National airs, orchestra.
7. Hon. E. I. Wolfe, Chairman of the Joint Legislative Committee on Inaugural Ceremonies, announces the presence of the Committee with retiring Governor, Hon. GEORGE C. PARDEE, the incoming Governor, Hon. JAMES N. GILLETT, the retiring Lieutenant-Governor, Hon. ALDEN ANDERSON, the incoming Lieutenant-Governor, Hon. WARREN R. PORTER, State Officers and the Governor's Staff.
8. Invocation, Rev. C. H. Darling, Chaplain of the Senate.
9. "America," double quartet.
10. Introduction of Governor George C. Pardee by the Speaker of the Assembly.

21. Address by Governor George C. Pardee.
22. Inauguration of each of offices as Hon. James N. Gillett, incoming Governor by Hon. W. P. Chapman, Presiding Justice of the Third District Court of Appeal.
23. Ban to the Chief Justices.
24. Inauguration of Governor James N. Gillett by Hon. E. I. Wolfe, President pro tem. of the Senate.
25. Inaugural address.
26. Editor's American Home, public quarter.
27. Inauguration of each of offices as incoming Lieutenant-Governor.
28. Inauguration of Lieutenant-Governor Warren R. Porter by Hon. Alden Anderson, retiring Lieutenant-Governor.
29. Address by the Lieutenant-Governor.
30. Reading of minutes of the Joint Convention by the Secretary of the Senate, Lewis A. Brown.
31. Approval of the minutes.
32. "Star-Spangled Banner" public quarter.
33. Benediction, Rev. F. H. Wilson, Chaplain of the Assembly.
34. Adjournment of Joint Assembly.
35. Session adjourns.
36. Banquet of Governor James N. Gillett by Assistant General A. B. Laack, accompanied by the Governor's Staff and the Joint Legislative Committee to the office of the Chief Executive at the State Capitol.
37. Governor's salute at the Capitol grounds.

REPORT OF JOINT COMMITTEE.

Senator Wolfe, chairman of the Joint Committee of the Senate and Assembly on Inaugural Ceremonies, appeared at the bar of the House and announced to the Speaker of the Assembly the presence of His Excellency Governor George C. Pardee, Hon. James N. Gillett, Governor-elect, and Lieutenant-Governor Alden Anderson, and Hon. Warren R. Porter, Lieutenant-Governor elect.

PRAYER.

Prayer by the Chaplain of the Senate, Rev. C. H. Darling.

ADDRESS BY GOVERNOR GEORGE C. PARDEE.

Upon invitation by the Speaker of the Assembly, Governor George C. Pardee addressed the Joint Assembly.

ADMINISTRATION OF OATH OF OFFICE.

The Hon. N. P. Chapman, presiding Justice of the Third District Court of Appeal of the State of California, administered the oath of office to Governor-elect James N. Gillett, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Governor according to the best of my ability.

ADDRESS BY GOVERNOR-ELECT JAMES N. GILLETT.

Governor-elect James N. Gillett was presented to the Joint Assembly by Hon. E. I. Wolfe, President pro tem. of the Senate, and he proceeded to address the Joint Assembly.

PRESENTATION BY RETIRING LIEUTENANT-GOVERNOR.

Retiring Lieutenant-Governor Hon. Alden Anderson introduced to the Joint Assembly the Hon. Warren R. Porter, now Lieutenant-Governor of the State of California.

ADMINISTRATION OF OATH OF OFFICE.

The Hon. N. P. Chipman, presiding Justice of the Third District Court of Appeal, administered the oath of office to Lieutenant-Governor elect Warren R. Porter, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Lieutenant-Governor according to the best of my ability.

ADDRESSED THE JOINT ASSEMBLY.

The retiring Lieutenant-Governor, the Hon. Alden Anderson, and the Lieutenant-Governor elect, the Hon. Warren R. Porter, addressed the Joint Assembly.

READING AND APPROVAL OF MINUTES.

Minutes of the Joint Assembly were read and approved.

BENEDICTION.

Benediction by Rev. P. H. Willis, Chaplain of the Assembly.

ADJOURNMENT.

There being no further business, at one o'clock and thirty minutes P. M., the President of the Senate adjourned the Joint Assembly without day.

IN SENATE.

SENATE CHAMBER,

Thursday, January 10, 1907.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 9, 1907, the further reading was dispensed with, on motion of Senator Mattos.

LEAVES OF ABSENCE.

Senator Weed was, on motion of Senator Leavitt, granted leave of absence for this day.

Senator Anderson was, on motion of Senator McCartney, granted leave of absence until Monday, January 14, 1907.

APPOINTMENTS BY THE PRESIDENT.

The following communication was received and read:

SACRAMENTO, CAL., January 9, 1907.

Gentlemen of the Senate: I have to announce that I have this day appointed Mr. William Gamble, Chief Porter, and Messrs. R. G. Collins, R. Mitchell, J. W. Gudgel, R. Langley, William Reagan, and W. B. Sykes, Porters; also, that I have appointed Masters Donald Fountain, Jackson Diggs, W. Strait, William Sitton, Wm. Burbeck, E. Kelsey, Wm. Palmer, Elmo Sullivan, as Pages.

Respectfully,

W. R. PORTER,
President of the Senate.

Senator Leavitt moved that the appointments be confirmed by the Senate.

The question being on the confirmation of the appointments.

The roll was called, with the following result:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Whereupon the President declared that the appointments had been duly confirmed.

RESOLUTIONS.

By Senator Anthony:

Resolved, That all goods and supplies to be purchased for the use of the Senate, thirty-seventh session, shall, so far as possible, not be foreign-made or convict-made, and shall bear the union label or stamp.

Resolution read and referred to Committee on Contingent Expenses, hereafter to be appointed.

By Senator Mattos:

Resolved, That the Sergeant-at-Arms of the Senate, or the Bookkeeper to the Sergeant-at-Arms, be and they are hereby authorized and empowered to receipt to the Controller for all warrants for payment to members, officers, and attaches of the Senate.

Resolution read and adopted.

By Senator Lynch:

WHEREAS, Considerable doubt has been expressed as to the security of the building in which the Legislature is at present meeting; therefore, be it

Resolved, That a committee of three be appointed by the President of the Senate for the purpose of examining said building, and that they be empowered and authorized to employ a competent architectural expert to aid in such work, and to report at the earliest opportunity.

Resolution read and adopted.

By Senator Leavitt:

Resolved, That the following named persons be and are hereby elected to the positions and at the per diems set opposite their respective names:

J. F. Sidgmore.....	Stenographer.....	\$5 00
H. Cord.....	Stenographer.....	5 00
H. C. Crittenden.....	Stenographer.....	5 00
Mrs. Adams.....	Stenographer.....	5 00

B. J. Kincaid	Stenographer	\$5 00
F. Solomon	Stenographer	5 00
W. F. Renfro	Stenographer	5 00
Chas. Borreo	Bill Filer	4 00
C. D. Hyde	Bill Filer	4 00
Roy Belden	Bill Filer	4 00
Frank Lenz	Bill Filer	4 00
W. H. Crail	Bill Filer	4 00
P. G. Poyner	Bill Clerk	4 00
Wm. Hallanan	Bill Clerk	4 00
A. R. Winans	Bill Clerk	4 00
Wm. Owens	Bill Clerk	4 00
Wm. Milligan	Mailing Clerk	4 00
C. A. Beardsley	Mailing Clerk	4 00
Mary Swords	Mailing Clerk	4 00
Fred Mally	File Clerk	4 00
Geo. Whittenbrock	File Clerk	4 00
Ed Connelly	Amendment Clerk	4 00
E. L. Vegely	Assistant Minute Clerk	5 00
C. B. Mahone	Assistant Minute Clerk	5 00
W. J. Ford	Assistant Minute Clerk	5 00
O. W. Dunham	Bill Clerk	4 00
Monroe Alberti	Messenger State Senate	3 00
Joseph Gall	Document Clerk	4 00
Frank McLaughlin	Document Clerk	4 00
Miss F. Savage	Document Clerk	4 00
Miss J. Savage	Document Clerk	4 00
Victor Heck	Document Clerk	4 00
E. P. Albachten	Messenger to President	3 00
John R. Heilman	Copyist	4 00
C. W. Neal	Entry Clerk	4 00
E. Kelly	Entry Clerk	4 00
E. Herriott	Secretary to President	6 00
Oscar A. Foster	Assistant at the Desk	5 00
Louis Berry	Janitor to President's room	3 00
C. T. Loftus	Assistant Sergeant-at-Arms	5 00
J. E. Reynolds	Assistant Sergeant-at-Arms	5 00
J. E. Fitzgerald	Assistant Journal Clerk	5 00
Frank Knight	Index Clerk	4 00
Robert Shaw	Index Clerk	4 00
J. A. Egan	Index Clerk	4 00
Lucy White	Assistant Postmistress	4 00
Miss M. Hughes	Assistant Postmistress	4 00
M. I. Walker	Assistant Postmistress	4 00
J. E. Cuddy	Assistant Enrolling and Engrossing Clerk	5 00
L. Lindenfeldt	Assistant Enrolling and Engrossing Clerk	4 00
Mrs. G. W. Fountain	Assistant Enrolling and Engrossing Clerk	5 00
W. B. Lardner	Usher	3 00
Wm. Wilbourn	Committee Sergeant-at-Arms	5 00
Manny Cohn	Committee Sergeant-at-Arms	5 00
Wm. Gans	Committee Sergeant-at-Arms	4 00
James Ellison	Committee Sergeant-at-Arms	4 00
I. Sims	Committee Sergeant-at-Arms	4 00
George Lovegrove	Committee Sergeant-at-Arms	4 00
Henry Nelson	Committee Sergeant-at-Arms	4 00
John L. Matthews	Committee Sergeant-at-Arms	4 00
W. Daly	Committee Sergeant-at-Arms	4 00
Orrin Collins	Committee Sergeant-at-Arms	4 00
E. Jones	Committee Sergeant-at-Arms	4 00
J. C. Mowry	Assistant Sergeant-at-Arms	4 00
H. P. Monroe	Assistant Sergeant-at-Arms	5 00
Mrs. R. Schmidt	Committee Clerk	4 00
Ralph Knight	Committee Clerk	4 00
George Markey	Committee Clerk	4 00
A. McCartney	Committee Clerk	4 00
C. W. White	Committee Clerk	4 00
M. V. Irish	Committee Clerk	4 00
C. W. Bates	Committee Clerk	4 00
A. J. Moore	Committee Clerk	4 00
Leslie Greenwell	Committee Clerk	4 00
L. C. Mattos	Committee Clerk	4 00
Samuel Brunswick	Committee Sergeant-at-Arms	4 00
Nat Kennedy	Committee Clerk	4 00
J. R. McKee	Committee Clerk	4 00
Flora Wood	Committee Clerk	4 00
L. D. Bohnett	Committee Clerk	4 00

Jennie Sheriffs	Committee Clerk	\$4 00
Lura Stuart	Committee Clerk	4 00
A. P. Craner	Committee Clerk	4 00
M. Welch	Committee Clerk	4 00
C. C. Trickey	Committee Clerk	4 00
J. M. Hoziea	Committee Clerk	4 00
Miss H. McKnight	Janitress, Ladies' Cloak Room	4 00
T. Lindsley	Janitress, Ladies' Cloak Room	3 00
J. C. Reilly	Night Watchman	3 00
James Ginnety	Committee Sergeant-at-Arms	4 00
Jas. L. Copeland	Assistant Sergeant-at-Arms	5 00
A. Vergez	Assistant Sergeant-at-Arms	5 00
E. M. Sheridan	Assistant Sergeant-at-Arms	5 00
C. F. Blackstock	Committee Sergeant-at-Arms	4 00
R. H. Broughton	Assistant Minute Clerk	6 00
Ottie Smith	Stenographer	5 00
M. V. Mulcahy	Assistant Sergeant-at-Arms	5 00
J. H. Hall	Assistant Journal Clerk	5 00
D. T. Jones	Stenographer	5 00
E. H. A. Irving	Stenographer	5 00
Ed. McCabe	Assistant Sergeant-at-Arms	5 00
J. J. Connell	Sergeant-at-Arms to President	5 00
Walter C. Lindsay	Assistant Sergeant-at-Arms	5 00
Louis Scharetz	Assistant Sergeant-at-Arms	5 00
Miss Adabel Moody	Stenographer	5 00
Ralph Starke	Stenographer	5 00
Dan Carlon	Assistant Sergeant-at-Arms	5 00
Geo. Caffery	Stenographer	5 00
Lee A. Day	Stenographer	5 00
Miss Perle Taylor	Stenographer	5 00
E. Mullen	Assistant Secretary	6 00
Carl Smith	Stenographer	5 00
Ruby Hanshaw	Stenographer to the Secretary	5 00
Sam E. Redmond	Assistant Minute Clerk	6 00
Robert Stewart	Assistant Sergeant-at-Arms	5 00
Kate V. Hannon	Stenographer	5 00
Clarence Stern	Bill Filer	4 00
Joseph Holliday	Mailing Clerk	4 00
Joseph Noel	Clerk	4 00
W. Elliott	Entry Clerk	4 00
M. Park	Messenger to State Printer	3 00
Kate Murphy	Committee Clerk	4 00
Joseph Whalen	Committee Clerk	4 00
James Ward	Committee Clerk	4 00
T. Reilly	Committee Clerk	4 00
L. M. Sprecher	Assistant Sergeant-at-Arms	5 00
Joseph G. McCall	Assistant Sergeant-at-Arms	5 00
Michael Dunn	Assistant Sergeant-at-Arms	5 00
John Smythe	Committee Sergeant-at-Arms	4 00
James Reilly	Committee Sergeant-at-Arms	4 00
Philip Byrne	Bill Filer	4 00
V. Dietz	Stenographer	5 00
Irene Cunningham	Stenographer	5 00
Louis Raffour	Index Clerk	4 00
J. G. Birnbaum	Index Clerk	4 00
J. G. McPherson	Gallery Doorkeeper	3 00
I. M. Peck	Document Clerk	4 00
Carrie Linscott	Committee Clerk	4 00
Agnes Sullivan	Document Clerk	4 00
Irma McCarthy	Entry Clerk	4 00
Mrs. M. Savage	Document Clerk	4 00
Annie O'Connell	Committee Clerk	4 00
J. McCormack	Index Clerk	4 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—36.

NOES—Senator Caminetti—1.

Whereupon the President declared that the above-named persons had been elected.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 9, 1907.

MR. PRESIDENT: Your special Committee on Contingent Expenses and Mileage begs leave to report as follows:

We find the following to be entitled to the sum set opposite their respective names:

Officers			Mileage.	Amount.
President—Alden Anderson			2	\$0 20
Secretary—Lewis A. Hilborn			180	18 00
Minute Clerk—D. G. Holt			996	99 60
Sergeant-at-Arms—J. Louis Martin			168	16 80
Dist.	Senator.	Address.	Mileage.	Amount.
39—	Anderson, John N.	Santa Ana	962	\$96 20
24—	Anthony, Marc	San Francisco	180	18 00
14—	Bates, J. C.	Alameda	172	17 20
36—	Bell, Chas. W.	Pasadena	914	91 40
9—	Belshaw, C. M.	Antioch	192	19 20
28—	Black, Marshall	Palo Alto	298	29 80
6—	Boynton, A. E.	Oroville	172	17 20
35—	Broughton, Howard A.	Pomona	960	96 00
10—	Caminetti, A.	Jackson	100	10 00
37—	Carter, Henry E.	Los Angeles	894	89 40
26—	Cartwright, Geo. W.	Fresno	338	33 80
12—	Curtin, J. B.	Sonora	250	25 00
33—	Greenwell, C. B.	Santa Barbara	920	92 00
22—	Hartman, Gus	San Francisco	180	18 00
3—	Irish, J. B.	Downieville	238	23 80
23—	Keane, George B.	San Francisco	180	18 00
20—	Kennedy, T. J.	San Francisco	180	18 00
16—	Leavitt, F. W.	Oakland	168	16 80
15—	Lukens, G. R.	Oakland	168	16 80
31—	Lynch, Henry W.	Lynch Postoffice	822	82 20
17—	Markey, F. A.	San Francisco	180	18 00
13—	Mattos, Jno. G. Jr.	Centerville	218	21 80
38—	McCartney, H. S. G.	Los Angeles	894	89 40
7—	McKee, J. A.	Sacramento	2	20
32—	Miller, E. O.	Visalia	412	41 20
11—	Muenter, A. E.	Stockton	96	9 60
25—	Nelson, John H.	San Francisco	180	18 00
8—	Price, W. F.	Santa Rosa	180	18 00
29—	Rambo, S. H.	Boulder Creek	392	39 20
18—	Reilly, D. J.	San Francisco	180	18 00
1—	Rolley, George T.	Eureka	624	62 40
5—	Rush, Benj. F.	Suisun	82	8 20
4—	Sanford, J. B.	Ukiah	300	30 00
34—	Savage, W. H.	San Pedro	954	95 40
27—	Walker, George S.	Los Gatos	276	27 60
2—	Weed, A.	Weed Station	514	51 40
19—	Welch, Richard J.	San Francisco	180	18 00
30—	Willis, Henry M.	Redlands	1,036	103 60
21—	Wolfe, Edward I.	San Francisco	180	18 00
40—	Wright, Leroy A.	San Diego	1,164	116 40

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the foregoing-named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law.

CARTER, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

ADJOURNMENT.

At eleven o'clock and thirty minutes A. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,

Friday, January 11, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Rambo, Reilly, Rolley, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—29.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 10, 1907, the further reading was dispensed with, on motion of Senator Keane.

LEAVES OF ABSENCE.

Senator Weed was, on motion of Senator Belshaw, granted leave of absence until Monday, January 14, 1907.

Senator Cartwright was, on motion of Senator Sanford, granted leave of absence until Monday, January 14, 1907.

Senator Irish was, on motion of Senator Broughton, granted leave of absence until Monday, January 14, 1907.

Senator Mattos was, on motion of Senator Keane, granted leave of absence until Monday, January 14, 1907.

Senator Black was, on motion of Senator Walker, granted leave of absence until Monday, January 14, 1907.

Senator Price was, on motion of Senator McCartney, granted leave of absence until Monday, January 14, 1907.

RESOLUTIONS.

By Senator Leavitt:

Resolved, That the following-named persons be and are hereby elected to the positions and at the per diem set opposite their respective names:

C. Paine	Committee Sergeant-at-Arms	\$4 00
Miss L. Woods	Assistant Postmistress	4 00
E. A. Shumway	Assistant Sergeant-at-Arms	5 00
Wm. Dickinson	Committee Sergeant-at-Arms	4 00
H. P. Travers	Document Clerk	4 00
Bernard Healy	Committee Sergeant-at-Arms	4 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Carter, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Rambo, Reilly, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—25.
NOES—Senator Caminetti—1.

Whereupon the President declared that the above-named persons had been elected.

By Senator Belshaw:

Resolved, That the Lieutenant-Governor and each member of the Senate be and he is hereby allowed \$25 for contingent expenses, as provided by the Constitution, payable out of the appropriation for the contingent expenses of the Senate.

Resolution read and referred to Committee on Contingent Expenses, hereafter to be appointed.

By Senator Keane:

Resolved, That the Sergeant-at-Arms be authorized and directed to secure necessary rooms outside of this building, wherein the sessions are held, for the accommodation of the standing committees of the Senate, and to properly equip and furnish them for the transaction of the business of said committees.

Resolution read and adopted.

RECESS.

At ten o'clock and twenty minutes A. M., on motion of Senator Leavitt, the President declared the Senate at recess for five minutes.

RECONVENED.

At ten o'clock and twenty-five minutes A. M. the Senate reconvened. Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Belshaw, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA
SACRAMENTO, January 10, 1907.

To the Senate of the State of California:

I have the honor to inform you that I have appointed E. C. Cooper of Eureka, State of California, my Private Secretary, through whom all communications from this office will be transmitted to your honorable body.

J. N. GILLETT,
Governor of the State of California.

ADJOURNMENT.

At ten o'clock and thirty minutes A. M., on motion of Senator Leavitt, the Senate was declared adjourned until Monday, January 14, 1907, at eleven o'clock A. M.

IN SENATE. .

SENATE CHAMBER,
Monday, January 14, 1907.

Pursuant to adjournment, the Senate met at eleven o'clock A. M. Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 11, 1907, the further reading was dispensed with, on motion of Senator Mattos.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Wolfe:

WHEREAS, The Senate of the State of California has learned with profound regret of the death of the Most Reverend Archbishop George Montgomery; and,

WHEREAS, Archbishop Montgomery has been for many years identified with every measure that tended to the betterment of the condition of our people and to their uplifting, and has shown that whatever affected the welfare of the State of California was near and dear to his heart; and,

WHEREAS, Archbishop Montgomery, while a strict religionist and a devout follower of his faith, was a man of the most advanced liberal thought and principle, whose great influence, both as a minister, as an orator, and as a citizen, was ever directed against bigotry and the persecution of any people of any faith, and a man who believed in the Common Fatherhood of God and the Common Brotherhood of Man; therefore, be it

Resolved, That the Senate of the State of California deeply deplores the loss of this distinguished divine, and places itself upon record as believing that in his death not only the people of his own faith but the people of the whole State of California have lost a friend whose place it will be very hard to fill; and, be it further

Resolved, That when the Senate adjourns to-day it adjourns out of respect to the memory of the late Archbishop George Montgomery.

Resolution read, and unanimously adopted by rising vote.

LEAVES OF ABSENCE.

Senator Miller was, on motion of Senator Sanford, granted leave of absence for this day.

Senator Greenwell was, on motion of Senator Muentert, granted leave of absence for this day.

Senator Lukens was, on motion of Senator Leavitt, granted leave of absence until Monday, January 21, 1907.

RESOLUTIONS.

By Senator Leavitt:

Resolved, That the following shall be the Standing Committees of the Senate of the thirty-seventh session of the Legislature, and the same shall be appointed by the President of the Senate:

1. Agriculture and Dairying, seven members.
2. Banking, seven members.
3. Commerce and Navigation, nine members.
4. Contingent Expenses, three members.
5. Corporations, eleven members.
6. County Government, nine members.
7. Drainage, Swamp and Overflowed Lands, nine members.
8. Election and Election Laws, nine members.
9. Education, eleven members.
10. Engrossment and Enrollment, three members.
11. Executive Communications, five members.
12. Federal Relations, three members.
13. Finance, thirteen members.
14. Fish and Game, nine members.
15. Forestry and Water Preservation, nine members.
16. Fruit and Vine Interests, nine members.
17. Hospitals and Asylums, eleven members.
18. Insurance and Insurance Laws, nine members.
19. Irrigation, nine members.
20. Judiciary, twenty members.
21. Labor, Capital and Immigration, nine members.

22. Manufactures and Oil Industry, nine members.
23. Military Affairs, five members.
24. Mines and Mining, seven members.
25. Municipal Corporations, seven members.
26. Printing, three members.
27. Prisons and Reformatories, nine members.
28. Public Buildings and Grounds, nine members.
29. Public Health and Quarantine, five members.
30. Public Morals, five members.
31. Roads and Highways, nine members.
32. Rules, five members.
33. Revenue and Taxation, nine members.

Resolution read and adopted.

By Senator Keane:

Resolved, That the following-named persons be and are hereby elected to the positions and at the per diems set opposite their respective names:

George W. Lewis.....	Committee Clerk.....	\$4 00
W. R. Riddle.....	Assistant Mailing Clerk.....	4 00
O. J. Sonto.....	Gatekeeper.....	3 00
Peter T. Roller.....	Committee Clerk.....	4 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Curtin, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—Senator Caminetti—1.

Whereupon the President declared that the above-named persons had been elected.

APPOINTMENT OF STANDING COMMITTEES.

The President announced that he had appointed the Senate standing committees, as follows:

SENATE STANDING COMMITTEES.

Agriculture and Dairying—Senators Rush (chairman), Lynch, Rambo, Boynton, Weed, Rolley, and Price.

Banking—Senators Bates (chairman), Lukens, Rambo, Keane, McCartney, Black, and Miller.

Commerce and Navigation—Senators Rolley (chairman), Welch, Lukens, Savage, Greenwell, Nelson, Wright, Bates, and Kennedy.

Contingent Expenses—Senators Wolfe (chairman), Hartman, and Kennedy.

Corporations—Senators Broughton (chairman), Greenwell, Lukens, Muentner, Welch, Carter, Keane, Markey, Wright, Miller, and Kennedy.

County Government—Senators Carter (chairman), Mattos, Rush, Broughton, Walker, Weed, Willis, Anthony, and Curtin.

Drainage, Swamp and Overflowed Lands—Senators Price (chairman), Rush, McKee, Muentner, Rolley, Hartman, McCartney, Walker, and Miller.

Elections and Election Laws—Senators Walker (chairman), Leavitt, Belshaw, Greenwell, Welch, Savage, Hartman, Boynton, and Cartwright.

Education—Senators Anderson (chairman), Mattos, Carter, Greenwell, Walker, Price, Anthony, Wright, Bell, Sanford, and Caminetti.

Engrössment and Enrollment—Senators Reily (chairman), Rambo, and Bell.

Executive Communications—Senators Markey (chairman), Carter, Muentner, Rolley, and Kennedy.

Federal Relations—Senators Black (chairman), Hartman, and Sanford.

Finance—Senators Belshaw (chairman), Leavitt, Wolfe, Muentner, Lynch, McKee, Welch, Carter, Greenwell, Keane, Rolley, Curtin, and Sanford.

Fish and Game—Senators Welch (chairman), Belshaw, Lynch, Nelson, Weed, Bates, Willis, Reily, and Cartwright.

Forestry and Water Preservation—Senators Weed (chairman), Lukens, Rush, Anderson, Rambo, Broughton, Walker, Reily, and Caminetti.

Fruit and Vine Interests—Senators Rambo (chairman), Rush, Mattos, Anderson, Walker, Price, Boynton, Bell, and Cartwright.

Hospitals and Asylums—Senators Muentner (chairman), Savage, McKee, Nelson, Markey, Black, Price, Willis, Hartman, Reily, and Sanford.

Insurance and Insurance Laws—Senators Leavitt (chairman), Belshaw, Wolfe, Lynch, Broughton, Price, McCartney, Bates, and Curtin.

Irrigation—Senators Willis (chairman), Anderson, Irish, Wright, Weed, Black, Boynton, Curtin, and Cartwright.

Judiciary—Senators Lukens (chairman), Wolfe, Savage, Muentner, Carter, Broughton, Irish, Anderson, Keane, Mattos, McCartney, Rolley, Willis, Wright, Boynton, Anthony, Curtin, Caminetti, Cartwright, and Miller.

Labor, Capital, and Immigration—Senators Keane (chairman), Lukens, Savage, Nelson, Markey, Weed, Anderson, Reily, and Sanford.

Manufactures and Oil Industry—Senators Hartman (chairman), Greenwell, Nelson, Weed, Bates, Reily, Black, Bell, and Miller.

Military Affairs—Senators Anthony (chairman), Savage, Rambo, Mattos, and Bell.
Mines and Mining—Senators Boynton (chairman), Belshaw, Irish, Rush, Willis, Caminetti, and Miller.

Municipal Corporations—Senators Savage (chairman), Lukens, Keane, Wolfe, Leavitt, Boynton, and Caminetti.

Printing—Senators Nelson (chairman), Broughton, and Bates.

Prison and Reformatories—Senators Lynch (chairman), Belshaw, McKee, Carter, Welch, Irish, Markey, Black, and Curtin.

Public Buildings and Grounds—Senators Wright (chairman), McKee, Mattos, Welch, Walker, Hartman, Rolley, Reily, and Kennedy.

Public Health and Quarantine—Senators McKee (chairman), Muentner, Anderson, McCartney, and Anthony.

Public Morals—Senators Irish (chairman), Leavitt, Lynch, Wolfe, and Kennedy.

Roads and Highways—Senators Mattos (chairman), Irish, Markey, Rambo, Rush, Price, Black, Bell, and Caminetti.

Rules—Senators Greenwell (chairman), Wolfe, Leavitt, Anthony, and Cartwright.

Revenue and Taxation—Senators McCartney (chairman), Belshaw, Broughton, Keane, Lynch, Wright, Bates, Curtin, and Sanford.

APPOINTMENT BY THE PRESIDENT.

The President announced that in the absence of Senator Lukens, this day appointed chairman of the Committee on Judiciary, Senator Wolfe would act as such chairman.

RESOLUTIONS—(RESUMED).

By Senator Belshaw:

Resolved, That the following shall be the rule of procedure of the Senate in the introduction of bills: That the roll of Senators shall be called from "A" to "W" and then back from "W" to "A," and as each member's name is called he shall have the privilege of introducing two bills.

Resolution read and adopted.

By Senator Willis:

Resolved, That the Controller of State be and he hereby is authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of fifteen dollars, to be used as a Post Office Revolving Fund, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Lynch:

Resolved, That the Secretary of the Senate be and he is hereby authorized to purchase, for the use of the members of the Senate, forty-five copies of Deering's California Codes and General Laws and Treadwell's latest edition, Constitution of California, the same to be paid out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Belshaw:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed not to deliver any bills, histories, journals, files, etc., without the order of a Senator or Secretary of Senate.

Resolution read and adopted.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and thirty-five minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Anthony: Senate Bill No. 1—An Act to encourage the introduction into the State of California of automatic or self-loading rifles, and appropriating five thousand dollars therefor.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 2—An Act to provide for training High School boys of the State of California in marksmanship, with automatic or self-loading rifles, and appropriating the sum of five thousand dollars therefor.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Bates: Senate Concurrent Resolution No. 2—Relative to approving the charter of the City of Alameda, State of California.

Senate Concurrent Resolution referred to Committee on Municipal Corporations.

Also: Senate Bill No. 3—An Act making an appropriation for searching for beneficial insects.

Bill read first time, and referred to Committee on Finance.

By Senator Bell: Senate Bill No. 4—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 337; to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing or running races between horses, mares, or geldings, and providing the punishment for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 5—An Act making an appropriation to be used under the provisions of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin, approved March 9, 1885," approved March 16, 1889.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 6—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 23, 1893, by adding one new section thereto, to be numbered Section 31, relating to the transfer of boys from State prisons thereto, and of the powers and duties of certain public officers in connection therewith.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Black: Senate Bill No. 7—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive to the purchaser of a fruit or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecution under this Act may be commenced.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

Also: Senate Bill No. 8—An Act to amend an Act entitled "An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, relating to tuition fees in said university.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Boynton: Senate Bill No. 9—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery, and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work, and the operation of the school of agriculture and the educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 10—An Act appropriating a sum of eight thousand dollars for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school.

Bill read first time, and referred to Committee on Finance.

By Senator Broughton: Senate Bill No. 11—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 12—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said court, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys and a stenographer, and providing for their appointment.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caminetti: Senate Bill No. 13—An Act to amend an Act entitled "An Act appropriating money for building an assembly hall at the Preston School of Industry," approved March 22, 1905.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 14—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

Bill read first time, and referred to Committee on Finance.

By Senator Carter: Senate Bill No. 15—An Act appropriating money to pay expenses of erecting and maintaining, collecting, forwarding, installing, and returning a collective exhibit of the products of the State of California, either in a building erected by the commission or in the State's building at the Jamestown Exposition, to be held in Norfolk, Virginia, in 1907. Also preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 16—An Act to authorize and empower the Board of Trustees of the State Normal School of Los Angeles to sell and convey the lands and buildings of said school and from the proceeds of said sale to purchase and improve a new and suitable site for

said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, and apparatus and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings.

Bill read first time, and referred to Committee on Education.

By Senator Curtin: Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing for the separation of State from local taxation, providing for the taxation of public-service and other corporations for the benefit of the State, and to that end amending Article XIII and repealing Section 10 of Article XI thereof, all relating to revenue and taxation.

Senate Constitutional Amendment referred to Committee on Revenue and Taxation.

Also: Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article XII thereof by amending Sections 19 and 22 thereof, and by striking therefrom Section 23 of said article and renumbering said article so that section number 24 of said article shall be number 23, thereby abolishing the office of Railroad Commissioner, and transferring the duties now prescribed for said Railroad Commissioners to the State Board of Equalization.

Senate Constitutional Amendment referred to Committee on Judiciary.

By Senator Hartman: Senate Bill No. 17—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof, relating to prize fighting.

Bill read first time, and referred to Committee on Public Morals.

By Senator Keane: Senate Bill No. 18—An Act to amend Section 1192 of the Political Code, relating to certificates of nomination, time for filing the same, withdrawal of candidates, how done, and the manner of filling vacancies.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 19—An Act to amend Section 1189 of the Political Code, relating to certificates of nomination.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Kennedy: Senate Bill No. 20—An Act to add a new section to the Political Code, to be numbered 2524a, relating to the powers of the Board of State Harbor Commissioners.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Leavitt: Senate Bill No. 21—An Act to establish a standard form of fire insurance policy, and to prevent variations therefrom, except under certain stated conditions and restrictions.

Bill read first time, and referred to Committee on Insurance.

Also: Senate Bill No. 22—An Act to regulate the removal of members of paid police departments of counties, cities and counties, cities or towns.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Lynch: Senate Bill No. 23—An Act to amend Section 1329 of the Penal Code, relating to the payment of witnesses in criminal cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 24—An Act to promote the public welfare, by providing for the conveyance, holding and protection of property, and the creation of trusts for the founding, endowment, erection and maintenance within this State of hospitals for the relief of the sick and for training schools for nurses.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Rush: Senate Bill No. 25—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 26—An Act making an appropriation for the construction of an annex to the hospital at the Veterans' Home of California, located at Yountville, Napa County.

Bill read first time, and referred to Committee on Finance.

By Senator McCartney: Senate Bill No. 27—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3695, 3699, 3700, 3702, 3738, 3897, and 3898 of the Political Code; to amend Subdivision 13 of Section 3692 of the Political Code; and to repeal Section 3701 of the Political Code, as it now exists, and to re-enact and amend said Section 3701, all said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 28—An Act to amend Section 10 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, relating to deposits in bonds or mortgages accompanied by a certificate of title or abstract of title.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 29—An Act for preventing the manufacture, sale or transportation of adulterated or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 30—An Act for the prevention of the manufacture, sale or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 31—An Act to amend Sections 3732, 3446, 3756, 3758, 3759, 3764, 3797, and 3866 of the Political Code, relating to taxation.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 32—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rush: Senate Bill No. 33—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 34—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 35 An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-ninth fiscal year, and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled "An Act to amend Section 1 of an Act entitled 'An Act to amend section one of an Act approved March twentieth, eighteen hundred and ninety-nine, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February twenty-eighth, eighteen hundred and eighty-seven, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association, approved March seventh, eighteen hundred and eighty-three,' providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March twenty-third, eighteen hundred and ninety-three, reducing the amount of such appropriation per capita, approved March twelfth, nineteen hundred and one, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home."

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 36—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Bill read first time, and referred to Committee on Finance.

By Senator Price: Senate Bill No. 37—An Act making an appropriation for the erection of a monument in the State Burial Plot, at Sacramento, to the memory of Honorable Edward P. Colgan, deceased, late State Controller.

Bill read first time, and referred to Committee on Finance.

By Senator Boynton: Senate Bill No. 38—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.

Bill read first time, and referred to Committee on Judiciary.

By Senator Leavitt: Senate Bill No. 39—An Act to amend Section 1142 of the Political Code of the State of California, relative to appointment of election officers.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 40—An Act to amend Section 1192 of the Political Code of the State of California, relating to the certificates of nomination and the filing thereof.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Anthony: Senate Bill No. 41—An Act to encourage the enlistment of California in the regular army, navy, and marine corps, of the United States, and appropriating the sum of \$5,000 therefor.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 42—An Act to amend an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State" (approved March 10, 1887, Stats. 1887:82), by including the badge or button of the United Spanish War Veterans within the provisions of said Act.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rush: Senate Bill No. 43—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 44—An Act to amend Section 5 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of and to rest the title in the State of California to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," as amended by an Act approved March 20, 1905, omitting the provision for an adjutant of the board of directors.

Bill read first time, and referred to Committee on Judiciary.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Belshaw, the hour of recess was extended thirty minutes.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

By Senator Sanford: Senate Bill No. 45—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 46—An Act to provide for the assessment, levy, and collection of an income tax.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Savage: Senate Bill No. 47—An Act to amend an Act entitled "An Act amending section two of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 48—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the officers of a township.

Bill read first time, and referred to Committee on County Government.

By Senator Walker: Senate Bill No. 49—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 50—An Act to provide for the examination, tearing down, and removal of certain buildings of the San José State Normal School injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds, for the use of said normal school, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Leavitt: Senate Bill No. 51—An Act to amend an Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such election; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 52—An Act to amend Section 1202 of the Political Code of the State of California, relating to the appointment of election officers.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Welch: Senate Bill No. 53—An Act to amend the Political Code by adding a new section thereto, to be numbered 5960a, prohibiting certain fire insurance companies from doing business in this State.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Senator Caminetti: Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Willis: Senate Bill No. 55—An Act providing for the manner of locating and re-locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of location and assessment work on mining claims, and the time within which said work shall be done, and providing for proofs of such work and for the recordation of location notices and certificates and proof of

labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of district mining recorders and of county recorders respecting the recording of location notices and certificates of, and proofs, of labor on mining claims, tunnel rights, and mill sites, and the fees to be charged therefor.

Bill read first time, and referred to Committee on Mines and Mining.

Also: Senate Bill No. 56—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Wolfe: Senate Bill No. 57—An Act appropriating money to pay expenses necessary for the proper representation of the State of California, and of an exhibit of the products thereof, at the proposed International or World's Exposition to be held in the City and County of San Francisco in nineteen hundred and thirteen, commemorative of the four hundredth anniversary of the discovery of the Pacific Ocean by Vasco Nunez Balboa, and to provide for commissioners thereof.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigations.

Bill read first time, and referred to Committee on Finance.

By Senator Wright: Senate Bill No. 59—An Act authorizing the City of San Diego and the authorities thereof to convey a portion of La Jolla Park, in said city, to the Regents of the University of California for the purposes of a biological station.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 60—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District, California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 61—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of lands claimed by the State of California fronting on the Bay of San Diego.

Bill read first time, and referred to Committee on Finance.

Also: Senate Concurrent Resolution No. 3—Resolution relative to the appointment of committees to investigate and report upon the condition of the harbors of the State.

Senate Concurrent Resolution referred to Committee on Commerce and Navigation.

By Senator Wolfe: Senate Bill No. 62—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto five new sections to be designated as Sections 1044, 1133, 1120, 1151, and 1121, and to repeal an Act entitled "An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under the authority of section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled an Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution, approved March 31, 1897," approved March 4, 1899, all relating to elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 63—An Act to appropriate \$10,000 for the establishment of a school of forestry at the University of California.

Bill read first time, and referred to Committee on Finance.

By Senator Willis: Senate Bill No. 64—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 65—An Act to provide for the erection, equipping and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Lynch: Senate Bill No. 66—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 67—An Act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.

Bill read first time, and referred to Committee on Finance.

By Senator McCartney: Senate Bill No. 68—An Act to amend Section 1430 of the Penal Code of California, relating to trial by jury before a Justice's Court.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 69—An Act to amend Section 1093 of the Penal Code, relating to the order of trial.

Bill read first time, and referred to Committee on Judiciary.

By Senator Walker: Senate Bill No. 70—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans, who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California, for the fifty-ninth and sixtieth fiscal years.

Bill read first time, and referred to Committee on Finance.

By Senator McCartney: Senate Bill No. 71—An Act to amend Section 3881 of the Political Code, relating to the correction of clerical omissions, errors or defects in the assessment books.

Bill read first time, and referred to Committee on Judiciary.

By Senator Savage: Senate Bill No. 72—An Act to add a new section to the Political Code of the State of California, to be numbered Section 2783, relating to the office, salary and duties of the Attorney for the State Board of Health, and to repeal an Act entitled "An Act to create the office of attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Joint Resolution No. 1—Relative to the

"Japanese Question" and condemning the proposition to extend the elective franchise to alien-born Asiatics.

Resolution referred to Committee on Federal Relations.

Also: Senate Joint Resolution No. 2—Relative to the remission of duties on building materials used for the reconstruction and rehabilitation of California cities that were wrecked and burned by earthquake and fire on April 18, 1906.

Resolution referred to Committee on Federal Relations.

Also: Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature and limiting the expense of employes of the Senate and Assembly.

Constitutional Amendment referred to Committee on Judiciary.

Also: Senate Bill No. 73—An Act making an appropriation to pay the claim of Charles J. Morf against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Bates: Senate Bill No. 74—An Act to amend Sections 769, 806, and 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 75—An Act to add one section to the Code of Civil Procedure of the State of California, to be numbered 230½, relating to selecting and summoning jurors for courts not of record in incorporated cities.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anthony: Senate Bill No. 76—An Act to prevent persons from unlawfully using or wearing the badge or button of the United Spanish War Veterans of this State.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lynch: Senate Bill No. 77—An Act to amend Section 205 of the Code of Civil Procedure, relating to the qualifications of jurors.

Bill read first time, and referred to Committee on Judiciary.

By Senator Willis: Senate Bill No. 78—An Act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern California State Hospital, and along highways adjacent thereto, for the protection of said lands, and of the buildings thereon, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 79—An Act to provide for the erection of an aseptic and sanitary dairy barn, and to purchase and install necessary furnishings and machinery therein at the Southern California State Hospital, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 80—An Act to provide for the erection of a horse barn, carriage house and implement shed at the Southern California State Hospital, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 81—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the creation of "Law Library Fund."

Bill read first time, and referred to Committee on Judiciary.

By Senator Anthony: Senate Bill No. 82—An Act to encourage the propagation of striped bass in the State of California, and making an appropriation of \$10,000 therefor.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 83—An Act to provide for the purchase of the building and site of the old Mission Dolores, at San Francisco, California, constituting a board of trustees to maintain the same as a California landmark; and appropriating the sum of \$50,000 therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Wolfe: Senate Bill No. 84—An Act authorizing the Governor to set apart one day each year to be designated "Bird and Arbor Day," and to request its observance.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 85—An Act to amend Section 595 of the Political Code, relating to the general duties of an Insurance Commissioner.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Senator McCartney: Senate Bill No. 86—An Act to amend Section 3747 of the Political Code, relating to the payment of taxes.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 87—An Act to add a new section to the Political Code, to be numbered Section 3804a, relating to the cancellation of erroneous assessments.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 88—An Act to amend Section 270 of the Penal Code, and to add two new sections thereto, to be numbered 270a and 270b, relating to the neglect and abandonment of minor children by parents, and neglect and abandonment of wives by husbands, and providing the punishment therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 89—An Act to add a new section to the Penal Code, to be numbered Section 598b, relating to the chasing of hares or rabbits by hounds or dogs.

Bill read first time, and referred to Committee on Public Morals.

Also: Senate Bill No. 90—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 91—An Act to add a new section to the Penal Code, to be numbered Section 1520, relating to the holding of inquests by the coroner.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anthony: Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California a constitutional amendment (relating to recall by electors of elected officials), by

adding a new section, to be known as Section 21 of Article XX to the Constitution of the State of California.

Constitutional Amendment referred to Committee on Elections and Election Laws.

Also: Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California a constitutional amendment, amending Article IV, Section 18, of the Constitution of the State of California, by including the Presiding Justices and Justices of the District Courts of Appeal in the list of State officials liable to impeachment for misdemeanor in office.

Constitutional Amendment referred to Committee on Judiciary.

By Senator Lynch: Senate Bill No. 92—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 93—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Leavitt: Senate Bill No. 94—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 95—An Act to appropriate the sum of fifty thousand (\$50,000) dollars for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California, in Alameda County, by the Board of Directors thereof, and providing for the payment thereof and prescribing the duties of the Controller and the Treasurer in relation thereto.

Bill read first time, and referred to Committee on Finance.

By Senator Lynch: Senate Bill No. 96—An Act to amend Section 374 of the Penal Code of the State of California, relating to putting dead animals in streets, rivers, etc.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 97—An Act to amend Section 25 of "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of Boards of Supervisors and the duties and compensation of health officers appointed by such boards.

Bill read first time, and referred to Committee on County Government.

By Senator McCartney: Senate Bill No. 98—An Act to provide for the establishment in municipalities of the State of municipal plants, for furnishing of electricity, gas, and water to the inhabitants thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 99—An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Joint Resolution No. 3—Relative to House Resolution No. 7017, now pending in Congress, providing for transfer of the jurisdiction over certain National Parks in California from the Department of Interior to the Department of Agriculture.

Senate Joint Resolution referred to Committee on Federal Relations.

Also: Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lynch: Senate Bill No. 101—An Act to amend Section 2981 of the Political Code of the State of California, relating to the meetings of the State Board of Health.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 102—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

Bill read first time, and referred to Committee on Judiciary.

By Senator McCartney: Senate Bill No. 103—An Act to add a new section to the Political Code, to be numbered Section 1888a, relating to the levy of taxes for the payment of school district bonds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Savage: Senate Concurrent Resolution No. 4—Approving the charter of the City of Santa Monica, in Los Angeles County, California, which was voted for by the qualified electors of said city, at a special election held therein for the purpose of ratifying said charter on the 28th day of March, 1906.

Resolution referred to Committee on Municipal Corporations.

By Senator McCartney: Senate Bill No. 104—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Willis: Senate Bill No. 105—An Act to prevent the waste of water from artesian wells, and prescribing penalties therefor, and defining artesian wells and waste.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caminetti: Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 107—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator McCartney: Senate Bill No. 108—An Act to provide for the purchasing of a site and building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes in the City of Los Angeles, and to make appropriation for the same.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 109—An Act to appropriate the sum of ten thousand dollars to pay the claim of Harve O. Waterman, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Bill read first time, and referred to Committee on Finance.

By Senator Boynton: Senate Bill No. 110—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 111—An Act to repeal an Act entitled "An Act to incorporate the Town of Yuba City," approved March thirtieth, eighteen hundred and seventy-eight.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anthony: Senate Constitutional Amendment No. 6—Resolution to propose an amendment to the Constitution of the State of California, amending Section 1, Article IV, providing for the enactment of certain laws in State legislation by popular vote.

Senate Constitutional Amendment referred to Committee on Elections and Election Laws.

Also: Senate Constitutional Amendment No. 7—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XI, by adding thereto a new section, to be numbered Section 20, providing for the enactment of certain laws by popular vote in counties, cities and counties, and cities.

Senate Constitutional Amendment referred to Committee on Elections and Election Laws.

By Senator McCartney: Senate Bill No. 112—An Act to amend Section 496 of the Penal Code, relating to the buying or receiving of stolen property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 113—An Act to amend Sections 628, 628a, 628b, 632, and 634 of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 632b, all relating to the protection and preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Caminetti: Senate Bill No. 114—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 115—An Act appropriating money for the construction and equipment of a cold-storage plant at the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Wright: Senate Bill No. 116—An Act declaring that no contract entered into during the holidays from and including the 19th day of April, 1906, to and including the 3d day of June, 1906, shall be held invalid by reason of being entered into on any of such holidays nor by reason of having been entered into prematurely on account of such holidays, and ratifying and confirming contracts so entered into.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 117—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anthony: Senate Constitutional Amendment No. 8—To propose to the people of the State of California the repeal of Section 12 of Article XIII of the Constitution of the State of California, whereby to abolish State poll tax.

Senate Constitutional Amendment referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 9—A resolution to propose an amendment to the Constitution of the State of California, amending Section 10½ of Article XIII, providing that the personal property of every householder to the amount of two hundred dollars, the articles to be selected by each householder, shall be exempt from taxation.

Senate Constitutional Amendment referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 118—An Act to amend Section 3051 and Section 3052 of the Civil Code of California, relating to the lien on personal property for services performed thereon, and providing a method of enforcing said lien for the amount secured thereby.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 119—An Act to amend the Penal Code of California by adding four new sections thereto, to be numbered Section 597*a*, Section 597*b*, Section 597*c*, and Section 597*d*, relating to docking of horses' tails, and providing a punishment therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anthony: Senate Bill No. 120—An Act to regulate appointments, transfers, promotions, and removals in the civil service of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Boynton: Senate Bill No. 121—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District No. 70, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Land.

Also: Senate Bill No. 122—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a reclamation district, to be called 'Reclamation District No. 70,' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Willis: Senate Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education and text-books, and providing for free text-books.

Senate Constitutional Amendment referred to Committee on Education.

Also: Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 124—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and

government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of the municipalities of the sixth class.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 125—An Act to amend Section 69 of the Civil Code of California, relating to marriage licenses.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 126—An Act concerning trespassing of animals upon private land, and the recovery of damages resulting therefrom.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 127—An Act to amend Section 335 of the Code of Civil Procedure of California, relating to adverse possession of land or interest, and the payment of taxes thereon.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 128—An Act to amend Section 487 of the Penal Code of California, defining grand larceny.

Bill first read time, and referred to Committee on Judiciary.

Also: Senate Bill No. 129—An Act to repeal Section 491 of the Penal Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 130—An Act to add a new section to the Penal Code of California, to be numbered 490a, providing therein for the punishment of the larceny of bicycles, jacks, jennies, and dogs.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 131—An Act to amend Section 1576a of the Political Code, relating to clerks of school boards in certain cases, and for payment of their salaries, herein providing for the adoption of a course of study, and the appointment of a superintendent of schools in certain cases, and for payment of his salary.

Bill read first time, and referred to Committee on Education.

By Senator Wright: Senate Bill No. 132—An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines in the Bay of San Diego, or in the entrance thereto.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 133—An Act to amend an Act entitled "An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, which sections were added to said Code by an Act approved March 23, 1901," as amended by an Act approved March 9, 1903.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 134—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 135—An Act to amend Section 3817 of the Political Code of California, relative to the redemption of real estate sold for taxes.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 136—An Act to provide for making repairs and

for additional equipment at the State Normal School at San Diego, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

RESOLUTIONS—(OUT OF ORDER).

By Senator Leavitt:

Resolved, That the following-named persons be and are hereby elected to the positions and at the per diem set opposite their respective names:

Thomas Trengove.....	Index Clerk.....	\$4 00
M. D. Hopkins.....	Bill Filer.....	4 00

Also, that the name of T. J. Powers be and is hereby substituted for the name of Walter C. Lindsay to the position of Assistant Sergeant-at-Arms at a per diem of \$5.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Muenter, Nelson, Price, Reily, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—Senator Caminetti—1.

Whereupon the President declared that the above-named persons had been elected, and ordered the above-named substitution made.

By Senator Curtin:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to procure, and cause to be placed in the rooms occupied by the stenographers and journal clerks, suitable matting, heating stoves, and toilet articles, at a cost not to exceed sixty dollars, payable out of the Contingent Fund of the Senate, and the State Controller is hereby directed to draw his warrant for the cost thereof, and the State Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

ADJOURNMENT.

At one o'clock P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, January 15, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muenter, Nelson, Price, Rambo, Rölley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 14, 1907, the further reading was dispensed with, on motion of Senator Boynton.

LEAVES OF ABSENCE.

Senator Carter was, on motion of Senator Rambo, granted leave of absence for this day.

Senator Bates was, on motion of Senator Wright, granted leave of absence for this day.

Senator Greenwell was, on motion of Senator Keane, granted leave of absence for this day.

RE-REFERENCE OF BILLS.

On motion of Senator Caminetti, Senate Bill No. 13 was recalled from Committee on Public Buildings and Grounds, and Senate Bill No. 14 from Committee on Finance, and both referred to Committee on Prisons and Reformatories.

APPOINTMENT OF COMMITTEE.

In accordance with a resolution adopted on January 10, 1907, that a committee of three be appointed for the purpose of examining the building now occupied by the Senate and Assembly, and employing an architect to aid in such work, the President appointed Senators Lynch, Belshaw, and McKee as such committee.

RESOLUTIONS.

The following resolutions were offered:

By Senator Curtin:

Resolved, That the Secretary of the Senate be instructed to purchase for the use of the Senate and the newspaper representatives duly accredited to the floor of the Senate, the necessary Keystone binders for Senate and Assembly bills and journals.

Resolution read, and referred to Committee on Contingent Expenses.

Also:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Sergeant-at Arms of the Senate for \$75, payable out of the Contingent Fund of the Senate, for the purchase of stamps to be used by the Press Mailing Clerks.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Lynch:

Resolved, That the Controller of the State be and he is hereby directed to draw his warrants in favor of the Secretary of the Senate for the sum of \$100 for rubber stamps, expressage, and postage, the same payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

Also:

Resolved, That the following-named persons be allowed the sums set opposite their respective names for services rendered this Senate during its organization, the same being payable out of the Contingent Fund of the Senate:

For preparing Senate Chamber—

J. L. Martin, 16 days at \$6.....	\$96 00
J. G. McCall, 7 days at \$5.....	35 00
Wm. Gamble, 10 days at \$3.....	30 00

Jno. Grindley, 3 days at \$5.....	\$15 00
J. W. Gudgel, 5 days at \$3.....	15 00
Jno. Collins, 5 days at \$3.....	15 00
E. Tennant, 12½ days at \$3.....	37 50
S. A. Jackson, 4 days at \$3.....	12 00
	\$255 50

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Savage:

Resolved, That the Secretary of the Senate is authorized and directed to furnish stationery to the standing committees of the Senate; that requisition on the Secretary of the Senate for such stationery be limited to \$30 each for the committees on Finance and Judiciary, and \$15 each for all other standing committees, each committee's requisition to be signed by the chairman thereof.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Irish:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to procure for the use of the Senate committees such files as are necessary for their work. The Controller is hereby directed to draw his warrant in payment for the same, and the Treasurer is hereby directed to pay same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Boynton:

Resolved, That one thousand copies of the Inaugural Address of Governor James N. Gillett be ordered printed in pamphlet form, and that ten copies thereof, wrapped for mailing, be laid on the desk of each Senator.

Resolution read and adopted.

Also:

Resolved, That the office hours of the Senate postoffice shall be as follows:

On week days—From 9 A. M. to 5 P. M. and from 7 P. M. to 9 P. M.

On Sundays—From 10 A. M. to 12 M.

Resolution read, and referred to Committee on Rules.

By Senator McKee:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby authorized and directed to procure for the use of Hon. James N. Gillett, Governor of California, a suitable room or rooms adjacent to Red Men's Hall, for the better convenience of the Governor and the Legislature.

Resolution read and adopted.

By Senator McCartney:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby directed to procure for the use of the Senators forty tin office boxes for care of private papers.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Curtin:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby directed to procure for the use of the members of the Senate and Senate committees Royal index letter files, and the Controller of State is authorized to draw his warrant for the payment of the same, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received:

SENATE CHAMBER, SACRAMENTO, January 14, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

Resolved, That the Controller of State be and he hereby is authorized and directed to draw his warrant in favor of the Sergeant at-Arms of the Senate for the sum of fifteen

dollars, to be used as a Post Office Revolving Fund, and the Treasurer is directed to pay the same.

Also:

Resolved, That the Secretary of the Senate be and he is hereby authorized to purchase, for the use of the members of the Senate, forty-five copies of Deering's California Codes and General Laws and Treadwell's, latest edition, Constitution of California, the same to be paid out of the Contingent Fund of the Senate.

Also:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to procure and cause to be placed in the rooms occupied by the stenographers and journal clerks with suitable matting, heating stoves, and toilet articles, at a cost not to exceed sixty dollars, payable out of the Contingent Fund of the Senate, and the State Controller is hereby directed to draw his warrant for the cost thereof, and the State Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

WOLFE, Chairman.

Report and resolution read and adopted.

REPORT OF SPECIAL COMMITTEE.

The following report was received:

REPORT OF SPECIAL COMMITTEE ON INAUGURAL CEREMONIES.

SENATE CHAMBER, SACRAMENTO, January 15, 1907.

MR. PRESIDENT: Your Committee on Inaugural Ceremonies, to whom was referred the conduct of the inauguration of Governor James N. Gillett and Lieutenant-governor Warren R. Porter, beg leave to report that, in conjunction with the committee appointed by the Assembly, they have approved bills therefor aggregating the sum of one thousand three hundred five and 77-100 (\$1,305 77) dollars, as per schedule "A," annexed hereto, and made a part hereof. That the payment of the said sums was under the terms of the resolution appointing your committee, to be made, one half (\$652 88½) out of the Contingent Fund of the Senate and one half (\$652 88½), out of the Contingent Fund of the Assembly. We therefore respectfully recommend the adoption of the following resolution:

Resolved, That the Committee on Inaugural Ceremonies be and they are hereby authorized to draw, on account of the expenses of the said ceremonies, the sum of six hundred fifty-two and 88½-100 (\$652 88½) dollars, and the Controller is hereby requested to draw his warrants for the said sum, in favor of E. I. Wolfe, chairman of the Committee on Inaugural Ceremonies on the part of the Senate, and the State Treasurer is directed to pay the same out of the Contingent Fund of the Senate.

WOLFE, Chairman.

SCHEDULE "A."

Statement of Expenses of Inaugural Ceremonies January 9, 1907.

General J. B. Lauck, for expenses transportation of troops, etc., National Guard of California	\$671 97
Charles P. Hall, rent of Opera House	102 50
State Printing Office, printing	54 00
J. W. Kavanah, expenses procuring flags	27 75
E. H. Cox & Son, decorations	105 00
Ryan's Orchestra, music	45 00
J. G. Genshlea, double quartet	40 00
Wright & Donnelly, carriages	100 50
J. Steppacher, typewriting, messengers, etc.	9 05
Secretary of committees	150 00

Total.....\$1,305 77

Senate.....\$652 88½

Assembly.....652 88½

\$1,305 77

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muenter, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Anderson: Senate Bill No. 137—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in such channels and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 138—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 139—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court and for opinions rendered in cases before said Superior Court.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anthony: Senate Bill No. 140—An Act to increase the fees of sheriff's keepers to three dollars per day; and amending therefor an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State" (approved March 28, 1895).

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 141—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and prohibiting the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

Bill read first time, and referred to Committee on Finance.

By Senator Black: Senate Bill No. 142—An Act to amend Section 2979a of the Political Code of the State of California, relating to the preservation of the public health.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 143—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a, relating to the powers and duties of the county recorder respecting registration of marriages, births, and deaths.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 144—An Act to amend Sections 3, 9, 10, 12, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration and fixing penalties for the violation of this Act," approved March 18, 1905.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 145—An Act to amend Section 2984 of the Political Code of the State of California, for the enforcement of the rules, orders, and regulations of the State Board of Health within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 146—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 372a, declaring it a misdemeanor to spit or discharge mucous upon public sidewalks, public buildings, trains, cars, stages, ferryboats, steamers, boats, or other vehicles or vessels used for the transportation of the public.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 147—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered 3084, relating to the printing and furnishing by the State Printer of blanks for the registration of births, marriages, and deaths.

Bill read first time, and referred to Committee on Printing.

By Senator Boynton: Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cartwright: Senate Bill No. 149—An Act to amend an Act entitled "An Act to authorize any city or city and county of this State to take its census."

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 150—An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 151—An Act providing for the disposition of actions and proceedings in which the proceedings upon the trial thereof have been lost or destroyed by conflagration or other public calamity.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 152—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on

the Stanislaus River, in Tuolumne County, and making appropriation therefor.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 153—An Act making an appropriation to pay the claim of Solinsky & Wehe against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Hartman: Senate Bill No. 154—An Act to amend Section 344 of the Code of Civil Procedure of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 155—An Act to amend Section 336 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 156—An Act to amend Section 337 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 157—An Act to amend Section 338 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 158—An Act to amend Section 339 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Bill read first time, and referred to Committee on Judiciary.

By Senator Leavitt: Senate Bill No. 159—An Act relating to senior rights of members of paid police departments of counties, cities and counties, cities or towns.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 160—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 161—An Act to add a new section to the Political Code of the State of California, to be known as Section 4225, relating to the payment of salaries of members of the police and fire departments of counties, cities and counties, cities and towns.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 162—An Act creating and defining the liability of railroad corporations for injuries to employes, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employe.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

By Senator Lynch: Senate Bill No. 163—An Act to amend "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking

them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 164—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants and their compensation.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 165—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator McCartney: Senate Bill No. 166—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, relating to the Commissioner for the Bureau of Labor Statistics, the compensation of the said Commissioner, his deputy, his agents and assistants, and making an appropriation therefor.

Bill read first time, and referred to Committee on Labor and Capital and Immigration.

Also: Senate Bill No. 167—An Act to amend Section 3051 of the Civil Code, relating to liens on personal property for service performed, and care in keeping of animals.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 168—An Act to amend Section 718 of the Civil Code, relating to leases of town and city lots.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 169—An Act to amend Section 1160 of the Political Code, relating to elections and the time the polls must be opened and closed.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 170—An Act to amend Sections 1510, 1511^a, 1511^b, 1512, 1514, 1514^a, 1515, 1517, and 1518 of the Penal Code, relating to coroners' inquests and duties of coroners, and to repeal Section 1511 of said Penal Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 171—An Act to amend Sections 269^a and 269^b of the Penal Code, relating to cohabitation and adultery.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 172—An Act to amend Sections 1925 and 1933 of the Political Code, all relating to the National Guard and troops of cavalry therein.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 173—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil action.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 174—An Act to amend Section 3415 of the Political Code, relating to actions to determine the right to purchase State lands.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 175—An Act to add a new section to the Civil Code, to be numbered Section 617, relating to cemetery corporations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 176—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 177—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 178—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 179—An Act to amend section thirteen hundred and sixty-five (1365) of the Code of Civil Procedure, relating to persons entitled to administer on the estates of decedents.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 180—An Act to add a new section to the Penal Code, to be numbered Section 597g, relating to killing, maiming or torturing dumb animals.

Bill read first time, and referred to Committee on Public Morals.

Also: Senate Constitutional Amendment No. 11—Relating to proposing an amendment to the State Constitution providing for free public school books.

Senate Constitutional Amendment referred to Committee on Education.

Also: Senate Constitutional Amendment No. 12—Proposed amendment to Article VI of the Constitution, relating to Supreme Court Clerk.

Senate Constitutional Amendment referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of this State, amending Section 6 of Article VI thereof, relative to the appointment of the judges of the Superior Courts of this State by the Supreme Court of the State of California.

Senate Constitutional Amendment referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relative to the compensation of State officers.

Senate Constitutional Amendment referred to Committee on Finance.

Also: Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California, amending Section 3 of

Article VI of said Constitution, relating to the Chief Justice and Associate Justices of the Supreme Court.

Senate Constitutional Amendment referred to Committee on Judiciary.

By Senator Miller: Senate Bill No. 181—An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 182—An Act entitled "An Act to regulate commerce; to define common carriers and their powers and duties; to prohibit common carriers from being interested in certain commodities carried by themselves; to compel common carriers to provide switches and conveniences for the transfer of commodities from one line to another; to compel the convenient exchange and transfer of commodities shipped to be transferred from one line to another; to prohibit the giving of rebates, special rates, drawbacks or other discriminations to shippers and common carriers; to prohibit and prevent discriminations between persons and places; to require the furnishing of facilities for interchange of traffic; to prohibit a greater charge for a short haul than for a long haul of passengers and freight, where the discrimination or preference is to rates within this State; to prohibit the pooling of freight and division of earnings by the common carriers; to compel the filing with the State Board of Railroad Commissioners copies of all contracts or agreements between carriers; to require common carriers to expedite military traffic in time of war or of great public necessity; to require continuous carriage of freight unless a break, stoppage or interruption is required; to prescribe liabilities and penalties of common carriers for damages and providing for the recovery of damages and the methods of obtaining redress in certain cases of violation of this Act; to prescribe penalties for the violation of this Act, including penalties imposed upon the carriers guilty of such violation, and also upon trustees, lessees, agents, or persons acting for or employed by such carriers; to prescribe penalties for the false billing by carriers and officers or agents; also penalties for false billing by shippers and other persons; to provide penalties for inducing common carriers to discriminate unjustly; to provide for the taking of testimony in certain cases and for taking depositions in proceedings before the State Board of Railroad Commissioners, and the methods for taking such depositions; to provide for the regulation and allowance to be made by the State Board of Railroad Commissioners where transportation is had over more than one line of road and the disposition and apportionment of the proceeds; to provide that proceedings brought under the provisions of this Act shall be expedited in the court and before the State Board of Railroad Commissioners; to provide penalties for false entries of accounts; to provide that carriers shall be liable to lawful holders of bills of lading for loss or damage to property; to provide that certain persons and property may be carried free or at reduced rates; to provide that the remedies herein granted are cumulative and shall not interfere with the other remedies provided by the Constitution of this State or by law."

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 183—An Act to amend Section 1249 of the Code of Civil Procedure of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Muentert: Senate Bill No. 184—An Act to provide for the erection of a cottage on the farm of the Stockton State Hospital, for installing a heating plant in the same, and to appropriate money therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 185—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 186—An Act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by conflagration or other public calamity.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 187—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Price: Senate Bill No. 188—An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 189—An Act authorizing and directing the constructing and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 190—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Rambo (by request): Senate Bill No. 191—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Rolley: Senate Bill No. 192—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 193—An Act to amend Section 2572 of the

Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka on Humboldt Bay, fixing a compensation of the members thereof, etc.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 194—An Act to amend Section 2567 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka on Humboldt Bay.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Concurrent Resolution No. 5—Approving two certain amendments of the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka, at a general municipal election held therein on the 19th day of June, 1905.

Senate Concurrent Resolution referred to Committee on Municipal Corporations.

By Senator Sanford: Senate Bill No. 195—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and as amended June 13, 1906, by amending Section 2 thereof, relating to a license tax upon corporations.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Savage: Senate Bill No. 196—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

By Senator Walker: Senate Bill No. 197—An Act making an appropriation for the erection of an additional wing to the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Willis: Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employes of the Senate and Assembly.

Senate Constitutional Amendment referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 198—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 1742, relating to the recording of memoranda of contracts of conditional sales, and of statements of compliance with the conditions thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 199—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 200—An Act to repeal Section 645 of the Penal Code, relating to harboring deserting seamen.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 201—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110a, requiring notice to be given to the real parties in interest in certain proceedings.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 202—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 203—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 204—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 205—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 206—An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 207—An Act to amend Sections 1025 and 1031, both relating to costs in civil action.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 208—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil action.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 209—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 210—An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 211—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 212—An Act to amend Sections 832, 836, 845, 848, 855, 859, 866, 867, 887, 892, 893, 895, 905, and 906 of the Code of Civil Procedure, and to repeal Section 837 thereof, all relating to civil action in Justices' Courts.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 213—An Act to amend Section 803 of the Code of Civil Procedure, relating to action for the usurpation of an office or franchise.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 214—An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 215—An Act to repeal Section 749 of the Code of Civil Procedure, as approved March 31, 1891, relating to service of summons by publication in actions relating to real property in this State.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 216—An Act to amend Section 740 of the Code of Civil Procedure, relating to actions for the recovery of property.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 217—An Act to amend Section 728 of the Code of Civil Procedure, relating to sales in actions to foreclose mortgages.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 218—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 219—An Act to amend Section 700 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 700a, both relating to execution sales.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 220—An Act to amend Sections 681, 687, 688, and 689 of the Code of Civil Procedure, all relating to execution in civil cases.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 221—An Act to amend Section 2576 of the Political Code of the State of California, relating to the establishment of a Board of Harbor Commissioners for the Bay of San Diego.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 222—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 223—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 224—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 225—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 226—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Caminetti: Senate Constitutional Amendment No. 17—Amending section thirty-one (31) of article four (IV) of the Constitution, relative to the granting of aid to certain counties.

Senate Constitutional Amendment referred to Committee on County Governments.

Also: Senate Bill No. 227—An Act to provide the manner in which proposed amendments to the Constitution shall be introduced and submitted to the voters of the State.

Bill read first time, and referred to Committee on Judiciary.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Wolfe:

Resolved, That the following-named persons be and are hereby elected to the positions and at the per diem set opposite their respective names:

Miss Arabella Kelly, Entry Clerk.....	\$4 00
Miss Addie F. Pauline, Assistant Index Clerk.....	3 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—Senators Caminetti and Miller—2.

Whereupon the President declared that the above-named persons had been elected.

LEAVE OF ABSENCE.

Senator Belshaw was, on his own motion, granted a leave of absence for Wednesday, January 16, 1907.

ADJOURNMENT.

At eleven o'clock and thirty minutes A. M., on motion of Senator Wolfe, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,

Wednesday, January 16, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos,

McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

Quorum present.

PRAYER.

Prayer by Rev. Charles F. Oehler.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 15, 1907, the further reading was dispensed with, on motion of Senator Irish.

LEAVES OF ABSENCE.

Senator Carter was, on motion of Senator Rambo, granted leave of absence for this day.

Senator Bates was, on motion of Senator Wright, granted leave of absence for this day.

Senator Greenwell was, on motion of Senator Keane, granted leave of absence for this day.

RESOLUTION.

The following resolution was offered:

By Senator Leavitt (by request):

Resolved, That the number of members on the Committee on Finance of the Senate be and is hereby increased from thirteen to fifteen.

Resolution read and adopted.

ADDITIONAL APPOINTMENTS TO COMMITTEE ON FINANCE.

In accordance with the above resolution, the President appointed Senators Savage and Irish to serve as members of the Committee on Finance.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Keane: Senate Bill No. 228—An Act to add a new section to the Civil Code of the State of California, to be known as No. 329, relating to loss of destroyed bonds of a corporation.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rolley: Senate Bill No. 229—An Act to provide for the location, survey, and construction of the State highway, in Trinity County, connecting the present county road systems of Trinity and Humboldt counties, and making an appropriation therefor.

Bill read first time, and referred to Committee on County Government.

By Senator Miller: Senate Bill No. 230—An Act to change, establish, and permanently locate the boundary lines of the County of Kings.

Bill read first time, and referred to Committee on County Government.

By Senator Nelson: Senate Bill No. 231—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-seventh session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read first time, and referred to Committee on Finance.

RUSH ORDER TO PRINTER.

On motion of Senator Nelson, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 231.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Muentzer: Senate Bill No. 232—An Act to provide for the erection of a dairy on the farm of the Stockton State Hospital, and to appropriate money therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 233—An Act to provide for laying a cement sidewalk on California street, along the property of the Stockton State Hospital, in the City of Stockton, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 234—An Act to provide for repairing the plumbing, installing new bathtubs and toilets, and laying a cement flooring, and repairing the walls in the bathroom and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Rush: Senate Bill No. 235—An Act to amend Sections 2153a and 2154 of the Political Code of the State of California, relating to the appointment of a dentist in State hospitals for the care and treatment of the insane.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 236—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator McCartney: Senate Bill No. 237—An Act to amend Section 1200 of the Code of Civil Procedure, relating to mechanics' liens.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 238—An Act to amend an Act entitled "An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and to punish persons violating the provisions of this Act," which became a law under constitutional provisions without the Governor's approval March 9, 1901, by amending Sections 2, 3, 4, 7, and 8, changing Section 9 to Section 10, and Section 10 to Section 11, and adopting a new section to be known as Section 9.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Anderson: Senate Bill No. 239—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Bill read first time, and referred to Committee on Corporations.

By Senator Savage: Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 241—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 330 thereof, relating to illegal gaming.

Bill read first time, and referred to Committee on Public Morals.

By Senator Sanford: Senate Bill No. 242—An Act to amend Title V, of Part IV, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding two new sections thereto, to be numbered 4463 and 4464, requiring persons, firms, associations, or corporations in this State engaged in the business of loaning money, receiving deposits, banking or insurance in any form, to publish certain reports, and prescribing a penalty for failure or neglect to do so.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 243—An Act to repeal Sections 258 and 259 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the publication of cartoons and caricatures and the signature of newspaper articles.

Bill read first time, and referred to Committee on Printing.

Also: Senate Bill No. 244—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Bill read first time, and referred to Committee on Printing.

Also: Senate Bill No. 245—An Act to amend Section 4460 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, defining what is a newspaper of general circulation.

Bill read first time, and referred to Committee on Printing.

By Senator Wolfe: Senate Bill No. 246—An Act to authorize the Board of State Harbor Commissioners to execute and deliver and to receive grants in the name of the State of California, so as to settle the westerly line of East street, in the block bounded by Drumm, Washington, Jackson and East streets, in the City and County of San Francisco, with the owners of property in said block fronting thereon.

Bill read first time, and referred to Committee on Judiciary.

By Senator Willis: Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals and to provide revenue therefrom, for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Walker (by request): Senate Bill No. 248—An Act to amend Section 4460 of the Political Code, relating to and regulating publications, notices, or advertisements authorized or required to be given or made by public officers, the officers of courts, or by law, and defining newspapers of general circulation.

Bill read first time, and referred to Committee on Printing.

By Senator Wright: Senate Bill No. 249—An Act to amend Section 226 of the Civil Code of the State of California, relating to the procedure

of adopting minor children, and the manner of procuring consent thereto.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 250—An Act to amend Section 2605 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the Harbor Commissioners for the Bay of San Diego, and extending their power.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Cartwright: Senate Bill No. 251—An Act to amend Section 224 of the Civil Code of the State of California, relative to the adoption of minor children.

Bill read first time, and referred to Committee on Judiciary.

By Senator Broughton: Senate Bill No. 252—An Act to amend Sections 1925 and 1933 of the Political Code, all relating to the National Guard and troops of cavalry therein.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Anthony: Senate Bill No. 253—An Act to amend Section 3898 of the Political Code, to make said section comply with the mandate of Section 14, Article V, of the Constitution of the State of California, in relation to grants and tax deeds.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 254—An Act to amend Sections 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partitions, and deeds made pursuant to or under a judgment or order of court, shall prima facie be deemed made under proceedings duly had.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 255—An Act to amend Sections 1079, 1115, and 1192 of the Political Code, relating to the elections and election expenses.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Anderson: Senate Bill No. 256—An Act to amend Section 933 of the Code of Civil Procedure of the State of California, relating to proceedings in civil courts creating liens and enforcing judgments.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rush: Senate Bill No. 257—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title of the State of California to, the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereof, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State."

Bill read first time, and referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 16, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

Resolved, That the following-named persons be allowed the sums set opposite their

respective names for services rendered this Senate during its organization, the same being payable out of the Contingent Fund of the Senate:

For preparing Senate Chamber—

J. L. Martin, sixteen days at \$6.....	\$96 00
J. G. McCall, seven days at \$5.....	35 00
Wm. Gamble, ten days at \$3.....	30 00
Jno. Grindley, three days at \$5.....	15 00
J. W. Gudgel, five days at \$3.....	15 00
Jno. Collins, five days at \$3.....	15 00
E. Tennant, twelve and one-half days at \$3.....	37 50
S. A. Jackson, four days at \$3.....	12 00
	<hr/>
	\$255 50

Also:

Resolved, That the Secretary of the Senate be instructed to purchase for the use of the Senate and the newspaper representatives duly accredited on the floor of the Senate, the necessary Keystone binders for Senate and Assembly bills and journals.

Also:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of \$75, payable out of the Contingent Fund of the Senate, for the purchase of stamps to be used by the Press Mailing Clerks.

Also:

Resolved, That the Controller of the State be and he is hereby directed to draw his warrants in favor of the Secretary of the Senate for the sum of \$100 for rubber stamps, expressage and postage, the same payable out of the Contingent Fund of the Senate.

Also:

Resolved, That the Secretary of the Senate is authorized and directed to furnish stationery to the standing committees of the Senate; that requisition on the Secretary of the Senate for such stationery be limited to \$20 each for the committees on Finance and Judiciary, and \$15 each for all other standing committees, each committee's requisition to be signed by the chairman thereof.

Also:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to procure for the use of the Senate committees such files as are necessary for their work. The Controller is hereby directed to draw his warrant in payment for the same, and the Treasurer is hereby directed to pay the same.

Also:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby directed to procure for the use of the Senators forty tin office boxes for care of private papers.

Also:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby directed to procure for the use of the members of the Senate and Senate committees Royal index letter files, and the Controller of State is authorized to draw his warrant for the payment of the same, and the Treasurer is hereby directed to pay the same.

Also:

Resolved, That the Lieutenant-Governor and each member of the Senate be and he is hereby allowed \$25 for contingent expenses, as provided by the Constitution, payable out of the appropriation for the contingent expenses of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anderson, Anthony, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 15, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Concurrent Resolution No. 1—Relative to inaugural ceremonies—and report that the same has been correctly enrolled, and presented the same to the Governor on this 15th day of January, 1907, at ten o'clock A. M.

REILY, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Mattos:

Resolved, That the following-named persons be and they are hereby elected to the positions and at the per diem set opposite their respective names:

F. Mitchell, Jr., Gatekeeper	\$3 00
J. Roderick, Gatekeeper	3 00
J. F. Kelly, Gatekeeper	3 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Black, Boynton, Broughton, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—Senators Caminetti and Miller—2.

Whereupon the President declared that the above-named persons had been elected.

ADJOURNMENT.

At ten o'clock and forty minutes A. M., on motion of Senator Wolfe, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, January 17, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

APPROVAL OF JOURNALS.

The Journals of Monday, January 7, 1907, and Tuesday, January 8, 1907, having been corrected, were read and approved.

LEAVES OF ABSENCE.

Senator Carter was, on motion of Senator McCartney, granted leave of absence for this day.

Senator Miller was, on motion of Senator Sanford, granted leave of absence for this day.

Senator Nelson was, on motion of Senator McKee, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 16, 1907, the further reading was dispensed with, on motion of Senator Irish.

APPOINTMENTS BY THE PRESIDENT.

The following communication was received and read:

SACRAMENTO, CAL., January 17, 1907.

I beg to announce that I have this day appointed W. B. Hallock, J. E. Poole, and J. D. Cherry, Porters, and respectfully ask you to confirm the same.

WARREN R. PORTER, President of Senate.

Senator Leavitt moved that the appointments be confirmed by the Senate.

The question being on the confirmation of the appointments.

The roll was called, with the following result:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Muenter, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—Senator Caminetti—1.

Whereupon the President declared that the appointments had been duly confirmed.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day, under a case of urgency, passed Assembly Bill No. 173—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session.

WALKER, Assistant Clerk.

Assembly Bill No. 173 read first time, and referred to Committee on Finance.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 16, 1907.

To the Senate of the State of California:

I hereby respectfully withdraw from the consideration of your honorable body the following appointments submitted to your honorable body for approval on the 8th day of January, 1907, viz.:

Charles S. Wheeler, of San Francisco, a member of the Board of Regents of the University of California, vice self, term expired.

Rudolph J. Taussig, of San Francisco, a member of the Board of Regents of the University of California, vice J. W. McKinley, term expired.

C. M. Belshaw, of Antioch, a member of the State Board of Prison Directors, vice J. H. Wilkins, term expired.

Charles C. Chapman, of Fullerton, a member of the Board of Trustees of the State Normal School at San Diego, vice self, term expired.

M. L. Ward of San Diego, a member of the Board of Trustees of the State Normal School at San Diego, vice self, term expired.

H. B. Reed of Chico, a member of the Board of Trustees of the State Normal School at Chico, vice T. H. Barnard, resigned.

Alden Anderson, of Sacramento, a member of the Board of Trustees of the State Normal School at Chico, vice E. B. Edson, deceased and term expired.

J. B. Sanford, of Ukiah, a member of the Board of Trustees of the State Normal School at San José, vice P. K. Dow, term expired.

John Sweet of Martinez, a member of the Board of Trustees of the State Normal School at San Francisco, vice F. A. Hyde, term expired.

Van derlyn Stow, of San Francisco, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, term expired.

John G. Mattos, Jr., of Centerville, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, vice John D. Mackenzie, term expired.

W. H. Anderson, of Los Angeles, a member of the Board of Trustees of the State Normal School at Los Angeles, vice J. H. Braly, term expired.

A. J. Ralston, of Berkeley, a member of the Board of Directors of the California Institution for the Deaf and Blind, vice self, term expired.

J. N. Anderson, of Santa Ana, a member of the Board of Trustees of the Whittier State School, vice James Clark, term expired.

Fred Barnum, of Eureka, a member of the Board of State Harbor Commissioners for the Port of Eureka, vice J. G. Murray, deceased.

John G. Currier, of San Francisco, a member of the Board of Bank Commissioners, vice Z. S. Eldredge, resigned.

Respectfully submitted.

J. N. GILLETT,
Governor of the State of California.

RESOLUTIONS.

The following resolutions were offered:

By Senator Belshaw:

Resolved, That the name of Miss L. Bottarini, who was elected a skilled Stenographer for the Senate by a resolution adopted January 9, 1907, be stricken from the roll of attachés of the Senate, as of January 9, 1907, and that the Sergeant-at-Arms be and is hereby instructed to return to the Controller whatever warrants he may have in favor of Miss L. Bottarini.

Resolution read and adopted.

Also:

Resolved, That fifteen hundred copies of the inaugural address of Governor James N. Gillett be ordered printed in pamphlet form, and that ten copies thereof, wrapped for mailing, be laid on the desk of each Senator.

Resolution read, and referred to Committee on Printing.

By Senator Mattos:

Resolved, That Chris. Rasmussen be and he is hereby elected a Committee Clerk at a per diem of \$4.00.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—Senator Caminetti—1.

Whereupon the President declared that the above-named person had been elected.

By Senator Curtin:

Resolved, That the Secretary of the Senate be and he is hereby instructed to rent typewriting machines for the use of the stenographers of the Senate, and the Controller of the State is authorized to draw his warrant for the amount of the rental.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, January 17, 1907.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 6—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents, in the State of California, to be known as 'The Whittier State School,'" approved March 23, 1893, by adding one new section thereto, to be numbered Section 31, relating to the transfer of boys from State prisons thereto, and of the powers and duties of certain public officers in connection therewith—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LYNCH, Chairman.

Senate Bill No. 6 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 17, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 231—An Act transferring money from the General Fund to the State Printing Fund to defray the expenses of legislative printing for the thirty-seventh session of the Legislature, and directing the State Controller and State Treasurer to make such transfer—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

BELSHAW, Chairman.

Senate Bill No. 231 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Senate Bill No. 231 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being upon the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muenter, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

PRESIDENT PRO TEM. IN THE CHAIR.

At ten o'clock and thirty-five minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

CASE OF URGENCY.

Senate Bill No. 231—An Act transferring money from the General Fund to the State Printing Fund to defray the expenses of legislative printing for the thirty-seventh session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read second time.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 231 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Muenter, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Leavitt: Senate Bill No. 258—An Act making an appropriation of two hundred and fifty thousand (\$250,000) dollars to aid in the construction of the library building to be erected by the Regents

of the University of California, in Alameda County, on the grounds of the University of California; also for providing for the time of payment thereof and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 259—An Act appropriating two hundred and fifty thousand (\$250,000) dollars to aid in the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California; also for providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 260—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen (\$101,314) dollars for the use and benefit of the University of California and specifying the duties of the Controller and Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 261—An Act making an appropriation to carry out the provisions of Section 2979a of the Political Code of the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 262—An Act to add a new section to the Political Code of the State of California, to be known as section 2979a, relating to duties of the State Board of Health.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 263—An Act to add a new section to the Penal Code of the State of California, to be numbered 374a, providing for safeguards against the pollution of waters used for domestic purposes.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Mattos: Senate Bill No. 264—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded.

Bill read first time, and referred to Committee on County Government.

By Senator Lynch: Senate Bill No. 265—An Act to amend Sections 626, 626a, 626d, 626g, 626j, 627b, and 637a of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637b, all relating to the protection and preservation of game and fish.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 266—An Act to provide for the investigation of the nature of the disease known as pear blight and walnut blight, and to prevent, eradicate, and procure a cure for the same; and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investiga-

tion, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

Also: Senate Bill No. 267—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties, equitably chargeable to San Benito County," approved March 11, 1887, rectifying and rendering more certain the boundaries thereof.

Bill read first time, and referred to Committee on County Government.

By Senator Weed: Senate Bill No. 268—An Act to add a new section to the Penal Code of California, to be numbered 357a, relative to preserving marks, brands, description, and sex of animals slaughtered.

Bill read first time, and referred to Committee on Judiciary.

By Senator Irish: Senate Bill No. 269—An Act to amend Section 268 of the Political Code of the State of California, relating to the compensation of the officers and employés of the Legislature.

Bill read first time, and referred to Committee on Judiciary.

By Senator Price: Senate Bill No. 270—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Education.

By Senator Cartwright: Senate Bill No. 271—An Act to amend section sixteen (16) of an Act entitled "An Act creating a Bureau of Building and Loan Supervision, providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of laws and orders of the commissioners; providing for succession in office, and repealing all acts and parts of acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 272—An Act to amend an Act authorizing the common council, board of trustees, or other governing bodies of any incorporated city or town, other than cities of the first class, to refund

its indebtedness, to issue bonds therefor to provide for the payment of the same, approved March 9, 1897, by amending Section 1 thereof, relating to the refunding of indebtedness of incorporated cities or towns and the issue of bonds of such city or town therefor, and the denomination of the bonds.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Rolley: Senate Bill No. 273—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 274—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 275—An Act to appropriate money to protect the banks of the Eel River from erosion by means of jetty work and riprap along the banks thereof.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 276—An Act to amend Section 632 of the Penal Code of the State of California, relative to buying, selling, or taking of steelheads.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Belshaw: Senate Bill No. 277—An Act transferring money from the traveling expense fund of the Bureau of Building and Loan Supervision to a special fund to defray the expenses of restoring the office furniture and fixtures of said bureau, lost or destroyed by conflagration or other public calamity, and directing the State Controller and State Treasurer to make such transfer and to draw and pay warrants for the disbursement thereof.

Bill read first time, and referred to Committee on Finance.

By Senator Rush: Senate Bill No. 278—An Act making an appropriation for searching for beneficial insects.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 279—An Act allowing certain pensions for employes of twenty-one years and upwards of continued service by the State of California in one or more of the public institutions of this State, and providing for the payment thereof.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 280 An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof relating to counties of the twenty-seventh class.

Bill read first time, and referred to Committee on County Government.

By Senator Broughton: Senate Bill No. 281—An Act making an appropriation of \$3,500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting at said school, a building for manual training and equipping the same.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 282—An Act making an appropriation of \$1,000, to be used by the Board of Trustees of the Whittier School, at Whittier, Cal., for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 283—An Act making an appropriation of \$7,500, to be used by the Board of Trustees of the Whittier State School, at Whittier, Cal., for the purpose of erecting a hospital building and furnishing and equipping the same, at said school.

Bill read first time, and referred to Committee on Finance.

By Senator Wright: Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to Section 2½ of Article II of the Constitution of the State of California, relative to the direct nomination of candidates for public office at primary elections.

Senate Constitutional Amendment referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 284—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters in the State of California (approved March 21, 1887, Stats. 1887, pp. 233-4).

Bill read first time, and referred to Committee on Fish and Game.

By Senator Anderson: Senate Bill No. 285—An Act to amend Section 626a of the Penal Code of the State of California, relating to game and fish.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 286—An Act to amend Section 637a of the Penal Code of the State of California, relating to game and fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Welch: Senate Bill No. 287—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anthony: Senate Bill No. 288—An Act to repeal Chapters III, IV, V, and VI, of Title IV, of the Political Code, as said chapters existed on the 17th day of March, 1905, relating to the State militia.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 289—An Act to amend Section 70 of the Civil Code, and declaring that marriage may be solemnized by a justice of a District Court of Appeal.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to Article II of the Constitution of California, by amending Section 2½ thereof, relating to primary elections, so as to permit the direct or other nomination of candidates for public office without conventions.

Senate Constitutional Amendment referred to Committee on Elections and Election Laws.

By Senator Black: Senate Bill No. 290—An Act authorizing and directing Board of Managers of the Agnews State Hospital to replace and reconstruct and equip, for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of \$800,000

therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing the State Controller to draw his warrant for said sum and the State Treasurer to pay the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 291—An Act making an appropriation of one thousand six hundred and twenty-one (\$1,621) dollars to pay the Regents of the University of California for moneys appropriated by them to rebuild the barn at the Lick Observatory at Mt. Hamilton, California, which was destroyed by fire, and prescribing the duties of the Controller and the Treasurer of the State in relation thereto.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 292—An Act making an appropriation of five thousand (\$5,000) dollars for the purpose of completing the photographic laboratory in combination with the fireproof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Bill read first time, and referred to Committee on Finance.

By Senator Boynton: Senate Bill No. 293—An Act appropriating money to the auditing board of the Commissioner of Public Works to be expended by and under the direction of said board for the purpose of purchasing and operating necessary dredgers and machinery to be used in deepening and rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving navigability of such streams.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 294—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District Number One of Sutter County," approved March 20, 1874.

Bill read first time, and referred to Committee on Drainage, Swamp, and Overflowed Lands.

By Senator McCartney: Senate Bill No. 295—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor-General.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 296—An Act to amend Section 476 of the Code of Civil Procedure, relating to ruling on demurrer.

Bill read first time, and referred to Committee on Judiciary.

By Senator Savage: Senate Bill No. 297—An Act to amend Chapter XV, of Title II, of Part III, of the Political Code, by adding thereto fifteen new sections to be designated as Sections 1377, 1377a, 1377b, 1377c, 1377d, 1377e, 1377f, 1377g, 1377h, 1377i, 1377j, 1377k, 1377l, 1377m, and 1377n, relating to the nomination of candidates for public office by a direct vote at primary elections provided for and to be held for that purpose.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 293—An Act to amend Section 628a of the Penal Code, relating to striped bass.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 299—An Act to amend Sections 626*a*, 626*d*, 626*f*, and 626*k* of the Penal Code, relating to the taking or killing game birds and animals.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 300—An Act to add a new section to the Penal Code to be known as Section 628½, relating to the taking of shrimps.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 301—An Act to amend Section 628*b* of the Penal Code, relating to the taking or killing of black bass.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Rambo: Senate Constitutional Amendment No. 20—Amending Article XX of the Constitution by adding a new section thereto, to be known as Section 21, relating to a day of rest.

Senate Constitutional Amendment referred to Committee on Public Morals.

PRESIDENT OF THE SENATE IN THE CHAIR.

At ten o'clock and forty-five minutes A. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

By Senator Wolfe: Senate Bill No. 302—An Act appropriating six thousand dollars (\$6,000) for the support of the department of music in the University of California for two years.

Bill read first time, and referred to Committee on Finance.

Also (by request of Code Commission): Senate Bill No. 303—An Act to repeal Sections 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, and 79 of the Code of Civil Procedure, all relating to courts of justice.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 304—An Act to repeal Section 115 of the Code of Civil Procedure, relating to the criminal jurisdiction of justice's courts.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 305—An Act to amend Sections 134, and 135, of the Code of Civil Procedure, both relating to judicial days.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 306—An Act to amend Section 139 of the Code of Civil Procedure, and to repeal Section 140 thereof, both relating to proceedings in case of absence of judge.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 307—An Act to amend Section 144 of the Code of Civil Procedure, relating to places of holding courts.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 308—An Act to repeal Sections 156 and 157 of the Code of Civil Procedure, both relating to the eligibility of judicial officers.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 309—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 310—An Act to amend Sections 204, 205, 206, and 241 of the Code of Civil Procedure, relating to jurors for courts of record.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 311—An Act to amend Section 230 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 248, both relating to jurors.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 312—An Act to amend Sections 352 and 355 of the Code of Civil Procedure, both relating to the time of commencing actions.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 313—An Act to amend Sections 387, 388, and 389 of the Code of Civil Procedure, all relating to parties to civil actions.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 314—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 315—An Act to add two new sections to the Code of Civil Procedure, to be numbered 417 and 418, both relating to actions for libel and slander.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 316—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, and 459, of the Code of Civil Procedure, all relating to pleadings in civil actions.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 317—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 318—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 319—An Act to amend Sections 539, 553, 554, and 555 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 320—An Act to amend Sections 566 and 567 of the Code of Civil Procedure, both relating to receivers.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 321—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 322—An Act to amend Sections 581 and 585 of the Code of Civil Procedure, to repeal Section 582 thereof, as approved March 11, 1872, and to add two

new sections thereto, to be numbered 582 and 583, all relating to judgments.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 323—An Act to amend Sections 602 and 615 of the Code of Civil Procedure, both relating to jury trials.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 324—An Act to amend Section 625 of the Code of Civil Procedure, relating to when a general or special verdict may be rendered.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 325—An Act to add a new section to the Code of Civil Procedure, to be numbered 635, relating to trials of questions of fact by the court.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 326—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 327—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 328—An Act to amend Sections 656, 658, 659, 660, 661, and to renumber and amend Section 663 of the Code of Civil Procedure, all relating to new trials.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 329—An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 330—An Act to amend Section 1365 of the Code of Civil Procedure, relating to persons entitled to administer on the estates of decedents.

Bill read first time, and referred to Committee on Judiciary.

ADJOURNMENT.

At eleven o'clock A. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,

Friday, January 18, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muenster, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—33

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVES OF ABSENCE.

Senator Hartman was, on his own motion, granted leave of absence for this day.

Senator Miller was, on motion of Senator Lynch, granted leave of absence for this day.

Senator Carter was, on motion of Senator Rambo, granted leave of absence for this day.

Senator Bates was, on motion of Senator Wright, granted leave of absence for this day.

Senator Greenwell was, on motion of Senator Keane, granted leave of absence for this day.

Senator Nelson was, on motion of Senator Walker, granted leave of absence for this day.

CHANGE IN STANDING COMMITTEE OF THE SENATE.

Senator Keane resigned as a member of the Committee on Banking.

The resignation was accepted, and the President appointed Senator Mattos to fill the vacancy.

APPROVAL OF JOURNALS.

The Journals of Wednesday, January 9, 1907; Thursday, January 10, 1907; Friday, January 11, 1907; Monday, January 14, 1907; Tuesday, January 15, 1907, and Wednesday, January 16, 1907, having been corrected, were read and approved.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 17, 1907, the further reading was dispensed with, on motion of Senator Mattos.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 231—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-seventh session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

CLIO LLOYD, Chief Clerk of Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bill No. 231 ordered to enrollment.

RESOLUTION.

The following resolution was offered:

By Senator Rambo:

Resolved, That Oscar A. Foster be and he is hereby elected to the position of Assistant Secretary at the per diem of \$6, in place and stead of the position of Assistant at the Desk at the per diem of \$5.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muenster, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

Whereupon the President declared that the above-named person had been elected.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Caminetti asked for and was granted unanimous consent to introduce a concurrent resolution out of order.

By Senator Caminetti: Senate Concurrent Resolution No. 6—Relative to instructing the Attorney-General of the State to appear in the proceedings caused to be commenced by the Government of the United States in the State and Federal courts in an endeavor to prevent the Board of Education of the City and County of San Francisco from exercising its rights under the laws of California and municipal regulations to maintain separate schools for Japanese children in the schools of said city and county.

Senate Concurrent Resolution No. 6 referred to Committee on Judiciary.

MOTION TO SUSPEND RULES.

Senator Caminetti moved to suspend the Rules and to take up Senate Concurrent Resolution No. 6 for immediate consideration.

Senator Curtin moved to amend to make consideration of Senate Concurrent Resolution No. 6 a special order for Wednesday, January 23, 1907.

POINT OF ORDER.

Senator Leavitt made the point of order that a motion to suspend the Rules is not subject to amendment.

The President declared the point of order well taken.

MOTION TO SUSPEND RULES LOST.

The question being on the suspension of the Rules.

The roll was called, and the motion lost by the following vote:

AYES—Senators Caminetti, McCarthy, Curtin, Kennedy, and Sanford—5.
NOES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Irish, Keane, Leavitt, Lynch, Lusk, Mattos, McCartney, McKee, Muenster, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

MOTION.

Senator Wolfe moved that the Committee on Judiciary be requested to report back Senate Concurrent Resolution No. 6 on Tuesday, January 22, 1907, and that the consideration of the same be made a special order for that day at eleven o'clock A. M.

Senator Curtin moved as a substitute that the resolution be recalled from the Committee on Judiciary and placed before the Senate.

The question being on the adoption of the substitute.

The ayes and noes were demanded by Senators Curtin, Leavitt, and Wolfe.

The roll was called, and the substitute lost by the following vote:

AYES—Senators Bell, Caminetti, Cartwright, Curtin, Kennedy, and Sanford—6.

NOES—Senators Anderson, Anthony, Belshaw, Black, Boynton, Broughton, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentert, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

The question being on the original motion by Senator Wolfe, the same was carried.

SPECIAL ORDER SET.

Whereupon the President declared the consideration of Senate Concurrent Resolution No. 6 a special order for Tuesday, January 22, 1907, at eleven o'clock A. M.

RESOLUTIONS—(RESUMED).

The following resolutions were offered:

By Senator Lynch:

Resolved, That the Secretary of State is hereby directed to close the contingent expense accounts of the Senators and Lieutenant-Governor and *eo instanti* transmit a statement of the same to the State Controller, and the Controller is hereby directed to draw his warrant in favor of each Senator for the amount remaining in his account and the Treasurer directed to pay the same.

Resolution read and adopted.

Also:

Resolved, That the Controller be and is hereby directed to draw his warrant in favor of the Lieutenant-Governor for the sum of \$41.40, the same being for mileage as provided for by law.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 18, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred the following: Senate Bill No. 5—An Act making an appropriation to be used under the provisions of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1895, approved March 16, 1889.

Also: Senate Bill No. 37—An Act making an appropriation for the erection of a monument in the State Burial Plot, at Sacramento, to the memory of Honorable Edward P. Colgan, deceased, late State Controller.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BELSHAW, Chairman.

Senate Bill No. 5 and Senate Bill No. 37 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 18, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

Resolved, That the Secretary of the Senate be and he is hereby instructed to rent typewriting machines for the use of the stenographers of the Senate, and the Controller of the State is authorized to draw his warrant for the amount of the rental.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

Report and resolution read and adopted.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Anthony: Senate Bill No. 331—An Act to provide for the correction of deeds heretofore executed in pursuance of Political Code, Section 3898, and void under the mandate of Article V, Section 14, of the Constitution of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Weed: Senate Bill No. 332—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.

Bill read first time, and referred to Committee on County Government.

By Senator Cartwright (by request): Senate Bill No. 333—An Act to amend Section 597*b* of the Penal Code, relating to cruelty to animals.

Bill read first time, and referred to Committee on Public Morals.

Also: Senate Bill No. 334—An Act to amend Section 1367 of the Political Code, relating to primary elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Lynch: Senate Bill No. 335—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto, approved March 21, 1905, relating to the officers of the county, and to add a new section thereto, to be numbered 55*½*, providing for the employment by the Board of Supervisors of a live stock inspector.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 336—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending section one hundred and eighty-two (182) thereof relating to the salaries and fees of county and township officers in counties of the twenty-fifth class, approved March 20, 1905.

Bill read first time, and referred to Committee on County Government.

By Senator McCartney: Senate Bill No. 337—An Act to amend Sections 1237 and 1238 of the Penal Code of California, and to add a new section thereto, to be known as Section 1238*a* thereof, relating to appeals and writs of error in criminal cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 338—An Act to amend Section 1466 of the Penal Code of California, relating to appeals to Superior Courts in criminal actions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 19 of Article 6 thereof, relating to the power of judges to charge juries with respect to matters of fact and law in civil and criminal actions and proceedings.

Senate Constitutional Amendment referred to Committee on Judiciary.

By Senator Price: Senate Bill No. 339—An Act to amend Section 627

of the Penal Code of the State of California, relating to hunting, shooting, and trespassing upon enclosed, cultivated, and other private lands.

Bill read first time, and referred to Committee on Judiciary.

By Senator Savage: Senate Constitutional Amendment No. 22—Relative to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half-orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use and occupation thereof.

Senate Constitutional Amendment referred to Committee on Revenue and Taxation.

Also: Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State.

Senate Constitutional Amendment referred to Committee on Education.

By Senator Sanford: Senate Bill No. 340—An Act to amend Section 3366 of the Political Code, relating to the granting of licenses by Boards of Supervisors of the counties of the State, and the legislative bodies of the incorporated cities and towns therein.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator McKee: Senate Bill No. 341—An Act providing for an appropriation of \$8,000 for the purpose of purchasing additional land along the south line of "L" Street, between Twenty-sixth and Twenty-eighth streets, in Sacramento City, so as to extend and improve the grounds in and about "Sutter's Fort."

Bill read first time, and referred to Committee on Finance.

By Senator Anderson: Senate Bill No. 342—An Act providing for the organization and management of mutual fire insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Senator Rush: Senate Bill No. 343—An Act to amend an Act, approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions," by amending Sections 2 and 12, making provisions for enforcing the above act as amended by appropriating money therefor.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator McKee (by request): Senate Bill No. 344—An Act to amend Section 204 of the Code of Civil Procedure of the State of California concerning the listing of grand and trial jurors.

Bill read first time, and referred to Committee on Judiciary.

By Senator Welch: Senate Bill No. 345—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 346—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, and providing for the publication and distribution of a pamphlet showing

the comparative statement of the operations of the present section or article of the Constitution and of the result to be effected by the proposed amendment.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rolley: Senate Bill No. 347—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor; approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of such commission, and by amending Section 9 thereof, relating to the tenure of said commission.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 348—An Act to prohibit the use of chemicals and other materials in milk and milk products to prevent fermentation therein.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also (by request): Senate Bill No. 349—An Act to prevent the manufacture and sale of adulterated and deleterious and misbranded articles of food and drugs, to provide for enforcing its provisions, and to appropriate money therefor.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 350—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 351—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the superior court.

Bill read first time, and referred to Committee on County Government.

By Senator Bell: Senate Bill No. 352—An Act to amend Section 1690 of the Code of Civil Procedure, relating to property exempt from execution.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 353—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California, and to appropriate money therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Keane: Senate Bill No. 354—An Act entitled an Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Supreme Court.

Bill read first time, and referred to Committee on Finance.

By Senator Willis: Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section VI of Article I thereof, relating to bail, punishment, and witnesses, and prohibiting the death penalty, except in certain cases.

Senate Constitutional Amendment referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 355—An Act to amend Section 595 of the Political Code, relating to the general duties of Insurance Commissioner.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 356—An Act to amend Section 687 of the Penal Code of California, relating to prosecutions for the same offense after prior convictions or acquittals in criminal actions.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 357—An Act to amend Section 1239 of the Penal Code, relating to the times in which appeals may be taken in criminal action.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 358—An Act to amend Section 1467 of the Penal Code of California, relating to the taking, hearing, and determination of appeals to the Superior Court in criminal actions.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 359—An Act to amend Section 1475 of the Penal Code, relating to the issuance of writs of habeas corpus, and to petitions therefor, and to service of copies thereof upon the district attorney in certain cases, and to the discharge of persons on such writs.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 360—An Act to amend Section 1476 of the Penal Code, relating to the issuance of writs of habeas corpus and admission to bail pending the determination thereof.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 361—An Act to repeal Section 526 of the Penal Code, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public places of amusement for more than the original price thereof.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 362—An Act to repeal Section 599 of the Penal Code, as approved March 18, 1905, and to add a new section thereto, to be known as Section 599*f*, both relating to the killing of any elk within the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 363—An Act authorizing the transfer of moneys from the salary fund of the State Normal School at San Francisco to the printing fund of said school.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 364—An Act appropriating \$13,500 to complete the buildings, equipment, and furnishing of the State Normal School at San Francisco.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 365—An Act to provide for the purchase of additional land for the uses of the State Normal School at San Francisco, and making appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Caminetti: Senate Joint Resolution No. 4—Relative to the issuance of currency by the United States on school bonds on the same terms as bank notes are issued to national banks.

Senate Joint Resolution referred to Committee on Education.

By Senator Anthony: Senate Joint Resolution No. 5—Relative to the extermination of Alaskan fur seals, and protecting the same.

Senate Joint Resolution referred to Committee on Federal Relations.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS.

Senate Bill No. 6—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 23, 1893, by adding one new section thereto, to be numbered Section 31, relating to the transfer of boys from state prisons thereto, and of the powers and duties of certain public officers in connection therewith.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 18, 1907.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 3—Relative to House Resolution No. 7017, now pending in Congress, providing for transfer of the jurisdiction over certain National Parks in California from the Department of Interior to the Department of Agriculture—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

BLACK, Chairman.

Senate Joint Resolution No. 3 ordered on file.

RECESS.

At eleven o'clock and forty-five minutes A. M., on motion of Senator Wolfe, the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

ANNOUNCEMENT.

Senator Wolfe asked for and was granted unanimous consent to announce that the Governor of the State had already instructed his Secretary to request the Attorney-General to appear on behalf of the State in any and all actions in the Federal and State courts that may now be pending therein or may hereafter be commenced therein by or on behalf of the Government of the United States, or any other government, or of any person against the Board of Education of

the City and County of San Francisco in an endeavor to prevent said board from exercising its rights under the laws of California and municipal regulations, to maintain separate schools for Japanese children; also that on Monday he (Senator Wolfe) would introduce a bill for the appropriation of necessary funds to employ and defray the expenses of additional counsel to assist the Attorney-General in the proceedings aforesaid.

PETITION—(OUT OF ORDER).

Senator Price asked for and was granted unanimous consent to present the following petition, which was ordered printed in the Journal:

To the Honorable the Senate and Assembly of the State of California:

The undersigned residents, citizens, and taxpayers of Sonoma, Glen Ellen and vicinity, in the County of Sonoma, State of California, would respectfully urge your honorable bodies at the coming session of the Legislature, to enact a law giving the right of suffrage to women.

And your petitioners will ever pray, etc.

January 1, 1907.

(Signed): Robert A. Poppe; Jas. S. Prescott, Glen Ellen; Valdemer Voedenker, Thos. Johnson, Mrs. George Guldager, Mrs. J. B. Parrent, Mrs. L. I. Fooshee; J. B. Parrent, Glen Ellen; Anna Behler, Leopold Justi, Hulda I. Justi, Emma A. Wood, Elizabeth C. Bonhight, Mrs. J. W. Brand, Reginald J. Jones, Vincent W. Andrus; T. A. Lewis, Sonoma, Cal.; J. M. Zaro, Roscoe L. Eames, Ninetta Eames, Edward B. Payne, Anna Erikson, Lucy Zane, M. L. Douglass, J. G. Cromwell, A. E. Cromwell, A. J. Lowe, Alice J. Lowe, Mrs. Sarah M. Mosher, Wm. Shubert, Aug. H. Shubert, Sallie Ellison, W. L. Gaige, Mrs. W. L. Gaige; A. E. Gibson, Glen Ellen; Mrs. J. Weltz, B. R. Thierkoff, C. C. O'Donnell, M. D., Mrs. Ema R. O'Donnell, Mrs. Anna E. McIntyre, Mrs. W. Sobbe, A. S. Youngman, E. P. Julien, Andrew Erikson, Mrs. Caroline H. Poppe, Mrs. Charles Hertzog, Mrs. A. E. Gaige, Mrs. Ella Delmar, William Jones, Mrs. W. Jones, Mrs. Sarah V. Kelsey, James E. Wratten, Robert Hodge, Mrs. Hodge; Mrs. A. Westrup, Alex. Westrup, Kenwood; Enoch E. Chakurian, Kenwood; Susie D. Chakurian, Kenwood; Mary Thompson, Kenwood; R. Herr, Glen Ellen; L. D. Gregory, Kenwood; Catherine Gallard, Kenwood; Laura Landgrebe, Glen Ellen; Margaret Cerighino, Glen Ellen; D. H. Payne, Lola M. Woodworth; John H. Korb, Glen Ellen; Genevieve Dowdall, Glen Ellen; Elizabeth S. Kidd, W. H. Hanger; M. Van DeWater, Glen Ellen; J. W. Gibson, Glen Ellen; Mrs. Norman M. Kerr, Mrs. Alice Hammond, Mrs. Cassie Hammond, Arthur Hammond, Mrs. A. Johnson, Chas. J. Poppe, A. J. Zune; J. J. Minek, P. O.; Mrs. L. A. Thompson, Glen Ellen; Mrs. A. P. Goshen, Glen Ellen; Mrs. James Clark, Glen Ellen; Mrs. J. W. Gibson, Glen Ellen; A. McHarbly, Minnie F. Cooke, M. E. Worster, Martha L. Stearns, Fred'k. T. Duhring, Leonora S. Duhring, Anna Poppe, Mattie A. Campbell, Dora M. Stofen, Amelia H. Bates, Emma A. Hotz, Clara J. Lowell, Rosie Pinelli, J. M. Cheney, G. H. Hotz, Pauline McMullin, O. Eastland, Mrs. O. Eastland, Mrs. L. Lutgens, L. S. Simmons, Geo. Breitenbach, A. M. Ramson, M. E. Cummings, A. E. Gary, Hannah S. Appleton, H. Appleton, Elsie A. Gottenberg, Fred C. Paulson, Mrs. Frances Leix, M. D., Clara Johnson, A. S. Luce, Jr., Wm. T. Cleive, Sarah Burnes, Susie L. Enos, Ida D. Donnan, Mrs. L. A. Dunbar, Adelaide Hope, Alice H. Lewis, Mattie B. Goodman, M. F. Van Amringe, M. E. Spencer, Mrs. H. Weber, H. F. Bates, R. B. Hunter, Mrs. Laura Salomonson, Wm. J. Russell, Mrs. W. J. Russell, Mrs. Josephine Keiser, Theodore A. Keiser, Mrs. Marie Chase, Mrs. O. J. Mackinnon, Mrs. G. Munfrey, Mrs. O. Wagner, C. C. Cragin, Mrs. O. B. Shaw, Mrs. H. B. Shaw, J. H. Albertson, H. H. Granece, Mrs. Keogh, H. Weber, Richard H. Piatt, B. F. Campbell, Mrs. F. D. Bose, Mrs. H. Cleive, C. E. Johnson, J. T. Ryan, O. Wagner, O. L. Hose, Mrs. W. O. Hocker, Louise K. Cluver, Mrs. R. Hall, Lottie Payne.

ADJOURNMENT.

At two o'clock and ten minutes p. m., on motion of Senator Leavitt, the Senate was declared adjourned until Monday, January 21, 1907.

IN SENATE.

SENATE CHAMBER,

Monday, January 21, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVES OF ABSENCE.

Senator Lukens was, on motion of Senator Leavitt, granted leave of absence until Monday, January 28, 1907.

Senator Carter was, on motion of Senator McCartney, granted leave of absence for this day.

Senator Black was, on motion of Senator Walker, granted leave of absence for this day.

Senator Greenwell was, on motion of Senator Muentner, granted leave of absence until Thursday, January 24, 1907.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 18, 1907, the further reading was dispensed with, on motion of Senator Mattos.

PETITION.

The following petition was presented by Senator Muentner and ordered printed in the Journal:

WHEREAS, The work of the United States Geological Survey in California in cooperation with the State of California has practically been completed on the west side of the Sacramento River for the purposes of determining the possibilities and practicability of irrigation and reclamation; and

WHEREAS, It is equally essential that the work be continued as outlined by the United States Geological Survey and the State Board of Examiners of California; therefore, be it

Resolved, That the Stockton Chamber of Commerce, by its Board of Trustees at their regular meeting on January 14, 1907, hereby heartily indorses the work thus far completed and warmly recommends that the Legislature of California appropriate the sum of \$20,000 for the continuation of the topographic work and the sum of \$20,000 for the continuation of the hydrographic work as outlined by the United States Geological Survey and the State Board of Examiners of California; be it further

Resolved, That the Legislature annually appropriate the sum of \$20,000 for the purpose of continuing the economic quality and purity of the water of the State, and that the Legislative Department of the State, by the Department of Agriculture, in cooperation with the United States Department of Agriculture, pursue the purpose of investigating the best method of distributing and using the waters of the State; and that the Legislature be also requested to appropriate the sum of \$20,000 for the purpose of continuing the cooperative work of investigating the economic quality and purity of the water of the State.

RESOLUTIONS.

The following resolutions were offered:

By Senator Leavitt:

Resolved, That the Committee on Insurance and Insurance Laws be authorized and empowered to employ an expert, or experts, at a compensation to be fixed by said committee, and to be paid out of the Contingent Fund of the Senate; and that said committee be and it is hereby empowered to issue all necessary subpoenas, to have full power to send for persons, books, and papers, and to compel the attendance of any and all necessary witnesses within this State, and require the production of any and all necessary papers, books, or documents in order that the powers herein given may be fully carried out.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Caminetti:

Resolved, That a special committee of three members be appointed by the President of the Senate to make and report a distribution to the respective committees of the various recommendations contained in the inaugural address of Governor J. N. Gillett and final message of Governor George C. Pardee.

Resolution read and adopted.

By Senator Rolley:

Resolved, That the name of Herbert Price be and it is hereby substituted for the name of George Huestis to the position of Assistant Minute Clerk, at a per diem of \$6.

Resolution read and adopted.

By Senator Anderson:

Resolved, That the report of the special committee of five members of the Assembly, appointed at the last regular session of the State Legislature to investigate the system of common schools in this State and the laws governing the same, and which report was printed in the Journal of the Assembly January 17, 1907, a copy of which report is hereto annexed, be ordered printed in the Journal of the Senate.

Resolution read and adopted.

COPY OF REPORT OF SPECIAL COMMITTEE OF THE ASSEMBLY.

ON EDUCATION.

To the Legislature of the State of California, thirty-seventh session:

This committee was appointed by virtue of the following resolution adopted at the thirty-sixth session of the Legislature:

"Resolved by the Assembly of the State of California, That a special committee of five members of this Assembly be appointed by the Speaker, and that such committee be charged with the duty of thoroughly investigating the system of common schools in this State and the laws governing the same; that said committee report to the next Legislature, submitting recommendations as a result of its investigations which, in its judgment, may be thought necessary in order to eliminate all confusion and conflict. Said committee shall be entitled to receive from the Contingent Fund their actual traveling expenses incurred in performing its duty herein prescribed and the expense of such clerical assistance as may be necessary in connection therewith."

Under the authority thus conferred this committee held eight sessions, two at San Francisco, one at Berkeley, two at Sacramento, one at Los Angeles, one at Oakland, and one at Fresno, at which suggestions were presented by the leading educationalists of the State relating to changes in the school laws, and many valuable information was secured, thus enabling the committee to reach conclusions that may result in beneficial legislation. A considerable amount of correspondence produced other valuable ideas and the Legislative Reference Department of the State Library furnished a very useful bibliographical index of various subjects investigated by your committee.

This committee also wishes to acknowledge the receipt of valuable assistance from members of the State Teachers' Association, and pertinent suggestions and recommendations from the Convention of City and County Superintendents, many of which recommendations have been adopted.

Submissive to the spirit of the resolution of its appointment, this committee has discharged its duty from the viewpoint of the State and not from the point of view of the several counties, school districts, or other centers. The Constitution of the State provides, and the Supreme Court has so interpreted its language, that the matter of education is a State affair, not a local concern of the people of the several districts; that the school system should be a homogeneous whole that shall produce an equality of results in all portions of the State.

At the outset, however, we have reached the conclusion that no locality should be deprived of all of its powers of initiative and direction as to its educational affairs. The views of leading educators are to the effect that the best educational system is that which divides power and responsibility between the State and the smaller units thereof. This view has been adopted by this committee.

Present Needs of the School System.

The most pressing need of the State school system according to all the testimony adduced by this committee, is for a larger number of qualified teachers in the elementary schools. The evidence of this need may be found in the following facts:

School district trustees in many cases report extreme difficulty in obtaining competent teachers, and still greater difficulty to retain a competent teacher when once secured. Some remote districts report serious delays in the opening of school at the proper time, owing to the inability to secure any kind of a teacher.

The normal schools are supplying a less proportion of the new teachers required than they did a few years ago.

Local boards of education have very few applicants for teachers' certificates. In some instances qualified persons have to be personally importuned to become applicants.

One County Superintendent is on record as offering to take the entire output of one normal school in his county, such being the demand for qualified teachers.

Another County Superintendent reports: "Our schools have held their own in number. The teachers are not so good and are getting worse, all sorts of derelicts being able to get back into the ranks by virtue of the insufficiency of the supply of teachers. * * * The large ungraded schools are sending their share of graduates, but the teachers who can successfully teach them are leaving the ranks of the teaching profession."

It is notable also that male teachers are leaving the profession very rapidly and comparatively few are entering it.

There are two causes that appear to be operating most strongly to deplete the schools of efficient instructors:

1. Inadequate pay as compared with other occupations;
2. Increased difficulty and added expense to meet the requirements of schools and colleges which aim to educate teachers.

It may be stated also that the recent establishment of high schools has operated to attract teachers who otherwise might have attached themselves to the elementary schools, as the high schools offer larger salaries and higher social position, it is but natural that a teacher should seek to become qualified to fill the more exalted position.

There is also to be noted a steady drift of teachers from the rural schools to the town schools and from thence to the larger cities, also caused by the attractiveness of larger salaries and greater social advantages.

This movement has been growing and the conditions above reported have been intensifying for several years and appear likely to continue for several years to come. Therefore it is time that some means should be taken to counteract this tendency and to establish some sort of a policy that will supply for our educational system the required number of qualified teachers.

This matter recently formed a subject for the investigation of the "Commonwealth Club" of San Francisco, and from the report of the educational section thereof we take the following extract:

"It is worth while to compare the salaries of male teachers in California with the pay of other male workers in the State for here are found relations that are of force in determining the number of men engaged in teaching and that help to lengthen or shorten the total period of service as well as the tenure in each position. In 1904, according to the report of the United States Bureau of Labor, street laborers in San Francisco received \$15 per week, or \$750 per annum, allowing two weeks for rest or sickness. During the same year iron molders received a minimum wage of \$3.25 per diem. This gave these skilled workmen \$950 per annum after allowing for Sundays, holidays, and a two weeks' vacation. The salary statistics collected by Dr. Frederic Burk for the school year 1904-5 show that thirty-four per cent of the male teachers of California received less than \$750 per annum, and were consequently more poorly paid than unskilled street laborers in San Francisco; and seventy-one per cent of the male teachers received less than the \$950 paid to iron molders.

The following facts have been collected by the section from County and City Superintendents concerning salary conditions of the current school year, 1905-6:

"In San Francisco the maximum salary of elementary school teachers is \$996; the minimum \$720; the average, \$888. In the other cities under supervision the highest salary of elementary teachers is \$912, and the minimum is \$540. One of these cities has an average salary as high as \$878, and another has an average as low as \$630.

"In forty-six counties of the State, including all the cities considered above except San Francisco, the salaries of regular teachers and principals are as follows:

14 receive	\$400 or under
677 receive	\$401 to \$500
1,617 receive	\$501 to \$600
2,782 receive	\$601 to \$700
1,689 receive	over \$700

"At least fifty per cent of the 1,689 teachers last mentioned are serving in high schools. It should be noted that almost all of the teachers receiving less than \$600 are employed in country schools; and that a very large per cent of those receiving over \$600 teach in cities. These figures, therefore, point out one of the reasons why the rural and small town schools are being deserted so often in favor of employment in the schools of cities."

As above indicated one remedy for existing conditions must be by the way of making the teaching profession more remunerative. The demand for higher salaries must be met and with promptness if we wish to retain the efficiency of our school system. How to meet this demand for the better payment of the teachers is the problem that has confronted this committee.

Several plans have been submitted to this committee which will have the effect of securing an increase in the salaries of teachers.

One plan is to increase the amount of State aid to the primary and grammar schools, and as the law requires that all money apportioned by the State shall be exclusively used to pay salaries, it would follow that naturally the individual salaries would be probably increased. The method by which the amount appropriated by the State in support of the primary and grammar schools may be increased is by the enactment of a law which will increase the number of school census children by including all children between the ages of five and twenty years. The law at present includes only those between the ages of five and seventeen years. As the amount of the State school tax to be levied each year is determined by the number of school census children the proposed increase will produce a like increase in the amount of the State school fund which is distributed among the several counties and eventually reaches the fund from which teachers are paid.

This plan of increasing the amount of the State school fund would secure approximately \$500,000 more for the purpose of paying salaries. A similar result could be secured by increasing the amount to be raised by taxation from seven to eight dollars per census child; or, if the amount be increased from seven dollars to nine dollars the increase would approximate \$900,000.

Two members of the committee, Messrs. Slaven and Stobridge, indorse the proposition to increase the State fund, believing that this will secure a substantial increase in the pay of teachers and produce a marked improvement in the number and quality of the teachers of the elementary schools.

Two other members of the committee, Messrs. Trendwell and Thompson, while equally anxious to favor some means of increasing the salaries of teachers, do not indorse the plan of increasing the amount of State aid, believing that the increase should be borne by the several counties, cities, and school districts. In support of this position it is pointed out that from the last biennial report of the Superintendent of Public Instruction, during the last fiscal year the financial expenditure in support of the primary and grammar schools was as follows: State funds, \$1,889,740; local funds of counties, cities, and school districts, \$3,681,439; percentage of State aid, over fifty per cent. In support of high schools: State funds, \$210,570; local funds, \$2,204,341; percentage of State aid, ten per cent. In support of the State University the State contributed \$380,000, while the local subdivisions contributed nothing. The amount per census child contributed by the State in support of the primary and grammar schools was \$9, and the amount for each child enrolled in the primary and grammar grades was \$13.

From the report of the United States Commissioner of Education for the year 1904 (the latest report issued), are taken statistics showing the expenditures in support of the schools made in several states.

Name of State.	Total Expenditure for Schools.	Amount Contributed by State.	Percentage of State Aid.
New York	\$47,642,780	\$4,491,720	.095
Pennsylvania	29,169,920	5,446,175	.19
Massachusetts	16,438,780	316,919	.002
Illinois	20,884,417	1,805,26	.09
Ohio	17,838,802	2,104,683	.118
Iowa	10,636,669	214,525	.002
Indiana	9,634,691	2,324,720	.241
Missouri	9,203,855	1,778,189	.20
Michigan	8,871,295	1,929,961	.22
California	8,758,582	3,863,473	.44

The above table comprises the expenditures of the ten states of the Union that expended the largest sums for school purposes. While California ranks tenth in the total sum expended it stands first in the above list in the percentage contributed from State funds. Several of the Southern and a few of the Pacific States give a larger percentage of State aid.

It will be noted from the above table that many of the states which enjoy the reputation of having the highest educational advantages, contribute but little support from State funds, and it does not follow that should this State enlarge its support that added efficiency would thereby be secured to the school system.

Changes made in the school law by the last Legislature required larger sums to be raised in support of the schools, and it is noted from the last report of the Superintendent of Public Instruction that about \$700,000 additional revenue was raised during the last fiscal year.

The purpose of most of the legislation mentioned was to effect an increase in the salaries paid teachers. Many counties in the State report that salaries have been increased and also that the school term has been lengthened in many rural districts. In connection with the report of the superintendent it will be noted that the balance in the local school funds shows an increase of about \$400,000 over that of the previous year. It would appear, therefore, that instead of raising the salaries of teachers the local officers in many cases permitted the increased available funds to remain unexpended and the same appear in the form of additional cash on hand at the close of the fiscal year. It is probable that next year will witness a greater increase in salaries than has yet taken place.

It is acknowledged that the result of the apportionment law enacted by the last Legislature has produced beneficial results by increasing the salaries of teachers in the rural districts and by lengthening the school term in many of the smaller districts and furthermore that the full benefit has not yet accrued.

But it appears to the members of the committee that do not endorse the plan of increasing the amount of the State School Fund, that the difficulty in the way of increasing the pay of teachers is the lack of means of discriminating between those who deserve higher pay and those who do not, for it is probable that the beginner in the ranks receives at least a fair salary considering the lack of experience. It is those who have fought for years who find their efforts, however deserving, are not sufficiently rewarded. Feeling this and not seeing any alternative to special effort, they relax their energies, become indifferent as to the quality of their work and the general efficiency of the school system is seriously impaired. Any scheme that merely puts more money in the school fund is not going to solve the problem. There is no certainty that an increase of funds will increase the pay of the teachers who really deserve it. It will not prevent local school officials from employing more teachers than may be required, or from employing special teachers, or in other ways eating up the increased funds while the inadequacy of pay of the efficient teachers may remain as it is.

The committee is of the opinion that an effective way of raising salaries of the teachers is by the establishment of a salary schedule by act of the Legislature. This schedule should be a graduated one, relatively small for beginners, but increasing year by year until the maximum is reached. Thus an inducement would be held out for teachers to remain in the profession. There ought also be provision made for rewards to those of exceptional efficiency as a stimulant to extra endeavor. In this way the efficiency of the school system would be measurably increased.

As a measure that may have the effect of increasing the pay of teachers we have been asked to recommend one which will provide that sixty per cent of all county school money be applied to the payment of teachers' salaries. This recommendation is unanimously given, and a measure to this end is herewith presented.

Manual Training, Etc.

While the improvement of the school system of the State has been rapid and gratifying in the extreme, we would be doing ourselves an injustice did we not call attention to the advances made in educational lines by other States and other countries. In certain lines of educational work more rapid progress has been made by other States and by these countries than here. Particularly is this true in the matter of industrial education. Manual training is now recognized as being a necessary part of the modern school system. The most eminent authority on this subject, Prof. Calvin M. Woodward, of St. Louis, has this to say:

"The manual training is concerned with the systematic study of theory and use of common tools, the nature of common materials, elementary and typical processes of construction, and the execution and reading of mechanical drawings. . . . The real object of manual training is not to construct certain objects, which are only the incidental means to demonstrate the power as a result of effort made. It is an operation with mental training, and it strengthens and disciplines all the faculties, the 'whole boy' is put to school."

On the same subject Prof. James P. Munroe, of Boston, maintains that manual training, when properly conducted, and carried on permanently, develops creative genius, broadens comprehension and strengthens character."

Prof. W. T. Harris, formerly United States Commissioner of Education, says: "Tool work with its theory and with natural science is permanently educative."

The demands on this committee for a recognition of manual training and domestic science and other forms of industrial education in the courses of study in our common schools and in colleges and universities, and we would be glad to consider any plan we fail to heed them. We have therefore presented measures for your consideration providing for manual training and domestic science in our schools, that can be taught in the present state of our schools. There is a very strong feeling in the State in respect of polytechnic institutions and for the education of practical engineers in this country and in other States of the State. A visit made by this committee to the Los Angeles Polytechnic High School demonstrated to us the extreme usefulness of such institutions, and we are inclined to the belief that this State is anxious to expand a large system of support of the schools that is now in use to supply a considerable portion thereof and to be devoted to the encouragement of industrial education.

Agricultural Education.

Not only is it interesting but it is highly important that we should note the development of recent years in the matter of providing for the young a means of acquiring a knowledge of the science of agriculture. The Congress of the United States early recognized the necessity of providing some means of disseminating a practical knowledge of this important industry, and did so by liberal endowments of "agricultural colleges" in several states of the Union.

The framers of our State Constitution recognized the importance of our leading industry by declaring that "the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvements."

Our State University is one of the "agricultural colleges" endowed by Congress. It is a question with us whether the Legislature has performed its full duty in the matter of "agricultural improvement." Congress has, as above stated, endowed a college; the Legislature has in part supported its department of agriculture, and two years ago added to its resources by authorizing the purchase of an experimental farm. But the question has been put to us: "Has not this encouragement been commenced at the wrong end?" The statistics of our State University show an enrollment in the agricultural department of only 123 students out of a total enrollment of 3390. It is notorious that the State is giving a higher education to a larger number of young men and women who aim to enter professions than to those who aim to adopt agricultural pursuits. There is something wrong in the system that accomplishes this result. Moreover, when we consider the fact that but a small percentage of the pupils in our secondary schools ever reach the University, we are forced to the conclusion that the failure of the system above noted is at least in part due to our neglect to provide the necessary impulse in our secondary schools to those whose aspirations are other than scholastic. In other words, agricultural education should properly commence in the primary and grammar grades by suitable "nature studies," to be followed by a certain degree of specialization in the high schools. The graduate of a high school ought to be given a good elementary knowledge of agriculture (that is, if the pupil so desires), so that if circumstances forbid him the privilege of a University course he can be at least partially equipped to enter upon an agricultural avocation.

As it now is, our high schools are fitting their graduates for a higher education of the scholastic sort; they are being fitted to enter at the literary end. The curriculum of the average high school is arranged with a view of meeting the requirements of the University as laid down by the scholars. There are no "credits" given for any sort of industrial training by high schools. It therefore seems to this committee that if the Legislature is to promote "agricultural improvement" it is high time to provide a course of study in our secondary schools that will lead students in the direction of our "agricultural college." And if we are ever to increase the percentage of the pupils who shall enter the University we must make the University attractive for an entirely different class of boys and girls than those now attending. We should endeavor to make it a school for "toilers" as contradistinguished from "scholars." Even if we can not do this, we can at least give some instruction in our high schools that will better fit its graduates to enter upon industrial occupations. The polytechnic high schools now being rapidly instituted tend toward satisfying the demand for trades workers. In addition there should be courses in agriculture and its allied sciences provided, or, what might be still better, there might be agricultural high schools, which, while not neglecting the scholastic branches, would make prominent the specialty which the name suggests.

Agricultural high schools are no longer an experiment in several of the Eastern States and, where they have been established, are said to be highly successful. In Wisconsin schools of agriculture and domestic science were provided for by an act of the Legislature of 1901. This act was amended by the Legislature of 1903, providing for at least four of such schools and providing that the amount of state aid received by each shall equal two thirds the amount actually expended for maintaining the school during the year, provided that no more than \$4,000 shall be apportioned to any one school in any one year. The course of study covers two years, and includes the elements of agriculture, domestic science, political and domestic economy, with work in composition, literature, United States history, and civics, and commercial arithmetic with farm accounts. Before these schools are entitled to State aid their work must be approved by the State Superintendent and Dean of the Agricultural College maintained by the State University. Two schools have been organized and maintained under the law. Their creation seems to be fully justified. The instructors of the school improve every opportunity to talk to the citizens of the county on all suitable occasions. An increased interest in agriculture has arisen as a result. A few acres of land for farming purposes is apportioned for the use of such agricultural school.

Following the lead of Wisconsin comes similar legislation in Illinois and Minnesota, and other states are preparing to join the procession.

This committee has framed a measure providing for the establishment of courses of agriculture and domestic science in high schools and giving financial aid to such schools. We trust that it will become a law.

Uniformity of Text-Books.

There has been a suggestion made that some legislation should be had with a view of securing a greater degree of uniformity of text-books in the various high schools; also

that there should be a nearer approach to uniformity in the courses of study. At present there are over 175 high schools in the State and each high school board has the authority to adopt text-books and establish courses of study in its particular school. In removing from one district to another the pupil usually finds his entire school plans disarranged and at the same time is compelled to purchase an entirely new set of text-books. In order, however, to meet the suggestion and remove the cause of the difficulty the Legislature would have to confer upon some central body the power to adopt text books and approve courses of study. The committee is not prepared to recommend that such power be vested in the State Board of Education, as the members thereof are already overburdened with duties. This subject is hereinafter incidentally referred to, under the head of "School Supervision."

Free Text-Books.

Nearly every Legislature during the past ten years has been importuned to furnish the State text-books free to all pupils. To meet this demand an amendment to the Constitution will be required. Moreover, it may not be economical or wise for the State to undertake this scheme. The law now permits local boards of education and trustees to purchase text-books for the use of children whose parents are unable to purchase them. This provision is objected to on the ground that it puts the badge of poverty on the children who use the books so furnished, and besides those parents who are poor but proud do not like to avail themselves of this charity, while others, less deserving, take advantage of it. In case this Legislature should not wish to go to the extent of furnishing text-books free to the entire State, we would propose as a substitute measure a law that will give to each county the right to furnish free text-books within its limits. It might be considered wiser to enact such a law than to amend the Constitution so that the furnishing shall be done by the State. If the several counties should undertake this scheme the responsibility would be brought directly home to the people and the gift would be more likely to be appreciated and the expenditures more safely guarded.

In the following states text-books are required to be furnished free: Delaware, Idaho, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, Wyoming, Nebraska (twelve states).

In the following it is optional with local boards to furnish text-books free: Colorado, Connecticut, District of Columbia, Iowa, Kansas, Michigan, Minnesota, Montana, New York, North Dakota, Ohio, South Dakota, Utah, West Virginia, Wisconsin (fifteen states).

Maryland limits its state appropriation for this purpose to \$150,000, and so far as we have any information on the subject this is the only state that purchases text books from its state funds. The local districts bear the expense in all other cases. As to the advantages of a system of free text-books we would call attention to the investigation of the subject made by the United States Commissioner of Education and reported in the report of the Commissioner for the year 1901. The testimony adduced was almost overwhelmingly in favor of free text-books. (See also report of Commissioner for year 1902, page 2499; for the year 1903, page 2415; and for the year 1904, page 2279.)

Supplementary Text-Books.

Serious complaint has been made that a system is much in vogue by which parents are practically obliged to purchase a lot of so-called "supplementary" readers and text-books for their children at the suggestion, usually, of the teacher. From investigation we believe the complaint to be well founded. We have, therefore, proposed a bill which will incorporate into the code a law forbidding the teacher to suggest to the pupil the advisability of purchasing any such supplementary book; that when such books are actually required they must be provided by the school district and paid for out of the school funds of the district. As expenses of this kind would diminish the amount available for salaries, it is believed that the evil complained of would soon cease.

School Supervision.

For some time past there has been a demand from educationists for a more adequate supervision of the rural schools. The law requires of the county superintendent that he shall personally visit each school in his county at least once a year. In many counties this is as often as he can inspect a school, and under such conditions the inspection must be very superficial. The intelligent supervision of schools has been made a theme for almost endless discussion among educators, and several solutions for the present problems connected therewith have been proposed. One suggestion has been made to the effect that each county superintendent appoint a number of deputies, and that these deputies (with himself) should constitute the county board of education. This might work well in the more populous counties where the services of a number of deputies would be required, but would hardly be a suitable scheme for the smaller counties, where the superintendent is able to do all of the supervision. Another plan is to permit the county supervisors to appoint the members of the county board from a list of names furnished by the county superintendent. This might work well at times; sometimes it would cause a clash between the board of supervisors and the superintendent. A similar plan for appointing boards in municipalities has disclosed its weakness. The declaration has been made that there should be supervision by experts. All will agree to this, but thus far no efficacious scheme for obtaining the services of none but experts has been brought forward.

At this point this committee proposes to assert the right, as well as the duty of the State to see that there is proper supervision of the schools—both rural and city. Not necessarily that it will always command the services of experts, but the State should exercise some function of supervision by reason of the superior interest of the State in securing the highest welfare for the child—its future sovereign. It is not a matter calling for the exercise of district authority, or county authority, or city authority—it is a State affair. The State contributes more than \$4,000,000 of its funds annually to support the schools. It should have an opportunity to see that this vast sum was properly expended; to see that competent teachers were actually employed and that approved methods of instruction were intelligently exemplified. The concern of the State is the welfare of the child. How can the State ascertain and safeguard the welfare of the child without inquiry as to the conditions surrounding him?

Herein are illustrated the limitations placed upon the State in the matter of unifying the State school system. The Constitution commands the Legislature to provide a system of common schools which the Supreme Court has said must be a State system, and yet the same instrument grants little or no power to State officers. The Superintendent of Public Instruction exercises but a limited ministerial power and the State Board of Education has but little real power other than to provide a State series of text-books. Taking it for granted that the State should exercise some powers of supervision, the Constitution does not provide a means, and that instrument should be amended. We are inclined to the opinion that there should be a State Board of Education exercising enlarged powers. But a glance at the composition of the board as at present constituted will show that it can not exercise any more power to advantage. Not that there is any objection to the personnel of the present board; they are all estimable men and highly competent educators. But they all have other duties to perform and to impose additional duties at this time would mean that they would have to neglect those for which they were primarily appointed. Moreover, it will be noticed that the dominating influence of the board is that radiating from the "higher educational" circle, and no law would be sanctioned by the people that would vest in them the control of the entire school system. Your committee therefore presents a proposed constitutional amendment providing for a new State Board of Education as a necessary and preliminary step toward providing an adequate scheme of school supervision by the State. The next Legislature then will be in a position to deal more intelligently with this important matter.

It may be well in this connection to refer back to the suggestion of providing for a greater uniformity in the matter of text-books and courses of study for high schools. If the above amendment to the Constitution should be adopted, it would make comparatively easy the matter of adopting regulations governing this subject. The new State Board of Education would then be the proper central body to which could be delegated the necessary power; in fact the power of supervision would necessarily include the supervision of text-books and courses of study as well as the matter of supervising the methods of teaching. Through this body the different portions and departments of the school system could be properly related, articulated as it were, and out of it would evolve a uniformed system, which is so necessary when we come to contemplate what should be a complete and harmonious whole.

School Libraries.

Several suggestions have been made to the committee for the improvement of the service of school libraries. Statistics show there are about 1,600,000 volumes in the libraries of the several school districts. The habit of reading good books is one which should be inculcated in every child. Yet during vacations and on other non school days this vast storehouse of knowledge is locked up in the schoolhouse and made practically inaccessible. It has been suggested that boards of trustees should have wider discretionary powers in respect to school libraries; that libraries might be made accessible during vacations; that in towns having public libraries the school library might be consolidated therewith under such conditions as might be agreed upon by the several authorities. The suggestions appear to be good and we present bills to secure the desired result.

High Schools and the University.

A considerable time of the committee has been devoted to securing an understanding of the relationship existing between the high schools and the State University. Complaints were made that the system of "accrediting" high schools was, in effect, a "cramping" process applied to schools instead of to individuals. From time to time the "standard of efficiency" has been raised until the demands upon the high schools required that they, too, should raise their standard of efficiency for admission to these schools from the grammar grade and it was seriously suggested that some of the studies usually taught in the high school should be commenced in the lower grades. The effect of this cramming soon became evident and many protests against the entire accrediting system were vehemently made.

In reply to the accusations it was pointed out that the accrediting system had increased the efficiency of the high schools, had increased their number, and had increased the percentage of high school graduates enrolled in the university. Very naturally this should be so, when the reputation of a high school depended upon its

being upon the accredited list of the university; there was also a rivalry among principals to see how many graduates each school could furnish to the university.

But it must be noted in this connection that this claim for "increased efficiency" and "higher standards" was from the viewpoint of the scholar. Nothing was said in respect to the increased efficiency of the seventy per cent of the graduates who did not attend the university, but were forced to assume at once the active and pressing duties of life. Were they better equipped to fight life's battles? Would it not have been better for them had less attention been paid to the meeting of university requirements and more time given to the task of fitting them for the great university of life, where knowledge is gained by the struggle for existence? These are serious questions, but it is hardly necessary to answer them here, for the announcement has been made that the accrediting system is to be modified, if not abolished. It is proposed that any graduate of a high school will be admitted to the university, without examination, when presenting, in addition to a diploma of graduation, a written recommendation or certificate from the principal that the holder is qualified to do university work.

An investigation of this question will reveal that the scheme is more objectionable than is the accrediting system. It is plain to be seen that the practice involves the issuance of two diplomas of graduation; one a diploma showing a completion of the high school course and another called a "recommendation" permitting the holder to enter the university. We wish to voice an emphatic protest against the dividing of our high school pupils into classes; for it must be evident to any thoughtful person that this division will be made in the early years of the high school course. Pupils soon after entering high school usually indicate their intention of attending the university or otherwise. Those who are to receive a higher education will very naturally be given the 'university attention,' while those who are to shift for themselves will be in fact left to shift for themselves during the entire high school term. The efficiency of the school will depend upon the efficiency of those who will attend the university; the others, constituting the large majority, will not count, for there is no way of measuring their efficiency after they have left school. The efficiency of the school will be increased as regards its ability to furnish university entrances, but it will be done at the expense of the "ordinary" graduates. In reality there will be a lowering of the average of efficiency. The effect also of dividing our high school pupils into two classes will be more than likely to be demoralizing to the pupils themselves. It may result in prematurely driving away from school many of those who would otherwise complete the high school course. The view of this committee is, therefore, that the proposed system should be severely condemned.

We would be censured, however, if we should merely content ourselves with the condemnation of a system without, at the same time, endeavoring to supply a better one, and we have earnestly sought for a solution of the problem confronting us.

We have taken the view that all of our children should be treated upon a basis of equality and that the purpose of a school system was not that alone of producing "scholars"; rather it is to make the young men and young women more capable and better fitted to enter upon any chosen occupation and to assume the severe duties and responsibilities of life.

Applying this view of the matter at hand, we hold that every graduate holding a high school diploma should by right be entitled to receive at the hands of the State a higher education if he so desires. If he is not capable of taking a full university course he should be entitled to take as much thereof as his capabilities will permit. If he is incapable of taking any part of the education offered, then it is a matter for the university authorities to either provide a course that he can take, or dismiss him from the institution. If the latter should be done, then it should not be charged up as a fault of the high school that sent him there.

This committee has therefore proposed a law requiring but one certificate of graduation from a high school, and prescribing that the holder of such a diploma shall be entitled to enter the university without examination.

To forestall any charge that this proposed law will result in lowering the standard of efficiency of the high schools, we have provided for a system of inspection under the direction of the state, and should any high school fall below what may be required by the State, then such school will be deprived of the right to issue any diploma whatsoever. Surely this penalty will be sufficiently severe to prevent any deterioration on the part of our high schools. We may add by way of explanation that the inspection proposed will be performed by some competent man appointed for that express purpose by the Superintendent of Public Instruction. We believe that upon examination this plan will disclose much to commend it. We are informed that a similar plan exists in one or more of the Eastern States.

The University and Normal Schools

The State has established five normal schools for the education and training of teachers, and these are maintained at a large expense to the state. We note with exceedingly great regret that the attendance at these schools appears to be diminishing and that they are not at the present time supplying as large a percentage of the new teachers required as they did ten years ago. On the other hand, the State University has established a pedagogical department and has to a considerable extent usurped the functions of a normal school. It appears, however, that comparatively few of the graduates of this department become teachers in the primary and grammar grades, as the high

schools offer greater inducements for them. Moreover, the committee is informed that the graduates of the normal schools make better teachers in the elementary schools than do the university graduates. This is because there is no training department connected with the university. Moreover, we note that this Legislature is asked to make a large appropriation for the establishment of such a training department at the university. In view of the fact that the State has invested a large amount of money in the establishment of normal schools, we believe that they should be continued as the training schools for teachers of the common schools, and that their usefulness in this regard should not be destroyed by permitting the university to usurp the functions of the normal schools.

In this connection we would urge upon the managers of the several normal schools that they make strenuous efforts to elevate these institutions to a higher plane of usefulness, and endeavor, if possible, to enlarge the output of teachers.

Certification of Teachers.

The committee proposes a few minor changes, or rather additions, to the law respecting the certification of teachers, as follows:

1. Temporary certificates good until the next annual examination. At present temporary certificates are valid for only six months, but examinations are now held only once a year.

2. That holders of kindergarten certificates issued upon a normal school diploma be entitled to teach in the lower primary grades.

3. That a special manual training certificate be issued to the holder of a diploma of a normal school showing him to have completed a course in manual training.

Medical Inspection.

It has been pointed out to the committee that many cases of the inability of pupils to do school work are due to physical disabilities. In several of the Eastern States, and more notably in some foreign countries, systems of medical examination are provided for schools with a view of detecting the causes of physical deficiency and excellent results have been reported. We think it wise that some action should be taken by this State. We have reported a bill providing for a system of medical examination for elementary schools, which, while not as comprehensive as may be required, will be a step in the right direction.

The High School Law.

We propose a few minor changes in the laws providing for the organization of high schools.

We propose that high school trustees shall be elected by the district at large instead of by districts as at present. The objection to the present law is that where a number of small districts are united with a large one, it is the smaller districts that control the board.

We also propose a change in the law governing the annexation of districts to a high school district already organized, so that the people of the annexed district may be taxed for the bonds issued to build the school buildings, should they so desire to be taxed.

Tuition.

The committee also proposes a change in the method of paying tuition. At present many school districts enjoy the advantages of a high school without contributing to the support of one. The pupils of such districts attend a neighboring high school and pay tuition to the same when the district ought to have a high school of its own or become a part of some high school district. The committee therefore proposes a law that will make the tuition fee a charge against the school district. As the spirit of our educational system is antagonistic to personal charges for education, we believe the amendment proposed therewith is a proper one. Similar laws prevail in Eastern States.

Compulsory Education.

The committee finds that the present compulsory education law is inadequate for the purposes for which it was intended. Adequate means for its proper enforcement are not provided, and, furthermore, it is only applicable to the larger cities. Important amendments are proposed to this law for the purpose of widening its scope and providing more ample means for its enforcement.

Miscellaneous Matters.

The committee has prepared a number of bills amending such sections as conflict with other sections; also making a few changes that appear to be needed to correct errors that have inadvertently been made by ill-considered amendments, and others that will facilitate the work of school administration. None of these make any important change in the school law.

Conclusion.

The committee in making these recommendations has been, and the Legislature in adopting any legislation should be, governed solely by what is for the good of the

children of the State. The rights of the teachers are but to be incidentally considered and never should control. It should be always kept in mind that the teachers are for the schools, and not the schools for the teachers.

Another thing that should be carefully considered in adopting any legislation is the necessity for almost complete independence between the primary and grammar schools and the high schools, and between the high schools and the university. The tendency of the university to make mere preparatory schools of the high schools has become a recognized evil, and this in turn has compelled the high school to reflect back on the common schools with the same result.

It is only a small proportion of the graduates of the grammar schools that ever enter the high schools, while the great majority enter immediately upon the great struggle for existence. This great majority, which only get the advantage of State education for a short period, should be the chief care of the State. Their education should be practical and above all complete so far as it goes. They should be masters of those elementary studies which they will need in all walks of life.

As a matter of fact, less and less attention is being given to the elementary studies. The three "R's" are constantly being neglected, and new studies being substituted so as to prepare the student for the course in the high school. Many students go out of the common schools with a smattering of all kinds of studies, but unable to intelligently express themselves in English, much less to legibly write or correctly spell.

When we reach the high schools the condition is, if anything, still worse. Only a small proportion of the graduates of the high schools ever enter the university, still the main aim of those schools has been to prepare the pupil for the university. Every teacher and every principal has been confronted with the necessity of having the school "accredited" to the university. In order to be accredited the school must teach the studies that the university authorities require, and in some cases even use the books recommended by them. The pupil is also given to understand that the chief aim is to reach these requirements. Here, again, the chief aim is not to prepare the pupil for the work of life, upon which the great majority of graduates must enter, but to prepare for the university, to which but a small majority ever go. A smattering of the studies which will later be taken at the university is forced upon the pupils; cramming becomes a necessity; the number of studies is constantly increased, until a pupil is compelled either merely to cram in order to pass the examinations or to break down under the strain. The time has come when the course of study in the grammar and high schools must be simplified. More attention must be given to the essentials. The aim must be to make men and women who are able to enter upon the work of life, and not merely upon the career of scholars. Let us make the common schools for the common people.

Respectfully submitted,

JAMES SLAVEN,
EDW. K. STROBRIDGE,
E. F. TREADWELL,
N. W. THOMPSON,
Committee.

H. A. MASON, Secretary.

Mr. J. H. Creighton, who was appointed a member of this committee, having removed from the State, did not participate in its proceedings.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1907

MR. SPEAKER: Your special Committee on Education appointed at the last session of the Legislature, to investigate the school laws of the State and to report the result of such investigation to this Legislature, beg leave to report that they have submitted their report with the accompanying bill, and that they have incurred in the discharge of their duty the following expenses:

James Slaven	\$174 00
E. K. Strobridge	134 50
N. W. Thompson	145 00
E. F. Treadwell	80 00
Salary of Secretary	330 00
Cash advanced by Secretary for typewriting and traveling and postage	118 00
Total	\$981 50

And your committee respectfully recommend the adoption of the following resolution:
Resolved, That the sum of \$981 50 be paid out of the Contingent Fund of the Assembly to pay the expenses of the special Committee on Education, as shown by the above statement, and the Controller is hereby authorized and directed to draw his warrant thereon in favor of E. K. Strobridge, acting chairman of said committee, and the Treasurer is authorized and directed to pay the same.

STROBRIDGE, Acting Chairman.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 18, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 6—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 23, 1893, by adding one new section thereto, to be numbered Section 31, relating to the transfer of boys from State prisons thereto, and of the powers and duties of certain public officers in connection therewith.

And report that the same has been correctly engrossed.

REILY, Chairman.

Senate Bill No. 6 ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 18, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 76—An Act to prevent persons from unlawfully using or wearing the badge or button of the United Spanish War Veterans of this State—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

Also: Senate Bill No. 32—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Revenue and Taxation.

Also: Senate Bill No. 23—An Act to amend Section 1329 of the Penal Code, relating to the payment of witnesses in criminal cases.

Also: Senate Bill No. 28—An Act to amend Section 10 of an Act entitled "An Act authorizing certain corporations to act as executors and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, relating to deposits in bonds or mortgages accompanied by a certificate of title or abstract of title.

Also: Senate Bill No. 59—An Act authorizing the City of San Diego and the authorities thereof to convey a portion of La Jolla Park, in said city, to the Regents of the University of California for the purposes of a biological station.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 69—An Act to amend Section 1093 of the Penal Code, relating to the order of trial—have had the same under consideration, and amended same, and respectfully report the same back, and recommend that it do pass, as amended.

CURTIN, Acting Chairman.

Senate Bills Nos. 23, 28, 59, and 69 ordered on file for second reading.

RE-REFERENCE OF BILL.

Senate Bill No. 32 re-referred to the Committee on Revenue and Taxation.

WITHDRAWAL OF BILL.

Senator Anthony asked for and was granted unanimous consent to withdraw Senate Bill No. 76.

Senate Bill No. 76 withdrawn, and ordered stricken from the file.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 21, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

Resolved, That the Committee on Insurance and Insurance Laws be authorized and empowered to employ an expert or experts at a compensation to be fixed by said committee, and to be paid out of the Contingent Fund of the Senate, and that said com-

mittee be and is hereby empowered to issue all necessary subpoenas, to have full power to send for persons, books, and papers, and to compel the attendance of any and all necessary witnesses within this State, and require a production of any and all necessary papers, books, or documents in order that the powers herein given may be fully carried out.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

Report and resolution adopted.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Anthony:

Resolved, That the following-named persons be and are hereby elected to the positions and per diem set opposite their respective names:

Henry Vaca, Gatekeeper.....	\$3 00
T. W. Hubbard, Gatekeeper.....	3 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Muenster, Nelson, Price, Rambo, Reilly, Rolley, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright 28.

NOES—Senator Caminetti—1.

Whereupon the President declared that the above-named persons had been elected.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Keane: Senate Bill No. 366—An Act to amend an Act entitled "An act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of the State," approved March 5, 1903.

Bill read first time, and referred to Committee on Education.

By Senator Caminetti: Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section one (1) of article four (IV) thereof, relating to the legislative power, and to certain reservations thereof by the people.

Senate Constitutional Amendment referred to Committee on Judiciary.

By Senator Weed: Senate Bill No. 367—An Act to repeal an Act entitled "An Act to increase the number of Judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judges," approved March 20, 1905.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 368—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed as acting guardian at the Marshall Monument, at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same, the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 369—An Act making an appropriation to pay the claim of Frank Higgins for legal services rendered and expenses

incurred by him as special counsel for the State of California from July 10 to October 21, 1905, in the matter of the extradition of George D. Collins from British Columbia, the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 370—An Act appropriating money to pay the rental, cost of moving, and other necessary expenses incurred and to be incurred by the different State officers who were forced to find temporary quarters during the present repair work to the State capitol building.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 371—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, expenditure of which has been approved by the State Board of Examiners.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 372—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 373—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof."

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 374—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 375—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 376—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 377—An Act appropriating money to pay the funeral expenses of the late Controller, Edward P. Colgan.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 378—An Act making an appropriation to pay the deficiency in the contingent appropriation for the Governor's office for the fifty-seventh and fifty-eighth fiscal years.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 379—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Controller's office, for the fifty-eighth fiscal year.

Bill read first time, and referred to Committee on Finance.

By Senator Cartwright: Senate Bill No. 380—An Act to provide for the establishment and maintenance of a fish hatchery at Lake Shaver, Fresno County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Fish and Game.

By Senator McKee: Senate Bill No. 381—An Act to amend an Act

entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Willis: Senate Bill No. 382—An Act to amend the Political Code by adding thereto three new sections, to be numbered 759, 760, and 761, relating to fees of clerks of District Courts of Appeal, the disposition thereof, and settlement therefor, by said clerks, and creating a library fund in District Courts of Appeal.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anderson: Senate Bill No. 383—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 2055, relating to the production of evidence.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 384—An Act to convert, transfer, and return to the General Fund of the State treasury, all unexpended moneys heretofore appropriated for the care, management, or improvement, or for any other purpose, with reference to the "Yosemite Valley and Mariposa Big Tree Grove," or any money which may be or hereafter come into the "Yosemite Valley and Mariposa Big Tree Grove."

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 385—An Act to repeal an Act entitled "An Act to provide for the management of the 'Yosemite Valley and Mariposa Big Tree Grove,'" approved April 15, 1880, and all amendatory thereof or supplementary thereto.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 386—An Act to repeal Sections 357, 3584, 3585, and 3586 of the Political Code, relating to the "Yosemite Valley and the Mariposa Big Tree Grove."

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 387—An Act authorizing and empowering the Governor and Attorney-General of the State of California to employ special counsel to assist and cooperate with the Attorney-General in all legal proceedings instituted, in which may be involved any question affecting the right or power of the State to declare by law the mode and manner of admission of pupils to the common schools of the State, and making appropriations for the payment of counsel and other expenses in connection with such proceedings.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caminetti: Senate Bill No. 388—An Act to declare the highway commencing at Pine Grove, in Amador County, and running thence via Markleeville, Alpine County, to Junction, in Mono County, California, a State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator McKee: Senate Bill No. 389—An Act to prevent the adulteration of paints, oils, varnishes, and pigments.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 390—An Act amendatory of an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensations of such officers, and providing for the crea-

tion, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, by amending Section 29 thereof and making an appropriation of \$25,000 to carry out the purposes of said Act.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 391—An Act to amend Section 1537 of the Political Code, as amended in the year 1905, relating to the formation of school districts.

Bill read first time, and referred to Committee on Education.

By Senator Wright: Senate Bill No. 392—An Act to add a new section to the Code of Civil Procedure, to be known as Section 2039, relative to taking depositions.

Bill read first time, and referred to Committee on Judiciary.

SENATOR LEAVITT IN THE CHAIR.

At ten o'clock and twenty-five minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 6—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as "The Whittier State School," approved March 23, 1893, by adding one new section thereto, to be numbered Section 31, relating to the transfer of boys from state prisons thereto, and of the powers and duties of certain public officers in connection therewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 3—Relative to House Resolution No. 7017, now pending in Congress, providing for transfer of the jurisdiction over certain National Parks in California from the Department of Interior to the Department of Agriculture.

During the reading of Senate Joint Resolution No. 3, the following amendments were submitted by committee:

On page 1, line 1, printed resolution, insert between the words "California" and "the," the word "and."

Amendment adopted.

Also:

On page 1, line 2, printed resolution, strike out the words "are hereby instructed"

Amendment adopted.

Also:

On page 1, line 1, printed resolution, strike out the word "concurring" and insert in lieu thereof the word "jointly."

Amendment adopted.

Senate Joint Resolution No. 3 ordered to print.

SECOND-READING FILE

Senate Bill No. 5—An Act making an appropriation to be used under the provisions of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, approved March 16, 1889.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 37—An Act making an appropriation for the erection of a monument in the State Burial Plot, at Sacramento, to the memory of Honorable Edward P. Colgan, deceased, late State Controller.

Bill read second time, considered engrossed, and ordered on file for third reading.

RECESS.

At ten o'clock and forty minutes A. M., on motion of Senator Wolfe, the acting President declared the Senate at recess for fifty minutes.

RECONVENED.

At eleven o'clock and thirty minutes A. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 21, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 4—Relative to approving the charter of the City of Santa Monica, in Los Angeles County, California, which was voted for by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter on the 28th day of March, 1906.

Also: Senate Concurrent Resolution No. 2—Relative to approving the charter of the City of Alameda, State of California.

Also: Senate Concurrent Resolution No. 5—Relative to approving two certain amendments of the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the 19th day of June, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

SAVAGE, Chairman.

Senate Concurrent Resolutions Nos. 4, 2, and 5 ordered on file.

ANNOUNCEMENTS.

Senator Wolfe asked for and was granted unanimous consent to announce that within the next two or three days (due notice of the exact date to be hereafter given) he will rise to a question of personal privilege and address the Senate on certain matter contained in a San Francisco newspaper of this date to the effect that yesterday he was criticised from the pulpit by an Episcopalian rector of that city.

Senator Wright also asked for and was granted unanimous consent to announce that on Wednesday, January 23, 1907, he will rise to a question of personal privilege and address the Senate on certain charges recently made against him in various newspapers.

RECESS.

At eleven o'clock and thirty-five minutes A. M., on motion of Senator Leavitt, the President declared the Senate at recess for fifteen minutes.

RECONVENED.

At eleven o'clock and fifty minutes A. M., the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day adopted Assembly Concurrent Resolution No. 10—Relative to the death of Assemblyman Burke.

Also: Assembly Concurrent Resolution No. 11—Relative to the death of Assemblyman Burke.

And ask your honorable body to concur in same

Also: I am directed to inform your honorable body that the Speaker of the Assembly on this day appointed the following committee under the provisions of Assembly Concurrent Resolution No. 10: Assemblymen Transue, Stetson, Devlin, Cutton, and McGuire.

And under the provisions of Assembly Concurrent Resolution No. 11: Assemblymen O'Brien, Transue, and Walsh.

CLIO LLOYD, Chief Clerk of the Assembly.

By T. G. WALKER, Assistant Clerk.

CONSIDERATION OF CONCURRENT RESOLUTIONS—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Assembly Concurrent Resolutions Nos. 10 and 11 taken up for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 10.

WHEREAS, In His infinite wisdom God has seen fit to take from our midst our honored, esteemed, and lovable colleague, the Honorable John J. Burke; therefore, be it

Resolved by the Assembly, the Senate concurring. That the Speaker of the Assembly appoint five members of the Assembly and the President of the Senate appoint five members of the Senate to act as a joint committee and draft suitable resolutions in memory of our late honorable and esteemed colleague and friend, the Honorable John J. Burke.

Assembly Concurrent Resolution No. 10 read and unanimously adopted by rising vote.

Resolution ordered transmitted to the Assembly.

ASSEMBLY CONCURRENT RESOLUTION No. 11.

Resolved by the Assembly, the Senate concurring. That a committee of five, consisting of three members of the Assembly and two members of the Senate, be named by the Speaker of the Assembly and the President of the Senate, respectively, and appointed to take charge of all arrangements for the funeral service of the late Hon. John J. Burke, and that the expenses be paid out of the Contingent Fund of the Assembly; and the Senate is hereby invited to meet the Assembly in joint session at twelve, noon, this day.

Assembly Concurrent Resolution No. 11 read and adopted.

Resolution ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEES.

The President announced that, in accordance with Assembly Concurrent Resolution No. 10, he had appointed Senators Bates, Wolfe, Hartman, Lynch, and McCartney as such committee.

The President also announced that, in accordance with Assembly Concurrent Resolution No. 11, he had appointed Senators Price and Willis as such committee.

RECESS.

At eleven o'clock and fifty-five minutes A. M., on motion of Senator Wolfe, the President declared the Senate at recess for the purpose of meeting with the Assembly in joint assembly, pursuant to Assembly Concurrent Resolution No. 11.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,

Monday, January 21, 1907.

At twelve o'clock M. the Senate and Assembly met in Joint Assembly. Lieutenant-Governor Warren R. Porter, President of the Senate, directed the Secretary of the Senate to call the roll of Senators.

SENATE ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Muenster, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

The President declared a quorum of the Senate present.

Hon. R. L. Beardslee, Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

ASSEMBLY ROLL CALL.

The roll was called, and the following answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collier, Cornish, Costar, Cullen, Cutten, Davis, DeChin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Frutessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lewis, Luddington, Lynch, McClellan, McConnell, McGuire, McKean, McMullin, O'Brien, Otis, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Westling, Whitmore, Wilson, Wyatt, and Mr. Speaker—75.

The Speaker of the Assembly declared a quorum of the Assembly present.

EULOGIES ON THE LATE HON. JOHN J. BURKE.

During the Assembly roll-call, when the name of the late Hon. John J. Burke of the Forty-ninth Assembly District was reached, eulogies were pronounced by Mr. Coghlan, Senator Wolfe, and Mr. Drew.

RESOLUTION.

The following resolution was offered:

By Mr. Transue:

Resolved, As a further token of respect to our deceased colleague, the late Hon. John J. Burke, the Legislature of the State of California will attend the funeral in a body.

Resolution read and adopted.

APPROVAL OF MINUTES.

Minutes of Joint Assembly read and approved.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., the President of the Senate declared the Joint Assembly adjourned without day.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty-five minutes P. M. the Senate reconvened. Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator McCartney:

WHEREAS, The Senate has learned with profound sorrow of the sad and untimely death of the Honorable John J. Burke, member of the Assembly from the Forty-ninth District, Alameda County;

WHEREAS, The late Honorable John J. Burke was highly esteemed as a valuable legislator of the thirty-fifth, thirty-sixth, and thirty-seventh sessions, of which he was a member, and by his sterling qualities and unusual energy, ability, and fidelity his name is held in high respect by the whole people of our State; therefore, as a token of respect for his high character and for his unselfish and distinguished services rendered the people of this State during his lifetime—

Resolved, That the Senate on this day adjourn until ten o'clock A. M., Wednesday, the 23d day of January, 1907, out of respect to, and in recognition of, its appreciation of the late Honorable John J. Burke.

Resolution read and unanimously adopted by rising vote.

By Senator Broughton:

Resolved, That Chas. B. Mahone be and he is hereby elected to the position of Assistant Minute Clerk, at the per diem of \$6.00, in place and stead of the position of Assistant Minute Clerk at the per diem of \$5.00.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Broughton, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Whereupon the President declared that the above-named person had been elected.

SPECIAL ORDERS RESET.

On motion of Senator Leavitt, the special order set for Tuesday, January 22, 1907, at eleven o'clock A. M., being the consideration of Senate Concurrent Resolution No. 6, was postponed and made a special order for Wednesday, January 23, 1907, at eleven o'clock A. M.

APPOINTMENT OF SPECIAL COMMITTEE.

In accordance with the resolution by Senator Caminetti, this day adopted, that a special committee of three be appointed to make and

report a distribution to the respective committees of the various recommendations contained in the inaugural address of Governor J. N. Gillett, and final message of Governor George C. Pardee, the President appointed Senators Belshaw, Weed, and Caminetti as such special committee.

ADJOURNMENT.

At twelve o'clock and forty-five minutes p. m., in accordance with a resolution, this day adopted, the Senate was declared adjourned until Wednesday, January 23, 1907.

IN SENATE.

SENATE CHAMBER,

Wednesday, January 23, 1907.

Pursuant to adjournment, the Senate met at ten o'clock a. m. Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Muenster, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVE OF ABSENCE.

Senator Cartwright was, on motion of Senator Sanford, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 21, 1907, the further reading was dispensed with, on motion of Senator Leavitt.

RESOLUTIONS.

The following resolutions were offered:

By Senator Wright:

Resolved, That the Secretary of the Senate be and he is hereby directed to purchase for the use of each member of the Judiciary Committee Kerr's Annotated Codes, and Henning's Code of Civil Procedure, and one set of California Reports Annotated and Digests, to be paid for out of the Contingent Fund of the Senate; *provided*, that the said California Reports, Annotated and Digests, shall be delivered to the Secretary of State at the conclusion of this session and shall be and remain the property of the State.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Savage:

Resolved, That the following bills for rent be allowed to the following-named persons:

Mrs. J. Fraler.....	\$20 00
Mrs. F. Carey.....	20 00
Mrs. J. Handlin.....	20 00
Mrs. Blake.....	40 00
Union Republican Club.....	60 00

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Lynch:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$1,695.37 in payment of bills hereto attached, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.
Also:

Resolved, That the following-named persons be allowed the sums set opposite their names for services rendered this Senate prior to its organization, the same being payable out of the Contingent Fund:

L. A. Hilborn, ten days at \$8.....	\$80 00
S. N. Marsh, two days at \$6.....	12 00
D. J. Shields, two days at \$6.....	12 00
W. H. Randall, two days at \$6.....	12 00
R. H. Broughton, two days at \$6.....	12 00
Sam E. Redmond, three days at \$6.....	18 00
Harold Wolfe, three days at \$4.....	12 00

Resolution read, and referred to Committee on Contingent Expenses.
Also:

Resolved, That Robert Shaw be and he is hereby elected to the position of Clerk of the Finance Committee at a per diem of \$6, in place and stead of the position of Index Clerk at the per diem of \$4.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Marker, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

NOES—Senator Caminetti—1.

Whereupon the President declared that the above-named person had been elected.

By Senator Willis:

WHEREAS, One Edward J. Livernash, present correspondent for the San Francisco "Bulletin," has grossly, wantonly, and maliciously abused the privilege and courtesy extended to him by the two branches of this Legislature, in the matter of the freedom of the chambers of the respective houses, during sessions, and has grossly insulted each and every member of both houses by his scurrilous production, published in the "Bulletin" of the 18th of January, 1907 (a copy of which is hereto attached); and

WHEREAS, Said Livernash has repeated his offensive insults in his reports published in the "Bulletin" of the 22d of January, 1907 (a copy of which is hereto attached), and has grossly, cruelly, and maliciously insulted the memory of the late Assemblyman John J. Burke, and has falsely impugned the motives and purposes of the members of this Legislature in attending his funeral at Oakland on the 22d day of January, 1907, and has cruelly wounded the feelings of all the relatives and friends of the colleague just buried by his false and scurrilous statements therein; therefore, be it

Resolved by the Senate, That Edward J. Livernash be, and he hereby is, denied the privilege and courtesy of admission to the Senate Chamber, or any part thereof, or to any part of the building now occupied by this Senate, during the balance of this Thirty-seventh Session; and that the Sergeant-at-Arms of the Senate be, and he hereby is, authorized and directed to prevent the entrance of said Livernash to any room or part of such building, or such chamber under the control of this Senate, and to eject him whenever found therein.

Resolution read.

Copy of article from San Francisco Bulletin, January 18, 1907:

LEGISLATURE IS A SERVILE CREATURE.

E. J. LIVERNASH DECLARES CALIFORNIA'S LAW-MAKING BODY HAS NO SHAME FOR OWNERSHIP BY CORPORATE INTERESTS.

By Edward J. Livernash.

SACRAMENTO, Jan. 18.—Any one who cares for California, any one who is attached to American ideals of government, any one who has even a little of the nobility and grace of life, must be shocked and disgusted by close-range observation of the Legislature now in session here. It is the servile creature of great corporate interests, notably the interests of E. H. Harriman; and has no consciousness of shame for that relation. It is ignorant. It is vulgar. It is base. It clumsily, brutally, jests at its own degradations.

Severe language, yes; but carefully considered. The closing accusations will be taken up with particularity in subsequent dispatches. Some of the others will be touched upon, in a preliminary fashion, this afternoon.

The servility to powerful corporations is expressed in many ways, but most of all, thus far, in an atmosphere of easy, contemptuous indifference to the serious concerns of the plain people, a term meant to cover people of respectability who are not immensely rich—mechanics, laborers, farmers, merchants, professional persons. There is no mistaking it. Every day yields a great deal of talk for the ears of the plain people—merely talk, nothing more; BILLS without end, for them, too—merely introductions, nothing more; committee HEARINGS, if they wish it, to be sure—merely hearings, nothing more. And under and over and around all this floats an atmosphere of amused ridicule for the vocabulary of the masses and of only half-hidden derision to "stand in" on the "programme," whatever it may be—the "programme" being the will of what Arthur McEwen long ago aptly called the "Associated Villainies."

"Of course," said Wolfe of San Francisco, president pro tempore of the Senate and one of the cleanest and most intelligent of the professional politicians here assembled, "of course I had to stand in with the majority." He was justifying his participation in the infamous raiding of the public treasury in the matter of the employment of altogether unnecessary "attachés" of the Legislature.

There you have a fair suggestion of it. To stand out alone, if need be, for the sake of being RIGHT, would be worse than silly as most of these legislators view it. Do you wish "to get on" in politics? Then be with the MAJORITY, they argue; and if the majority here now is falling over itself in eagerness to be in accord with the "machine" of the bandit corporations, very good—very good, indeed. And when one finds as generally decent a man as Wolfe talking in this way the reader may readily infer the shameless attitude of the riff-raff.

The servility is manifested, too, in the open relations between notorious railroad lobbyists and members of the Legislature.

Take Walter Parker of Los Angeles and Jere Burke of San Francisco. Both of these men are so well known as chronic lobbyists and political manipulators for the Associated Villainies that a high-minded legislator would feel himself degraded by voluntary contact with either of them. Yet it is no uncommon sight here, these days, to find the Speaker of the Assembly in close consultation with one or the other of them, while for the rank and file of the lawmakers they are the two most-courted figures at the capital—legislators like to appear their familiars, like to address them as "Walter" or "Jere," like fawningly to sun themselves in the smiles of the precious team. It was no worse here, in this respect, when Chris Buckley was the loadstone attracting false public servants. Let Burke give one of his duck dinners, with Harriman's coin, at the Capital Hotel tomorrow, and it is safe to say around the board would be found an enthusiastic throng numbering the most eminent of the good gentlemen comprising Senator Wolfe's very righteous "majority," including most of the worthies who, through the press and on the stump, run readily to words for their "oppressed" fellow-citizens.

Yet another sign of the servility is the make-up of the committees in which the Harriman type of capital is most concerned. There, for instance, is the Senate Committee on Corporations, with Broughton of Los Angeles at its head (a man who must be quite to the liking of Mr. Herrin) and such sturdy champions of good government as Ruef's Friday Keane and lackey Markey in the following. Or, take the Assembly Committee on Judiciary (to which, on a pinch, almost any bill or resolution may be shunted), with Grove L. Johnson in charge, fittingly supported.

If you happen to be in the confidence of some of these "majority" men, even to a slight degree, you need not depend on the general signs of servility, unhappily convincing though they are. You will be frankly told, "between ourselves," that "it's of no use to fight the machine—just plain political suicide." Naturally, the man who tells you this is of a sort whose intelligence and virtue are of such an order as obliges to the conclusion that you would be crazy to prefer hari-kari to political dishonor—the sort that counts it the highest of all duties and the best of all possible professions of "success," to hang on to office, no matter the use to which the office shall be put or the price paid in getting it. The people? Oh, for them a few sops, a speech or two—enough. Who the longer retains public place—the

friends or the betrayers of the people? Well, then! Thus your legislator, talking under the rose.

The servility to Harriman in particular and the confederated bandits in general is not polished servility of the kind, say, one observes in the Senate of the United States. The average intelligence of the membership of the Legislature appears to be low, the average culture next to nothing. Not that there are no able, enlightened men among the crowd—there are—Carrwright, in the Senate, for example; but they are so few as to make the proportion a humiliation to this State.

Most of the talk in Senate and Assembly is in limping English, with almost as much slang as anything else when there is the least wandering from memorized parliamentary forms of address. But it is less in this that the lamentable appears than in the lack of the kinds of information legislators ought to have.

Consider. Here is California, a wonderfully great State, in process of development—indeed, in an early and distinctly formative stage of development; a State with natural resources quite as rich, quite as varied, quite as capable of yielding nobility of race, as some of the foremost countries of Europe; a State superior in many respects to any of her sister States; a State presenting multitudes of the most difficult and most important problems of empire-building, of civilization—problems of race admixture, of world commerce, of agriculture and land tenure, of organization of capital and organization of labor, of transportation by sea and land, of education.

And here is the metropolis of our State in the grasp of a great affliction that has swept away vast wealth and broken many homes and saddened many hearts—a condition presenting strange and tremendous questions.

It is a time for big, strong, resourceful men in the Legislature—men with broad knowledge, men capable of using with wisdom and power the machinery of government, men who ARE empire-builders.

Yet, what have we here?

Take it for all in all, a body unfit to legislate with intelligence on any subject whatever.

Imagine a man of the order of Hartman of San Francisco (a Senator!) dealing with the profound problem involved in the proposal to abandon our present system of taxation for State purposes. He has about the intellectual equipment of the cave age, plus the embellishments of years of fond association with prize-fighters, wardheelers and Ruef. And Hartman is by no means lonely when he's in Sacramento MAKING LAWS.

A pretty pair, by the way—Hartman and Keane—side by side in the front row of the Senate chamber. Poor Bunkers! How well he would have rounded out a trio had not Fate turned down her thumb!

Copy of article from San Francisco Bulletin, January 22, 1907:

TIME OF GRIEF IS USED FOR SCHEMING.

BOSSES GET A CHANCE TO PLOT—TO SETTLE JAP ISSUE—NO STOPPING OF HERRIN MACHINE.

By Edward J. Livernash.

SACRAMENTO, Jan. 22.—A calm is upon the capital today; for the members of both houses of the Legislature have gone to the funeral of John J. Burke, late Assemblyman from Alameda. In theory and by the formal record, they have gone out of an overwhelming sorrow over the passing of an honored colleague. In blunt truth, with disgusting hypocrisy in the presence of death they are there rather than here because in the judgment of a number of managers the attendance of THE FULL MEMBERSHIP beside an open grave would gain them (through the extended adjournment) needed time wherein to arrange a "programme" touching certain petty "politics." This miserable profanation of a solemn situation that ought to have given pause to worldliness, illustrates the charge of baseness made in an earlier dispatch, and is worth examining in detail.

FOLLOW PROGRAMME.

To understand things here it is important to keep in mind that there are many matters in which Mr. Harriman's manipulators in no wise interfere. They know their business. They do not weaken their authority by mixing in difficulties outside the circle of the special interests they represent. Where they put forth their power is order and from the beginning "programme." Where they do not, there may be order or there may be almost any kind of mix-up.

Now, the Japanese question, in its present stage, appears to have no interest for Mr. Harriman, in so far as Sacramento is concerned; and it is much the same with the agitation about coal shortage. Perhaps he dryly suspects that this Legislature can have no more weight in settling the Japanese school problem than in moving the Great Dipper, and no more influence in disturbing a coal combine engaged in interstate and foreign trade than in altering the sweep of the Gulf Stream. At any rate, it is clear that his lieutenants have arranged no "programme" for the easy guidance of the faithful, either as to Mr. Roosevelt and the Japanese or as to the price and quantity of coal.

CAUGHT IN PANIC.

Amidst a complete absence of orders from the throne in these particulars, both questions came to the front during last week and caught the eminent leaders unprepared. Had we a fair sprinkling of moderately able men among the legislators, these matters would have been dealt with becomingly without a particle of excitement; but out of the deadly mediocrity came a squealing panic—ludicrous and at the same time humiliating to contemplate.

Get a good perspective on the Japanese question, now, before considering what these statesmen have been doing to it. The San Francisco Board of Education provides for separate (though similar) education of Caucasian and Mongolian students attending the public schools under the jurisdiction of that body. The Japanese affected by the policy protest, but not through the courts. President Roosevelt, hearing, slaps on his Rough Rider hat, takes his impetuous pen in hand, and writes furiously to both branches of Congress that California shall do thus and so, even if he must needs call out the land and naval forces of the country—Congress, as such, having absolutely nothing to do with the case. Then, perhaps perceiving the absurdity of addressing Congress, except as to the suggested naturalization of Japanese, Mr. Roosevelt sends for his Attorney-General, and in due time the Department of Justice arranges a test case in California to construe a treaty and to settle in an orderly manner the relative rights of the State and the treaty-making arm of the Federal Government. This test case is now under way.

A DEMOCRATIC VIEW.

At this peaceful stage, our Sacramento statesmen burst into action.

First came Senator Sanford (Democrat), with a joint resolution assailing the President with as much intemperance as the President has been generally condemned for manifesting in his criticism of California—as much intemperance, as little accuracy of statement, and somewhat less attention to Lindley Murray.

That was the Mendocino man's idea of making DEMOCRATIC capital out of a large situation—not a very convincing way, perhaps, nor likely to count in California's favor the other side the Rockies, but sufficiently important, in the estimation of his colleagues, to lead to hot discussion in a hastily assembled caucus of the Republicans of the upper house.

The purpose of the caucus discussion was not to find a sane and dignified policy concerning the subject-matter of the Sanford resolution, but to find a way of putting the Democrats at a disadvantage and making whatever might be done or omitted, as regards the Japanese question, yield REPUBLICAN capital. It was pretty definitely agreed at the caucus that the Republican Senators should "do politics" with the Japanese question, though just how was not arranged.

REPUBLICANS IN HOLE.

At this point Senator Caminetti (Democrat) of Amador took a hand in the game—bringing forward a concurrent resolution attacking the President and instructing the Attorney-General to appear for the State in the test case.

This was Caminetti's idea of doing a bit of Democratic "politics"—not so raw as Sanford's, for Caminetti is a polished and experienced tactician, but for all that primarily intended "to put the Republicans in a hole."

Next Governor Gillett, responding to a prod from the panic-stricken majority in the Senate, delivered himself of an executive order, and forthwith Senator Wolfe (Republican) of San Francisco, always the politician, trotted hastily from the Governor's office to the assembled Senate and made announcement that Gillett had directed the Attorney-General to intervene in the school case—in other words, that Caminetti's cake was dough. Senator Wolfe did not announce, however, though the fact was so, that the Attorney-General would have taken part in the test case, as a friend of the court, without legislative resolution or executive order but acting in simple performance of his duty as he saw it.

Not one of these moves, not even the Governor's (made under the circumstances surrounding it), had relation solely to the true interest of the white race and the real merits of the dispute concerning the authority of California. All of them sounded in the insincerities of "practical politics." The importance of freeing any and every expression of this Commonwealth on the Japanese question from all appearances of partisanship, of "politics," of narrowness, has not been given much consideration. Indeed, few of the good gentlemen now siewing about procedure care a rap about THE REAL MERITS of any branch of this large question about the Japanese. What one hears discussed is not the Japanese question but the "politics" that may be squeezed out of that question.

With all the scheming in a matter that ought to find a united Legislature proceeding in a strictly non-partisan way to a dignified and reasonable expression of will, if anything at all is to be said or done, the majority in the Senate (the Assembly continues silent) has not yet agreed upon a "programme" and of course is afraid to turn the question loose without a "programme." Just what to do with the Sanford resolution, for example, has not become clear; for no acceptable substitute has been prepared.

AGREE ON PROGRAMME.

The death of Assemblyman Burke came at a time this problem of agreeing on a "programme" was deeply troubling; and when, yesterday, it was figured that two

days of grace could be gained, in which to promote agreement on a policy, BY HAVING THE SENATE ATTEND THE FUNERAL OF THE ALAMEDAN IN A BODY, the proposal was promptly approved.

In the case of the Assembly a corresponding situation was presented by the coal question.

Last week Assemblyman Beckett (Republican) of San Francisco, one of Ruef's darlings, introduced a resolution directing that an investigation of the coal shortage in this State be held by a legislative committee. This resolution was made a special order for yesterday; and by yesterday most of the members were still at sea as to just what they ought to do about it. There being no Harriman "programme" affecting the matter, leaders were not all of one mind, and the subject was thought to have some tenderness because of the wealth of the coal combine. Everybody appeared to take it for granted that Beckett was making a mere "play to the galleries," well knowing nothing injurious to the coal combine could come from an "investigation" such as he proposed, but expecting to delude a lot of San Francisco working people into regarding him with favor—just "politics," again.

The death of Burke was eagerly seized upon as a convenient means of escaping that "special order" and of gaining time for arranging a "programme" for the coal case. And so it came about that the Assembly "stood in" for the overwhelming sorrow, and voted to attend the funeral today en masse.

Ordinarily, the death of a member of a legislative body is followed by the appointment of a COMMITTEE OF THAT MEMBER'S COLLEAGUES to attend his funeral. That is the procedure which would have governed yesterday but for the anxieties of both houses over the pettiest sort of "politics."

Pretty wretched hypocrisy. California should gain noble legislation from the statesmen today bowed down with sorrow for the dead.

SPECIAL ORDER SET.

On motion of Senator Leavitt, the consideration of the foregoing resolution was made a special order for this day at two o'clock P. M.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 21, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate Bill No. 231—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-seventh session of the Legislature and directing the State Controller and State Treasurer to make such transfer.

And report that the same has been correctly enrolled and the same presented to the Governor on this 21st day of January, 1907, at three o'clock and fifteen minutes P. M.

Also: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 5—An Act making an appropriation to be used under the provisions of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin, approved March 9, 1885," approved March 16, 1889.

Senate Bill No. 37—An Act making an appropriation for the erection of a monument in the State Burial Plot at Sacramento to the memory of Honorable Edward P. Colgan, deceased, late State Controller.

Senate Joint Resolution No. 3—Relative to House Resolution No. 7017, now pending in Congress, providing for transfer of the jurisdiction over certain National Parks in California from the Department of Interior to the Department of Agriculture.

Senate Concurrent Resolution No. 4—Approving the charter of the City of Santa Monica, in Los Angeles County, California, which was voted for by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter on the 28th day of March, 1906.

Senate Concurrent Resolution No. 5—Approving two certain amendments of the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the 19th day of June, 1905.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 5 and 37 ordered on file for third reading.

Senate Joint Resolution No. 3 and Senate Concurrent Resolutions Nos. 4 and 5 ordered on file.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, January 23, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 51—An Act to amend an Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903—have had the same under consideration and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 52—An Act to amend Section 1202 of the Political Code of the State of California, relating to the appointment of election officers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALKER, Chairman.

Senate Bills Nos. 51 and 52 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 21, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 12—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said court, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys and a stenographer and providing for their appointment.

Also: Senate Bill No. 118—An Act to amend Section 3051 and Section 3052 of the Civil Code of California, relating to the lien on personal property for services performed thereon, and providing a method of enforcing said lien for the amount secured thereby.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

Also: Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Also: Senate Bill No. 81—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the creation of a "Law Library Fund."

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

Also: Senate Bill No. 71—An Act to amend Section 3881 of the Political Code, relating to the correction of clerical omissions, errors, or defects in assessment books.

Also: Senate Bill No. 86—An Act to amend Section 3747 of the Political Code, relating to the payment of taxes.

Also: Senate Bill No. 87—An Act to add a new section to the Political Code, to be numbered Section 3804a, relating to the cancellation of erroneous assessments.

Also: Senate Bill No. 143—An Act to add a new section to the Political Code, to be numbered Section 1888a, relating to the levy of taxes for the payment of school district bonds.

Also: Senate Bill No. 174—An Act to amend Section 3415 of the Political Code, relating to actions to determine the right to purchase State lands.

Have had the same under consideration, and respectfully report the same back and recommend that they be re-referred to the Committee on Revenue and Taxation.

Also: Senate Bill No. 195—An Act to prevent the waste from artesian wells, and prescribing penalties therefor, and defining artesian wells and waste—have had the same under consideration, and respectfully report the same back and recommend that it be re-referred to the Committee on Irrigation.

Also: Senate Bill No. 181—An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees, to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished—have had the same under consideration, and respectfully report the same back and recommend that it be re-referred to the Committee on Corporations.

Also: Senate Bill No. 42—An Act to amend an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State" (approved March 10, 1887; Stats. 1887, 82), by including the badge or button

of the United Spanish War Veterans within the provisions of said Act—have had the same under consideration, and respectfully report a committee substitute therefor, and recommend that the substitute do pass.

WOLFE, Acting Chairman.

Senate Bills Nos. 12, 118, 100, 81, and 42 ordered on file for second reading.

Senate Bills Nos. 71, 86, 87, 103, and 174 re-referred to Committee on Revenue and Taxation.

Senate Bill No. 105 re-referred to Committee on Irrigation.

Senate Bill No. 181 re-referred to Committee on Corporations.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 22, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 164—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants, and their compensation—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

Also: Senate Bill No. 29—An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State Laboratory for foods, liquors and drugs and making an appropriation therefor—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

McKEE, Chairman.

Senate Bills Nos. 164 and 29 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Carter: Senate Bill No. 393—An Act to regulate the deposit of public moneys in banks, and providing a penalty for the illegal use and deposit thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Leavitt: Senate Bill No. 394—An Act to establish a standard form of fire insurance policy, and to prevent variations therefrom except under certain stated conditions and restrictions.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Senator McKee: Senate Bill No. 395—An Act to amend Section 1577 of the Political Code, as amended in the year 1905, relating to the formation of school districts.

Bill read first time, and referred to Committee on Education.

By Senator Muentert: Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Article XIII thereof by striking therefrom and repealing Section 4 of said article, relative to the assessment of a mortgage, deed of trust, contract, or other obligations by which a debt is secured and to taxes due upon such assessments.

Senate Constitutional Amendment referred to Committee on Judiciary.

By Senator Bates: Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 28, 1905, by amending certain sections thereof, and adding two new sections thereto.

Bill read first time, and referred to Committee on Banking.

By Senator Miller: Senate Bill No. 397—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rush: Senate Bill No. 398—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed at the Napa State Hospital, and laying the pipe line from said reservoir, and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 399—An Act authorizing and directing the Board of Managers of the Napa State Hospital to purchase and install a home telephone system at the Napa State Hospital between the various wards of the department thereof, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 400—An Act authorizing and directing the remodeling and refurnishing of the main kitchen at the Napa State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 401—An Act providing for the extermination of the *Boophilus annulatus* tick, defining certain crimes, and providing for certain civil and criminal actions.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Anderson: Senate Bill No. 402—An Act to amend Sections 90, 91, 92, 128, and 131, and to add certain new sections, to be known as and numbered Sections 108 and 128a, all of and to the Civil Code of the State of California, relating to divorce, the kinds thereof, and grounds thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 403—An Act to add a new section to the Penal Code of the State of California, to be known as and numbered Section 360a, relating to connivance, collusion, and fraud in connection with actions of divorce, and providing a punishment therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 404—An Act to add a new section to the Penal Code of the State of California, to be known as and numbered Section 284a, relating to adultery, extreme cruelty, desertion, willful neglect, and habitual intemperance, and providing a punishment therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 405—An Act to amend Section 132 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a subdivision, to be designated as Subdivision 7 of said section of said Act, relating to the duties of the District Attorney.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 406—An Act to amend Section 411 and to add certain new sections, to be known as and numbered Sections 1018 and 1019, all of and to the Code of Civil Procedure of the State of California,

relating to the service of process, pleadings, notices and papers in actions of divorce and intervention in such actions.

Bill read first time, and referred to Committee on Judiciary.

By Senator Savage: Senate Bill No. 407—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued to practice in all the courts of this State.

Bill read first time, and referred to Committee on Judiciary.

By Senator Willis: Senate Bill No. 408—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Black: Senate Bill No. 409—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 410—An Act prohibiting the placing, painting, printing, sticking, posting, or otherwise affixing upon any fence, structure, pole, rock or other object, which is the property of another, any word or words, device, trademark, advertisement, or notice, except such as required by law, without having first obtained the consent in writing of the owner or tenant of said property, and providing a penalty for the violation thereof, and providing for the obliteration of any word or words, device, trademark, or notice, placed, printed, painted, stuck, posted, or otherwise affixed upon any fence, structure, pole, rock, or other object, in violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Boynton: Senate Bill No. 411—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the additional territory thereto, and taxation thereof.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 412—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State Laboratory of Plant Pathology and the appointment of a State Plant Pathologist for this purpose, and making an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Lynch: Senate Bill No. 413—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and as amended March 20, 1905.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Joint Resolution No. 6—Relative to parcels post.

Senate Joint Resolution referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 414—An Act to amend Section 1192 of the Code of Civil Procedure, relative to the liens of mechanics, miners, and others, upon real property.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Willis (by request of Code Commission): Senate Bill No. 415—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 416—An Act to repeal Sections 288, 289, 290, 291, 292, 293, 294, and 295 of the Political Code, all relating to the contesting of elections.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 417—An Act to amend Section 4452 of the Political Code, relating to the liabilities of counties and cities for injuries to property by mobs or riots.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 418—An Act to amend Section 1973 of the Code of Civil Procedure, relating to agreements which, or some note or memorandum whereof, must be in writing.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 419—An Act to amend Section 172 of the Penal Code, relating to the keeping of intoxicating liquors within or contiguous to certain State buildings and grounds.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 420—An Act to amend Section 1102 of the Code of Civil Procedure, relating to writs of prohibition.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 421—An Act to amend Section 1118 of the Code of Civil Procedure, relating to the setting of a day by the Superior Court for trial of contested election cases.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 422—An Act to amend Section 1117 of the Penal Code of California, relating to the discharge of a jury where the facts do not constitute an offense, and an amendment of the indictment or information without the discharge of the jury in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 423—An Act to add a new section to the Political Code, to be known as Section 3975a, providing for the transfer of certain moneys from one county to another when a new county has been formed and organized.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 424—An Act to amend the Code of Civil Procedure by adding a new title thereto, to be known as Title XIV, of Part III, relating to special proceedings, said title to relate to proceedings for the adjustment, settlement, and payment of any indebtedness existing against any city or municipal corpora-

tion at the time of exclusion of territory therefrom, and the division of the property thereof.

Bill read first time, and referred to Committee on Judiciary.

SPECIAL ORDER RESET.

On motion of Senator Caminetti, the special order set for this day, at eleven o'clock A. M., being the consideration of Senate Concurrent Resolution No. 6, was postponed and made a special order for Thursday, January 24, 1907, at eleven o'clock A. M.

QUESTION OF PERSONAL PRIVILEGE.

Senator Wolfe arose to a question of personal privilege, and spoke as follows:

Mr. President and Members of the Senate:

I reply to an article published in one of the leading San Francisco papers headed "Senator Wolfe denounced by an Episcopal Rector," and also, in part, to reply to an article which appeared in the Sacramento "Union" purporting to be the report of a sermon by Bishop Moreland of this city.

In order that the Senate of this State might understand that, aside from the personal reference in the sermon of this Episcopal minister, the whole Senate of the State was attacked, I desire, before proceeding on my question of privilege, which I will say I have committed to writing—and every member of the Senate will know that it is contrary to my custom so to do—I considered the matter of so delicate a nature that I thought it better to put it in writing, so that my position could not be misconstrued, or misrepresented, or misrepresented. The Rev. Cecil Marrack is the gentleman to whom I referred, and who chose as the title of his sermon, "The Crowning Shame of our State Senate."

From the San Francisco "Call" I now read the following:

"Although he branded the legislators generally as looters and corrupt men, the irate clergyman selected as his especial target State Senator Edward I. Wolfe of San Francisco.

"It was Wolfe's request to the Chaplain of the Senate that he eliminate the name of Jesus Christ from the prayer spoken in the Senate chamber and the Chaplain's acquiescence that aroused Dr. Marrack.

"Wolfe, it will be recalled, in making his request of the Chaplain, said he spoke for the Jewish members of the Senate. Dr. Marrack spoke in part as follows:

"The crowning shame of our State Senate has been brought upon it through the action of a San Francisco member.

"For days it has seemed that almost every man was striving to outdo his neighbor in corruption. Measure after measure has been presented in which the clear purpose was to loot the public purse. From the moment when the Speaker's gavel first called the session to order there has been a wild scramble for plunder. Day by day our ears have rung with the old tale of public trust betrayed. Day after day we have witnessed the brazen exhibition of a greed so shameless as to scorn even the cloak of virtue. Thefts there have been, treachery there has been, malice and deceit and fraud. These things were enough to make our cheeks burn with shame at the thought that these men were our representatives.

CROWNING INFAMY OF ALL.

"But now there comes the crowning infamy of all—an infamy so great that it demands instant and burning condemnation from every man or woman who feels a personal concern about the upbuilding of a Christian civilization in this frontier city of a Christian commonwealth.

"I refer to the action of Senator Wolfe of San Francisco in demanding that henceforth the Chaplain of the Senate refrain from any mention of the Savior of the world—the founder of our Christian civilization. His words were those of an irreverent and godless man. 'The Christian members of the upper house,' he said, 'have ample opportunity to recognize the founder of their faith when they affix the figures 1907 to the proceedings of this session. The rest of us would like to be excused from any further references to the Man of Nazareth.'"

Thus, then, is what I have to say on the subject:

The Reverend Cecil Marrack, Rector of St. Stephen's Church in San Francisco, inadvertently, I hope, has done me a great wrong. I have not the pleasure of the gentleman's acquaintance, and the first time that I ever heard his name was when I saw it in public print on Monday. But I know of St. Stephen's Church and know many of its communicants and I know that through the influence of that church a great deal has been done in San Francisco in the cause of charity and humanity, and I therefore regret very much that the pastor of this church without any knowledge at all

of the fact, and taking as his foundation a garbled and misrepresenting statement of a newspaper, has put words in my mouth that I never have said, feelings in my breast which never existed, and thoughts in my mind which were never there, and then proceeded amid the sacred surroundings of his pulpit, and upon a day devoted to religion, godliness, and rest, to denounce me as an atheist, agnostic, and unbeliever, and a man who has no respect for the religious beliefs and convictions of his fellow citizens.

The facts are these: For ten years I have been a member of the Senate of this State and have always participated in the election of a chaplain, whose duty it is to offer prayer after the roll call of each day. I am a man that believes in religion and believes in the efficacy of prayer. I would like to see every man belong to some church. I would like to see a Protestant a good Protestant, a Catholic a good Catholic, an Episcopalian a good Episcopalian, and a Jew a good Jew. I know the civilizing influences of religion, and realize that a man's first duty is to his God, and I have contributed time and time again as far as my slender means would permit to the support of religious institutions, both Christian and Jewish.

Ten years ago after the first day's prayer by the Chaplain in the Senate, who prayed as he was accustomed to pray in his church, there were then in all three Senators of my faith on the floor of the Senate. We waited on the Chaplain and approached him in a respectful manner. We told him that we had the highest respect for his convictions and honored him for them and asked him if he thought he could so modify his prayers from a sectarian standpoint, that all of the members of the Senate for whom he prayed and whom he represented, might pray with him. We said that if he could not do so without sacrificing his convictions or his principles to dismiss the matter of our visit to him and to do that which his conscience dictated.

We found him to be a broad-minded Christian gentleman, and thereafter it was quite possible for every one of the Senate to pray with him. During the incumbency by the Reverend Miel of this city, of the office of Chaplain of the Senate, it was not necessary for any one to discuss with him the subject of his prayers, because they were broad enough for us all.

Now as to Chaplain Darling of the Senate, who has been shamefully abused and misrepresented in the press and in the pulpit, I desire to say that I spoke to Senator Irish, who was his sponsor in the caucus, on exactly the same lines that I spoke to the first chaplain that I met ten years ago in the Senate. In just the same respectful spirit, with no thought of offense to either Chaplain Darling or those whom he represented, I asked if he thought he could, without sacrificing his convictions, so pray that Jew and Gentile on the floor of the Senate might pray with him, and if he found that he could not then to follow the dictates of his own conscience, and for this I am denounced by the Rev. Cecil Marrack as having brought upon our State Senate the "Crowning shame of its history."

I desire to call the attention of the Senate to the fact that any one who reads the sermon of this reverend gentleman can readily see that his purpose was just as much to bring himself into the limelight of the press as it was to serve his God. He insults and outrages the dignity, the honor and the manhood of this Senate. He maligns and slanders it, and without just foundation and without accurate knowledge of the facts, he brands every man upon the floor of this Senate "as sharing in the brazen exhibition of a greed so shameless as to scorn even the cloak of virtue."

He said that I demanded "that henceforth the Chaplain of the Senate refrain from any mention of the Savior of this world, the founder of our Christian civilization." That my words were those of an irreverent and godless man. He even quotes me as saying, "The Christian members of the upper house have ample opportunity to recognize the founder of their faith when they affix the figures 1907 to the proceedings of this session. The rest of us would like to be excused from any further reference to the Man of Nazareth."

I never made such a demand and never used these words or aught like them. I would be unworthy of the high office that I have filled for ten years in this State were I so lacking in decency or ignorance of the proprieties and so disregardful of the rights of others as to even think the words attributed to me, much less to say them.

I make this denial upon the floor of this Senate so that it may reach the ears of the Rev. Cecil Marrack, and I call upon the Chaplain of this Senate and upon Senator Irish to bear me out in what I have said, and if after hearing this the Rev. Cecil Marrack shall retract his denunciations of me and apologize for the false position in which he has sought to place me before my constituents and the people of this State, then will I for the first time withdraw aught of these remarks that seem disrespectful to this man of the cloth or that might be construed as impugning his motives.

There is one thing in which I agree with Rev. Marrack, and that is "that representatives, municipal, State, or National, must represent a Christian civilization." I mean a Christian civilization in its broadest sense only—a Christian civilization that stands for the highest ideals in life, the purest and noblest principles that stand for devotion to the country, to the flag, and to God and humanity.

When the gentleman said that I boasted of my indifference to Christian influence and made light of the Savior, he said that which was absolutely false, and when he proclaims that the State of California is a Christian State, I agree with him only along the lines that I have suggested.

Thank God, in this country there is no union of Church and State. I stand for liberty of conscience for freedom of thought, and the right of every man to worship God in accordance with the dictates of his conscience. In recent years, the history of this

State will show that I have fought for this principle. Where was Rev. Cecil Marrack then? He was never heard from. He was unknown. For this principle I will forever fight. My people have been for centuries hounded from pillar to post, persecuted and murdered for their religious convictions, and here in this God-blessed land of liberty I would deserve that my arm be palsied and my tongue paralyzed if I ever expressed a sentiment as outrageous as that which is ascribed to me by the Rector of St. Stephen's Parish.

The reverend gentleman concludes his diatribe by asking if the Senator from San Francisco would put California where France is to-day as the opponent of Christianity. My answer to that is that the action of France in its relation towards the Church is the crowning shame of the century. That besides the condemnation of all right-thinking people, France deserves the pity of the world for its blindness and its bigotry.

Mr. President, I realize that this is a very delicate question to discuss upon the floor of the Senate, and I trust that I have said naught that will offend the conscience of any man within the sound of my voice, or elsewhere, for I desire to assure you, and through you the members of the Senate, that I am a man who respects the convictions of others and that I honor every man who stands loyally by his belief.

We are none of us responsible for our religion. We drink it in at our mother's breast and learn it at our father's knee, and the man who would not stand up for the religion of his father and mother is, in my mind, unworthy of the respect of any one.

In conclusion, I desire to say this: That I shall never again, even by suggestion, attempt to indicate to the Chaplain of this Senate aught along the line of his duty in this position, and if it be possible that I can pray with him I will do so; if not, I will do as I do every day of my life, pray in the silence of my chamber to the God of my Fathers.

I shall take the liberty, sir, of sending a copy of this address to the Rev. Cecil Marrack, and await his reply, and a copy to Bishop Moreland of this city.

I want to say a word about his Grace, Bishop Moreland, of this city. Until Monday last I always thought him to be a profound scholar, and a man of the broadest mind and most liberal thought, and if he be correctly quoted in the Sacramento Union of last Monday, I will be compelled to change my opinion. We are charged with intolerance, because, in a respectful manner, the suggestions have been made to our Chaplain as I have indicated. If there be any thought of intolerance, it is not with me or my colleagues; it is with the gentleman who denounced the Chaplain and who denounced the Senate. There are some men, sir, who stand for a creed which is entirely their own, and, to my mind, are so narrow that, if they could have their way, they would have a Christianity in which they could believe, and the people who did not believe with them they would expatriate perhaps, and we would go back to the Middle Ages.

I desire to thank you, Mr. President, and the members of the Senate, for the privilege accorded to me to reply to the articles referred to, and I hope I may never have to discuss such a question again upon the floor of the Senate of California.

ANNOUNCEMENT.

Senator Irish asked for and was granted unanimous consent to announce that at some future date he will arise to a question of personal privilege and address the Senate upon the subject-matter contained in remarks this day made by Senator Wolfe, when the latter arose to a question of personal privilege.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock A. M., Senator Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS, ETC.

SENATE JOINT RESOLUTION No. 3.

WHEREAS, There is now pending in the House of Representatives, Bill No. H. R. 7017, introduced by the Hon. James C. Needham, Congressman from the Sixth Congressional District of the State of California, providing for the transfer of certain National parks from the Department of Interior to the Department of Agriculture, and for other purposes; and

WHEREAS, It is deemed for the best interests of the government of said parks that jurisdiction thereof be transferred from the Department of Interior to the Department of Agriculture, as provided for in said bill; therefore, be it

Resolved by the Senate of California and the Assembly, jointly, That our Senators in Congress, and our members in Congress, be requested to use all honorable means to secure the passage of said bill above mentioned; and be it further

Resolved, That a copy of these resolutions be forthwith transmitted by the Secretary of the Senate to the President of the Senate of the United States and the Speaker of the

House of Representatives of the United States, and a copy hereof to each member of Congress from the State of California.

Resolution read.

The question being on the adoption of the Joint Resolution.

The roll was called, and Senate Joint Resolution No. 3 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentzer, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 5—An Act making an appropriation to be used under the provisions of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, approved March 16, 1889.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 5 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Muentzer, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 37—An Act making an appropriation for the erection of a monument in the State Burial Plot at Sacramento, to the memory of Honorable Edward P. Colgan, deceased, late State Controller.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 37 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentzer, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 4—Approving the charter of the City of Santa Monica, in Los Angeles County, California, which was voted for by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter on the 28th day of March, 1906.

On motion of Senator Savage, Senate Concurrent Resolution No. 4 was temporarily passed on file.

SENATE CONCURRENT RESOLUTION NO. 5.

Approving two certain amendments of the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the 19th day of June, 1905.

WHEREAS, The City of Eureka, in the County of Humboldt, State of California, has at all times mentioned herein been, and now is, a municipal corporation of said State containing a population of more than three thousand five hundred inhabitants, and is now and has been ever since the second Monday of July, A. D. 1895, organized and act-

ing under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 26th day of January, 1895, and approved by the Legislature of the State of California on the 12th day of February, 1895 (Statutes of 1895, pages 355 to 405, inclusive), and which said charter has never been amended; and,

WHEREAS, The legislative authority of said City of Eureka, to-wit: the council of said city, did by an ordinance by it passed on the 18th day of April, 1895, and approved by William S. Clark, the mayor and chief executive of said city on the 18th day of April, 1905, and pursuant to Section 8, Article XI, of the Constitution of the State of California, duly proposed to the qualified electors of said city two certain amendments to such charter of said City of Eureka; and

WHEREAS, Said ordinance containing said proposed amendments to said charter was duly published for twenty days after its passage and approval in the Daily Humboldt Times, a daily newspaper printed, published and generally circulated in the City of Eureka aforesaid;

WHEREAS, A general municipal election was held in said City of Eureka on the 19th day of June, A. D. 1905, which date was more than forty days after said proposed amendments had been published for twenty days as aforesaid; and,

WHEREAS, In and by said ordinance so passed, approved and published as aforesaid, said proposed charter amendments were submitted to the qualified electors of said city at said general municipal election; and

WHEREAS, On the 20th day of June, 1905 at a meeting of said council of said City of Eureka, duly convened in accordance with law, and with the provisions of said charter of said city, said mayor and council of said City of Eureka, did duly and regularly canvass the returns of said general municipal election so held on the 19th day of June, 1905 and did find therefrom that each of said proposed amendments to said charter were duly ratified by the majority of electors voting thereon; and,

WHEREAS, Said mayor and said council after canvassing said returns, and at said meeting so held as aforesaid for said canvass, did duly find and declare that each of said proposed charter amendments had been ratified by a majority of electors voting thereon; and,

WHEREAS, Said amendments so ratified by the electors of said City of Eureka at said general municipal election of June 19th, 1905, are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California; and are in the words and figures following, to-wit:

CHARTER AMENDMENT NO. 1 TO THE CHARTER OF THE CITY OF EUREKA.

Article III, Section 43½, The Initiative.

The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the city at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petition herein provided for.

Upon presentation to the city council of a petition or petitions signed by qualified electors of the city, in number equal to 10 per cent of said registration, asking for submission to the electors of a measure fully set forth in said petition or petitions, being a measure that the city council might itself adopt, it must either enact such measure without alteration, or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions. But if such petition or petitions are signed by qualified electors in number equal to 20 per cent of said registration, then such measure, if not so enacted by the city council must be submitted to the electorate at a special election to be called within sixty days from the filing of such petition or petitions.

If such proposed measure is a measure that the city council might adopt, except for the fact that it involves the repeal or amendment of a measure adopted by the electorate, as herein provided, and if in such case said petition or petitions are signed by qualified electors in number equal to 25 per cent of said registration, then such proposed measure must be submitted to the electors of the city at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions.

The method of signing and presenting petitions provided for herein shall be as follows: The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number.

Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within twenty days from the date of filing such petition in his office the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the city council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature whose genuineness is not called in question by the sworn affidavit of the owner thereof shall be assumed to be genuine. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within

ten days from the date of said certificate. The clerk shall, within twenty days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice however, to the filing of a new petition to the same effect. If the petition shall be found sufficient the clerk shall submit the same to the city council without delay.

Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this section; *provided*, that there shall not be held under this section more than one special election in any period of six months. Whenever any measure is required or authorized by this charter to be submitted to the electors of the city, at any election, the city clerk shall cause the measure to be printed, and he shall inclose a printed copy thereof in an envelope and shall mail the same to each voter, at least ten days prior to the election, but the city council may order such measure to be printed in the official newspaper of the city, and published in a like manner as ordinances adopted by the city council are required to be published; and may order that such publication shall take the place of the printing and mailing of the measure, as first above provided.

CHARTER AMENDMENT No. 2 TO THE CHARTER OF THE CITY OF EUREKA.

Article III, Section 43½, The Referendum.

Any measure that the city council or the electorate of the city, as herein provided has authority to adopt, the city council may of its own motion submit to a vote of its constituent electors at a general or special election.

Except as herein provided, no penal ordinance or measure, no ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any contract (except contracts for improvements), the expenses whereof are defrayed by special local assessments, and contract where the subject matter involved is less value than \$1000) passed by the city council, shall go into effect in less than thirty days after its final passage.

But ordinances and contracts declared by the city council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety by a three-fourths vote of the city council, and not obligating the city for a longer period of time than one year, may go into effect at the will of the city council or as otherwise provided by law.

If within said thirty days a petition or petitions signed by qualified electors of the city in number equal to 10 per cent of said registration is filed with the city clerk, asking that any penal ordinance or measure, any ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements), the expenses whereof are defrayed by special local assessment, and contracts where the subject matter involved is of less value than \$1000) adopted by the city council, be submitted to the electorate, then such ordinance or measure must either be repealed or submitted to the electors for approval or rejection at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions, or at a special election called prior to such regular city election; and if such ordinance or measure has not gone into effect before the filing of such petition or petitions, and said petition or petitions are signed by qualified electors of the city, in number equal to 15 per cent of said registration, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall be again so submitted, except by a vote of the city council, or a petition signed by 25 per cent of said registration.

Said petition or petitions shall be in all respects in accordance with the provisions of Section 43¼ except as to the percentage of signers, and be examined and certified by the clerk in all respects as therein provided.

If a majority of votes cast on any ordinance or measure referred as provided in Sections 43¼ or 43½ herein, to the electors of the city, shall be in favor thereof, it shall, if not already in effect, go into effect as a valid and binding ordinance or measure of the city, ten days after the official count shall be determined, otherwise such ordinance or measure shall be repealed or rejected; such repeal shall take effect ten days after the official count shall be determined. No ordinance or measure approved by the electorate under the provisions of these sections shall be subject to veto, or be amended or repealed except by vote of the electorate or by legislative authority superior to that of the city council.

If the provisions of two or more measures approved and adopted at the same election, under the provisions of this charter, conflict, then the measure receiving the highest affirmative vote shall control.

Now therefore be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected voting for and concurring herein, that said amendments to the charter of the City of Eureka as proposed to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole without amendment or alteration for and as amendments to, and as part of the charter of the said City of Eureka, aforesaid.

Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 5 was adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, and Wright—33.

NOES—Senator Irish—1.

Resolution ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 2—Relative to approving the charter of the City of Alameda, State of California.

On motion of Senator Bates, Senate Concurrent Resolution No. 2 was temporarily passed on file.

SECOND READING OF BILLS.

Senate Bill No. 23—An Act to amend Section 1329 of the Penal Code, relating to the payment of witnesses in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 28—An Act to amend Section 10 of an Act entitled "An Act authorizing certain corporations to act as executors and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, relating to deposits in bonds or mortgages accompanied by a certificate of title or abstract of title.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 59—An Act authorizing the City of San Diego and the authorities thereof to convey a portion of La Jolla Park, in said city, to the Regents of the University of California for the purpose of a biological station.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 69—An Act to amend Section 1093 of the Penal Code, relating to the order of trial.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 5, line 19, insert after the figure five, and before the word "The," the following: "When the evidence is concluded."

Amendment adopted.

Also:

On page 2, Section 6, line 24, strike out the words "when the evidence is concluded," and insert in lieu thereof the following: "After the judge has charged the jury."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

PRESIDENT IN THE CHAIR.

At eleven o'clock and thirty minutes A. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

QUESTIONS OF PERSONAL PRIVILEGE.

Senator Wright arose to a question of personal privilege, and denied all newspaper charges to the effect that he had attempted to discredit the prosecution of Abraham Ruef and Eugene Schmitz of San Francisco, by any resolution or bill that he had introduced, saying:

MR. PRESIDENT: I do not believe that there is a single member of this Senate who does not court a fair, full, and honest discussion of every bill and every measure which comes before us for consideration. I invite such criticism.

From the Colonial days the freedom of the press has been regarded as one of the bulwarks of American liberty. When our forefathers fought against taxation without representation, when they fought against deportation to England for trial, they also fought for the right to publish their opinions freely upon all questions. That right we cherish and we maintain. We won the right to a free press as we won the right to be a nation. The freedom of the press is interwoven with the warp and woof of the flag of the Union, and wherever the emblem of liberty may waive, over seas or over the land, there, under its ample folds, the right of free speech and the right of the free press shall remain unassailable.

Mr. President, that right, however, may be abused, and it is to-day being abused in the State of California, and particularly by the San Francisco "Bulletin" and the "Chronicle." I never saw, in all my life, the effrontery, the impudence, if you please, of that despicable sheet, the San Francisco "Bulletin," which sends here to instruct us in morals this person Livernash. Why, Mr. President, and fellow Senators, if all that I hear of him is true, and he had as many bodies as he has committed crimes and misdemeanors against the State of California, and against decency, there is not a penitentiary in the State of California large enough to receive him.

Now, Mr. President, I wish to explain in what manner, and how I happened to introduce Senate Concurrent Resolution No. 3. That resolution provides for the appointment of a committee of ten—five from the Senate and five from the House—to investigate the condition of the harbors of California. The "Bulletin" charges that, in the introduction of that resolution, I was attempting to whitewash the alleged corruption of San Francisco. Mr. Chairman, that resolution was framed by the California Promotion Committee, and at the request of that committee I introduced it into this Senate.

So far as Senate Bill No. 117 is concerned, the best explanation I can make is to read a letter to you that I received on Monday. It is as follows:

"RIVERSIDE, CAL., January 19, 1907.

Senator L. A. Wright, Senate Chamber, Cal.—

"HONORABLE SIR: I have received a communication from Assemblyman Estudillo, together with some clippings from San Francisco newspapers in which the bill introduced by you proposed to amend Section 170 of the Code of Civil Procedure, in reference to the disqualification of judges, is severely criticised.

"It seems to me that these newspapers do not know what they are kicking about, and are making an unnecessary outcry about nothing.

"I call your attention to the fact that Section 170, C. C. P., was amended in 1905. And in so far as the prejudices of the judge was concerned, the statute now provides that when the proper affidavits are made, as to prejudice, the judge shall forthwith secure the services of some other judge of the same or adjoining county. And also provides that in counties having more than one department, said action should be transferred to another department thereof. In fact, we now have the same statute in force that these newspapers think is being put through in the interests of Ruef of San Francisco. It is simply ridiculous to my mind.

"I am anxious for this bill to pass for the reason that I am related to the superior judge of this county, and the section as it now stands, in the absence of a waiver of such disqualification, prevents me from appearing before him in any proceedings. I am unable to get an order for the publication of a summons, or to take a judgment by default. And as these provisions are unfair and unjust, I, in connection with Mr. Estudillo, prepared this amendment.

"The newspapers, however, assume that all or nearly all of the judges of California are dishonest, and they fire away at the bill without knowing anything about it.

"I hope you will use your best endeavors to secure the passage of this bill, even if it becomes necessary to eliminate the objectionable feature that the newspapers are kicking about.

"Yours very truly,

"LAFAYETTE GILL."

Let me explain how I happened to introduce it. On the first day on which we introduced bills in the Senate, I called upon Assemblyman Estudillo, now chairman of the Ways and Means Committee in the House, and asked him to introduce in the House a measure providing for an appropriation for the establishment of a law library for the Second District Court of Appeal. Mr. Estudillo asked me in turn if I would introduce a bill in the Senate, amending Section 170, Code of Civil Procedure, and after I read the bill, I told him that I would. So far as Schmitz and Ruef are concerned, they are no more

to me than the most mis-shapen dwarf in Darkest Africa, except that they are citizens of the United States, and as such are entitled to certain constitutional rights; they are entitled to the presumption of innocence until they are proven guilty after a fair and impartial trial. Since the Magna Charta was wrung from a tyrant King, in England and in America, the law of the land demands that one accused, citizen or alien, white, black or Mongolian, shall be heard before he is condemned. The law proceeds upon inquiry, and judgment is rendered only after trial. Personally, I care as little as he cares least, for these scurrilous attacks of the newspapers. But fellow Senators, I have a family more sensitive than myself, and their feelings have been grievously wounded. Fellow Senators, I have a constituency whose confidence I enjoy, and these two newspapers have attempted to destroy that confidence. And moreover, I have dared to hope that here in this Senate I might enrich myself with the love, the respect, and the trust of the President and every Senator here. That hope they have attempted to annihilate. As for myself, my purpose is fixed. When I think I stand aright on any measure, I shall stand unmoved. I trust I may always listen to reason, but I shall be deaf to public clamor and the most savage newspaper abuse will never move me from my purpose.

Senator Anthony arose to question of personal privilege and spoke as follows:

MR. PRESIDENT: I consider it my duty, at this time, to make a short statement, in the nature of personal privilege, and at the same time, as a reply to the extensive references here this morning regarding criticisms against Senators.

Permit me to quote from the "Declaration of Rights" of the Constitution of the State of California, Article I, Section 9, as follows:

"Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that act; and no law shall be passed to restrain or abridge the liberty of speech or of the press."

I wish to give notice, that I would like to amend the resolution introduced this morning. On account of the harsh criticism of the distinguished and eloquent senator from San Francisco by the San Francisco "Chronicle," I wish to include within the penalties of the resolution, the "Chronicle" representatives; and, on account of the criticisms by the Rev. Marrack and the Rt. Rev. Bishop Moreland, I wish to include the two divines in the terms of the resolution.

Next, the Senator from the south land has been misrepresented by the San Francisco press, and replies that he will amend the law on "change of venue" because a constituent related to a judge in office desires the change.

Mr. President, for these hostile criticisms by the San Francisco press I wish to amend the resolution further by excluding and punishing all the representatives of all the San Francisco press.

As a matter of personal privilege, I understand that the newspapers have published libels, and that the large majority of the people of the State of California have uttered comments concerning this honorable Senate, and, in some cases, concerning myself; therefore it seems feasible, indeed, to amend the resolution so as to punish every newspaper and every person in the State of California.

Mr. President, the Legislature is too honorable a body to divert its attention from the grave and important affairs of state to the mere criticisms or comments which are essential to a republican form of government.

Two years ago, while I had the honor of being a member of the Assembly, an attempt was made to drag the Legislature into a domestic judicial controversy of Santa Cruz County, and to impeach a judge.

A legislative committee visited Santa Cruz. A newspaper of that locality thereupon criticised the legislative committee, and the Assembly attempted to punish that newspaper editor.

I opposed the impeachment proceedings relative to the Santa Cruz judge on the ground that the Legislature should not be dragged into the local or domestic affairs of a county. So I consider that the mere special relationship of one attorney to a judge, in a particular locality, should not involve the State Legislature in such a merely local matter.

Furthermore I opposed, two years ago, the high-handed attempt to muzzle the press of Santa Cruz, and now I stand here to oppose any attempt to muzzle either the press or the people of the State of California.

RECESS.

At eleven o'clock and fifty minutes A. M., on motion of Senator Leavitt, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Leavitt: Senate Bill No. 425—An Act to amend Section 439 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 426—An Act to repeal Article XVI. of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and Sections 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Senator Caminetti: Senate Bill No. 427—An Act to declare the highway, commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road, a State highway.

Bill read first time, and referred to Committee on Roads and Highways.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the resolution offered this day by Senator Willis having been set as a special order for this hour, the same was taken up. Resolution read.

MOTION.

Senator Willis moved the adoption of the resolution.

Senator Sanford moved as an amendment that the resolution be referred to the Committee on Judiciary, with instructions to report same on Thursday, January 24, 1907, at eleven o'clock A. M.

Amendment lost.

The question being on the adoption of the resolution.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, three o'clock P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Rely, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—34.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and five minutes P. M., Senator Anthony was brought to the bar of the Senate, and, on motion of Senator Mattos, was excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and twenty-five minutes p. m., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President announced that the resolution was adopted by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Broughton, Carter, Curtin, Hartman, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—Senators Anthony, Black, Boynton, Caminetti, Miller, Rush, and Sanford—7.

EXPLANATION OF VOTE.

Senator Anthony asked for and was granted permission to explain his vote. He said he voted "No" because he considered the resolution was subversive of one of the fundamental institutions of our republican form of government, and unconstitutional.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day adopted Assembly Joint Resolution No. 2—Relative to House of Representatives Bill No. 1017, introduced by Hon. James C. Needham, providing for the transfer of certain National Parks from the Interior Department to the Agricultural Department.

Also: Adopted Assembly Concurrent Resolution No. 9—Relative to exclusion of Japanese from the public schools.

Also: Assembly Concurrent Resolution No. 8—Relative to the shortage of coal in the State of California.

The Speaker announced from the desk that he would not appoint the committee provided for by Assembly Concurrent Resolution No. 8.

CLIO LLOYD, Chief Clerk of the Assembly.

By T. G. WALKER, Assistant Clerk.

Assembly Joint Resolution No. 2 referred to Committee on Federal Relations.

Assembly Concurrent Resolution No. 9 referred to Committee on Judiciary.

Assembly Concurrent Resolution No. 8 referred to Committee on Federal Relations.

ADJOURNMENT.

At three o'clock and forty minutes p. m., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, January 24, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Carlwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVES OF ABSENCE.

Senator Bell was, on motion of Senator Caminetti, granted leave of absence until Monday, January 28, 1907.

Senator Anderson was, on his own motion, granted leave of absence for Friday, January 25, 1907.

Senator McKee was, on motion of Senator McCartney, granted leave of absence for this day.

Senator Curtin was, on his own motion, granted leave of absence until Monday, January 28, 1907.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 23, 1907, the further reading was dispensed with, on motion of Senator Mattos.

APPROVAL OF JOURNALS.

The Journals of Thursday, January 17, 1907, Friday, January 18, 1907, and Monday, January 21, 1907, having been corrected, were read and approved.

COMMUNICATION.

The President presented the following communication, which was ordered printed in the Journal:

SAN FRANCISCO, January 23, 1907.

To the Honorable the President and Members of the Senate of the State of California:

GENTLEMEN: I am informed that a bill has been introduced in the Senate to appropriate the sum of \$9,500 for the services of special counsel, etc., in the matter of my extradition from Canada.

The proposed appropriation, if made, would be a violation of Section 1558 of the Penal Code, and in sanctioning the indebtedness ex-Governor Pardee certainly acted in violation of his official duties. There is no law of the State nor of the United States making the State responsible for any expenses in the matter of extradition, other than Section 1558 of the Penal Code. And as above indicated, that provision of the law prohibits the payment of any "compensation, fee, or reward of any kind," to any person for a service rendered in procuring the surrender of the fugitive.

I think that the private parties at whose instance and for whose private interests the prosecution against me has been instituted and is being carried on, to the perversion of the justice and laws of the State, should be compelled to meet the responsibility, they having incurred it, and not be allowed to shift it to the State, even with the connivance of a Governor of the State.

You can readily perceive that if such a thing as that proposed passes into a precedent there will be no end to the looting of the treasury in extradition cases. In any

event, the law prohibits the proposed appropriation; and as I have been very wrongly accused in an official document brought before you of inflicting liability upon the State for expenses which now appear clearly illegal and for which the State can not be held without violating the law expressly prohibiting their payment, it is only right and proper that I point out that I have simply been abused as an excuse for the flagrant violation of an official duty.

That an official document such as a final message of a retiring Governor should descend into the degrading and at least undignified method of making a personal and abusive attack on a citizen of the State, engaged in the defense of his rights, simply because he seeks and to a certain extent forces in his own behalf the protection of the law as against an infamous persecution and a dastardly conspiracy against him, is greatly to be regretted by every person well disposed toward the dignity and respectability of the State and possessing a just and becoming reverence for those fundamental principles of the law which are primarily intended for the protection and security of individual rights, as against oppression, and against persecution, by perverting the powers and functions of government to gratify private malice.

Of course something is to be conceded to the fact that the author of the message referred to is merely a physician and not a lawyer, and has a strong contempt for what he does not understand in the law as a science; but that is no reason why he should indulge in offensive personalities in an official document.

We have not forgotten that Burke, in his reflections on the revolution in France, in speaking of the French Assembly, says:

"To the faculty of the law was joined a pretty considerable proportion of the faculty of medicine. This faculty had not, any more than that of the law, possessed in France its just estimation. Its professors, therefore, must have the qualities of men not habituated to sentiments of dignity, but supposing they had ranked as they ought to do, and as with us they do actually, the sides of sick beds are not the academies for forming statesmen and legislators." This, however, can hardly ameliorate the offense committed against propriety in the personal attack made in the final message of Dr. Pardee. It is clearly my right to be heard in reply and to publicly take exception to the gross deviation from official etiquette in unjustly assailing me for defending my rights according to law.

The much abused phrase "technicality of the law" is utilized to portray, in coarse terms, the danger which Dr. Pardee intimates will involve the destruction of the State unless "technicalities are abolished."

You certainly must know that I am not responsible for the "technicalities of the law," and that they necessarily inhere in the law as a science and are inseparable from it; so from being to its disadvantage, they are the greatest safeguards of the law's protection to the innocent, and without them the law itself would degenerate into the arbitrary discretion of judicial tyranny.

I am, yours very respectfully,

GEORGE D. COLLINS,
1712 Bush Street, San Francisco

RESOLUTION.

The following resolution was offered:

By Senator Irish:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of \$2,017.66, in payment of the bills hereto attached, and the Treasurer is directed to pay the same.

A. J. Johnston Co.	\$376 80
John Brenner Co.	711 61
George Oakes.	12 50
Henry E. Sleeper.	2 50
Kane & Trainor Ice Co.	21 00
Sacramento Rochdale Co.	3 90
Siller Bros.	32 00
Siller Bros.	14 00
The Schaw Batcher Co.	3 75
Scott, Lyman & Stack.	45 00
Scott, Lyman & Stack.	72 95
Scott, Lyman & Stack.	51 75
Scott, Lyman & Stack.	256 50
Scott, Lyman & Stack.	137 35
Scott, Lyman & Stack.	55 25
H. W. Rivett.	18 50
United States Postoffice.	5 60
F. R. Pulford.	100 35
C. J. Peters.	4 50
Pasteur Germ-Proof Filter Co.	10 00
Hale Bros.	81 85

\$2,017 66

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, January 23, 1907.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 1—An Act to encourage the introduction into the State of California of automatic or self-loading rifles, and appropriating \$5,000 therefor.

Also: Senate Bill No. 288—An Act to repeal Chapters III, IV, V, and VI, of Title IV of the Political Code, as said chapters existed on the 17th day of March, 1905, relating to the State militia.

Also: Senate Bill No. 252—An Act to amend Sections 1925 and 1933 of the Political Code, all relating to the National Guard and troops of cavalry therein.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Senate Bill No. 2—An Act to provide for training high school boys of the State of California in marksmanship, with automatic or self-loading rifles, and appropriating the sum of five thousand dollars therefor—have had the same under consideration, and respectfully report the same back with one amendment, and recommend that the same do pass, as amended.

Also: Senate Bill No. 41—An Act to encourage the enlistment of Californians in the regular army, navy, and marine corps of the United States and appropriating the sum of \$5,000 therefor—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 172—An Act to amend Sections 1925 and 1933 of the Political Code, all relating to the National Guard and troops of cavalry therein—have had the same under consideration, and respectfully report the same back, and recommend that the bill be withdrawn by the author.

ANTHONY, Chairman.

Senate Bills Nos. 1, 252, 288, 2, 41, and 172 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator McCartney asked for and was granted unanimous consent to withdraw Senate Bill No. 172.

Senate Bill No. 172 withdrawn, and ordered stricken from the file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 21, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 88—An Act to amend the Penal Code by adding two new sections, to be numbered 270a and 270b, relating to the neglect and abandonment of wives by husbands, and providing the punishment therefor—have had the same under consideration, and respectfully report a committee substitute therefor, and recommend that the substitute do pass.

Also: Senate Bill No. 111—An Act to repeal an Act entitled "An Act to incorporate the Town of Yuba City," approved March 30, 1878.

Also: Senate Bill No. 119—An Act to amend the Penal Code of California by adding four new sections thereto, to be numbered Section 597a, Section 597b, Section 597c, and Section 597d, relating to docking of horses' tails, and providing a punishment therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Your Committee on Judiciary, to whom was referred Senate Bill No. 182—An Act entitled "An Act to regulate commerce; to define common carriers and their powers and duties; to prohibit common carriers from being interested in certain commodities carried by themselves; to compel common carriers to provide switches and conveniences for the transfer of commodities from one line to another; to compel the convenient exchange and transfer of commodities shipped to be transferred from one line to another; to prohibit the giving of rebates, special rates, drawbacks, or other discriminations to shippers and common carriers; to prohibit and prevent discriminations between persons and places; to require the furnishing of facilities for interchange of traffic; to prohibit a greater charge for a short haul than for a long haul of passengers and freight, where the discrimination or preference is to rates within this State; to prohibit the pooling of freight and division of earnings by the common carriers; to compel the filing with the State Board of Railroad Commissioners copies of all contracts or agreements between carriers; to require common carriers to expedite military traffic in time of war or of great public necessity; to require continuous carriage of freight unless a break, stoppage, or interruption is required; to prescribe liabilities and penalties of common carriers for damages and providing for the recovery of damages and the methods of obtaining redress in certain cases of violations of this Act; to prescribe penalties for the violation of this Act, including penalties imposed upon the carriers guilty of such violation, and also upon trustees, lessees, agents, or persons acting for or employed by such

carriers; to prescribe penalties for the false billing by carriers and officers or agents; also penalties for false billing by shippers and other persons; to provide penalties for inducing common carriers to discriminate unjustly; to provide for the taking of testimony in certain cases and for taking depositions in proceedings before the State Board of Railroad Commissioners, and the method for taking such depositions; to provide for the regulation and allowance to be made by the State Board of Railroad Commissioners where transportation is had over more than one line of road and the disposition and apportionment of the proceeds; to provide that proceedings brought under the provisions of this Act shall be expedited in the court and before the State Board of Railroad Commissioners; to provide penalties for false entries of accounts; to provide that carriers shall be liable to lawful holders of bills of lading for loss or damage to property; to provide that certain persons and property may be carried free or at reduced rates; to provide that the remedies herein granted are cumulative and shall not interfere with the other remedies provided by the Constitution of this State or by law—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Corporations.

WOLFE, Acting Chairman.

Senate Bills Nos. 88, 111, and 119 ordered on file for second reading.
Senate Bill No. 182 re-referred to Committee on Corporations.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 23, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 30—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

McKEE, Chairman.

Bill ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 24, 1907.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 2—Relative to House Resolution No. 7017, now pending in Congress, providing for transfer of the jurisdiction over certain National Parks in California from the Department of Interior to the Department of Agriculture—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BLACK, Chairman.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION—(OUT OF ORDER).

Senator Curtin asked for and was granted unanimous consent to have Assembly Joint Resolution No. 2 taken up for immediate consideration.

ASSEMBLY JOINT RESOLUTION No. 2.

WHEREAS, There is now pending in the House of Representatives, Bill No. H. R. 7017, introduced by the Hon. James C. Needham, Congressman from the Sixth Congressional District of the State of California, providing for the transfer of certain National Parks from the Department of Interior to the Department of Agriculture, and for other purposes; and

WHEREAS, It is deemed for the best interests of the government of said parks that jurisdiction thereof be transferred from the Department of Interior to the Department of Agriculture, as provided for in said bill; therefore, be it

Resolved by the Senate of California and the Assembly, jointly. That our Senators in Congress are hereby instructed and our members in Congress be requested, to use all honorable means to secure the passage of said bill above mentioned:

And be it further Resolved. That a copy of these resolutions be forthwith transmitted by the Chief Clerk of the Assembly to the President of the Senate of the United States and the Speaker of the House of Representatives of the United States, and a copy hereof to each member of Congress from the State of California.

Resolution read.

The question being on the adoption of the joint resolution.

The roll was called and Assembly Joint Resolution No. 2 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 24, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 23—An Act to amend Section 1329 of the Penal Code, relating to the payment of witnesses in criminal cases.

Also: Senate Bill No. 28—An Act to amend Section 10 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, relating to deposits in bonds or mortgages accompanied by a certificate of title or abstract of title.

Also: Senate Bill No. 59—An Act authorizing the City of San Diego and the authorities thereof to convey a portion of La Jolla Park, in said city, to the regents of the University of California for the purpose of a biological station.

Also: Senate Bill No. 69—An Act to amend Section 1093 of the Penal Code, relating to the order of trial.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 23, 28, 59, and 69, ordered on file for third reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 24, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

Resolved, That the following bills for rent be allowed to the following-named persons:

Mrs. J. Fraler.....	\$20 00
Mrs. F. Carey.....	20 00
Mrs. J. Handlin.....	20 00
Mrs. Blake.....	40 00
Union Republican Club.....	60 00

Also:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$1,695.37 in payment of bills hereto attached, and the Treasurer is directed to pay the same.

Henry E. Sleeper.....	\$16 10
A. J. Johnston.....	247 35
H. S. Crocker Co.....	1,431 92

Also:

Resolved, That the following-named persons be allowed the sum set opposite their names for services rendered this Senate prior to its organization, the same being payable out of the Contingent Fund:

L. A. Hilborn, ten days at \$8	\$80 00
S. N. Marsh, two days at \$6	12 00
D. J. Shields, two days at \$6	12 00
W. H. Randall, two days at \$6	12 00
R. H. Broughton, two days at \$6	12 00
Sam E. Redmond, three days at \$6	18 00
Harold Wolfe, three days at \$4	12 00

Also:

Resolved, That the Controller be and is hereby directed to draw his warrant in favor of the Lieutenant-Governor for the sum of \$41.40, the same being for mileage as provided for by law.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anderson, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muenster, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Also:

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

Resolved, That the Secretary of the Senate be and he is hereby directed to purchase for the use of each member of the Judiciary Committee Kerr's Annotated Codes, and Henning's Code of Civil Procedure, and one set of California Reports Annotated and Digests, to be paid for out of the Contingent Fund of the Senate; *provided*, that the said California Reports Annotated and Digests shall be delivered to the Secretary of State at the conclusion of this session and shall be and remain the property of the State.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

WOLFE, Chairman.

MOTIONS TO AMEND.

Senator Caminetti moved to amend the report and resolution, as follows:

Strike out from said resolution all after the word "provided," and insert the following: "that the works aforesaid shall be the property of the State and delivered to the Secretary of State at the conclusion of the session, to be by him retained for the use of the Judiciary Committee of the Senate."

Senator Leavitt moved to amend the amendment as follows:

Strike out the words "Secretary of State" therefrom and insert in lieu thereof the words "State Law Library."

RE-REFERENCE OF REPORT AND RESOLUTION.

On motion of Senator Wolfe, the foregoing report and resolution was re-referred to the Committee on Contingent Expenses, with instructions to report same back Friday, January 25, 1907.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

ON STABILITY OF RED MEN'S HALL.

SACRAMENTO, CALIFORNIA, January 23, 1907.

MR. PRESIDENT: Your special committee appointed for the purpose of examining into the stability and safety of the Red Men's Hall, where the sessions of the Senate are held, beg leave to report as follows:

We secured the services of Mr. R. L. Miller, an expert on constructional engineering, representing the firm of Smith, Emery & Company, of Oakland. This firm kindly placed Mr. Miller at our service without expense other than traveling expense from Oakland and his necessary expenses while examining the building. After making a thorough investigation as to methods and strength of construction we find that the building is entirely safe to withstand any strain that can be placed on it while it is used as a meeting place for the Senate of the State of California. The report of the expert is submitted as a portion of our report.

Respectfully submitted.

LYNCH, Chairman.
McKEE.
BELSHAW.

EXPERT'S REPORT.

Description.

The building is situated on Tenth Street, between "I" and "J," in the City of Sacramento, California; and is now being used for occupancy by the thirty-seventh session of the Legislature for the State of California. The building is a type known in California as class "B" construction.

Foundation.

The foundations are built of reinforced concrete, with eight-foot bases under all walls, and ten-foot bases under steel columns.

Walls.

The front wall is built of concrete blocks, made of a 3-1 mixture, veneered, being reinforced by brick work 24 inches of base to 17 inches of top; the other three walls are built of brick 24 inches of base to 17 inches of top. All the walls are well anchored. These walls with the exception of the south wall carry no load of building proper; the south wall carries one end of the load over a span of 18 feet; this span is used for committee rooms and hall, which at no time could be subjected to a greater load than 20 pounds to the foot. The safety of this span at its weakest point is 72 pounds per foot.

Auditorium.

The main rooms are supported by steel construction, composed of columns and girders, and fastened by bracket connections; the safety of this construction is 135.4 pounds to the foot. The greatest live load figured everything in excess to its estimated weight is 40 pounds.

The above estimate includes dead load and one hundred people in excess to Senators and their Secretaries, Assemblymen and their Clerks.

Hallways.

The elevator is safe and in good working order, and the stairs around same are first class.

Galleries.

The galleries are of crude construction, but amply strong enough to sustain all loads that they may be subjected to.

Fire Escapes.

The two fire escapes are on the north side of the building and comply with the Sacramento ordinance governing same.

Doors.

All doors are hung according to the law.

Deafening.

Any vibration that exists could not be attributed to any weakness in design or to construction, but possibly to deafening materials used.

Conclusion.

The building throughout shows no evidence of cracks or flaws, due to settling.

The building is a representative type of class "B" construction, and all carrying loads are in excess of anything that they may be subjected to, and the building is amply secure and strong enough to serve its present purpose.

Respectfully submitted.

SMITH, EMERY & COMPANY,
By R. F. MILLER.

January 21, 1907.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Curtin: Senate Bill No. 428—An Act to provide for the transfer of certain moneys in the county treasury to municipal corporations formed within such counties.

Bill read first time, and referred to Committee on County Government.

By Senator Keane: Senate Joint Resolution No. 7—Relative to the protest against the naturalization of Japanese.

Senate Joint Resolution referred to Committee on Federal Relations.

By Senator Cartwright: Senate Joint Resolution No. 8—Relative to the shortage of railroad cars, particularly for the transportation of oil, and requesting the Interstate Commerce Commission to investigate the same.

Senate Joint Resolution referred to Committee on Federal Relations.

By Senator Wright: Senate Bill No. 429—An Act to amend Sections 8 and 15 of an Act entitled "An Act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forth-eighth fiscal year," approved April 1, 1897.

Bill read first time, and referred to Committee on Roads and Highways.

Also (by request): Senate Constitutional Amendment No. 27—A resolution proposed to the people of the State of California, an amendment to Section 1 of Article II of the Constitution, in relation to the rights of suffrage.

Senate Constitutional Amendment referred to Committee on Elections and Election Laws.

By Senator Walker: Senate Bill No. 430—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conduction of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, by adding thereto a new section to be numbered and known as Section 22½, relating to the annexation of outlying territories to sanitary districts, and the conditions of such annexation.

Bill read first time, and referred to Committee on County Government.

By Senator McKee: Senate Bill No. 431—An Act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 432—An Act to amend Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 433—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Caminetti: Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State, amending section two (2) of Article IV thereof, relating to sessions of the Legislature, and the limitation of pay of members thereof in extraordinary sessions.

Senate Constitutional Amendment referred to Committee on Judiciary.

By Senator Lynch: Senate Bill No. 434—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Subdivisions 3, 4, and 5 of Section 3 and Subdivision 1 of Section 4 of said Act, all relating to the manner of operating a motor vehicle on a public highway.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 435—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Subdivision 1 of Section 2 thereof, relating to the registration of motor vehicles.

Bill read first time, and referred to Committee on Roads and Highways.

SPECIAL ORDER RESET.

On motion of Senator Curtin, the special order set for this day, at eleven o'clock A. M., being the consideration of Senate Concurrent Resolution No. 6, was postponed and made a special order for Monday, January 28, 1907, at eleven o'clock A. M.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and thirty minutes A. M., Senator E. I. Wolfe, President pro tem. of the Senate, in the chair.

MOTION.

On motion of Senator Curtin, it was ordered that one thousand extra copies of Senate Constitutional Amendment No. 1 be printed.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Concurrent Resolution No. 4—Approving the charter of the City of Santa Monica, in Los Angeles County, California, which was voted for by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter on the 28th day of March, 1906.

On motion of Senator Savage, Senate Concurrent Resolution No. 4 was temporarily passed on file.

SENATE CONCURRENT RESOLUTION NO. 2.

Approving the charter of the City of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 18th day of July, 1906.

WHEREAS, The City of Alameda, a municipal corporation of the County of Alameda, State of California, now is and was at all the times herein referred to, a city containing a population of more than ten thousand inhabitants; and

WHEREAS, At a special municipal election duly held in said city on the 27th day of January, 1906, under and in accordance with law and the provisions of section eight of article eleven of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of the said City of Alameda; and

WHEREAS, The said charter was on the 26th day of April, 1906, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said City of Alameda, and the other copy with the county recorder of the said County of Alameda, and filed in the office of said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the Alameda Daily Argus and in the Daily Encinal, each being daily newspapers of general circulation in said City of Alameda, and the said charter being published as aforesaid for a period of more than twenty days, the first publication thereof being made within twenty days after the completion of said charter; and

WHEREAS, Said proposed charter was, within not less than thirty days after the completion of said publication, submitted by the board of trustees of the City of Alameda to the qualified electors of said City of Alameda at a special election previously duly called and therein held on the 18th day of July, 1906; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city voting at such special election voted in favor of the ratification of such charter as proposed as a whole, excepting that a majority of said qualified electors voting at such election voted in favor of the ratification of Alternative Proposition No. 1 and of Alternative Proposition No. 2 contained in said proposed charter, which alternative propositions were therefore respectively chosen and substituted for Section 2 of Article X and for Chapter III of Article XI of said proposed charter; and

WHEREAS, Said board of trustees after canvassing said returns duly found and declared that the majority of said qualified electors, voting at said special election, had voted for ratifying said charter as above specified; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with section eight of article eleven of the Constitution of the State of California; and

WHEREAS, Said charter so ratified is in the words and figures following to wit:

CHARTER OF THE CITY OF ALAMEDA.

ARTICLE I.

BOUNDARIES, SUBDIVISIONS AND GENERAL POWERS.

SECTION 1. The municipal corporation known as the City of Alameda shall remain and continue a body politic and corporate, by the name of the City of Alameda, and by that name shall have perpetual succession.

SEC. 2. The boundaries of the City of Alameda are hereby declared to be as follows:

Commencing at a point where the center line of High street produced in a right line northerly intersects the center line of the Tidal Canal, and thence following the center line of the Tidal Canal westerly to its intersection with the easterly boundary line of Oakland Township near the west line of Park street if extended northerly to the center line of the Tidal Canal, and running thence southerly to the southeast corner to Oakland Township, which was formerly in a small slough at the most easterly end of San Antonio Creek and always known as a part thereof (said small slough having been since filled in part and dredged along the remaining part through operations relative to the construction of the Tidal Canal); running thence westerly along the center of the said small slough originally forming part of San Antonio Creek to the center of San Antonio Creek proper; thence westerly down the center of San Antonio Creek to the westerly boundary of Alameda County; thence southeasterly along the boundary of said county to an angle thereof; thence easterly along said county line produced in a right line to a point in the line dividing sections thirty-one (31) and thirty-two (32), township two (2), south, range three (3), west, M. D. M.; thence northerly along said section line to the northeast corner of lot one (1), section nineteen (19), township two (2), south, range three (3), west, M. D. M.; thence in a northerly direction to the center line of the Tidal Canal; thence along the center of the Tidal Canal to the point of commencement.

Unless a majority of the electors of the city shall affirmatively vote therefor at a general or special municipal election, neither shall the boundaries of the city be changed, nor shall the city be consolidated with any other city, or city and county.

SEC. 3. The City of Alameda may sue and defend in all courts and places; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy real and personal property and dispose of the same for the common benefit; may receive bequests and donations of all kinds of property in fee simple or in trust for charitable and other purposes; and may do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust.

SEC. 4. The City of Alameda shall continue, under this charter, to have, hold and enjoy all property, real, personal and mixed, and rights of action of every nature and description, of the existing municipality, and is hereby declared to be the successor of the same.

SEC. 5. Suits, actions and proceedings may be brought in the name of the City of Alameda for the recovery of any property, money or thing belonging thereto, in law or in equity, or dedicated to public use therein, or for the enforcement of any rights or of contracts with, the city, whether made or arising or accruing before or after the adoption of this charter. All existing suits, actions or proceedings in the courts or elsewhere, to which the city is a party, shall continue to be carried on by or against the city.

SEC. 6. For the purposes of the first election held under this charter, and until changed in the manner hereinafter provided, the City of Alameda shall be divided into seven wards, as follows:

The First Ward, which shall include all that portion of the city lying south of an east and west line passing through the center of Bay Farm Island bridge, and known as Bay Farm Island, and also that portion of the city lying north of said east and west line passing through Bay Farm Island bridge, and easterly of the center line of Versailles avenue and the same center line of Versailles avenue extended in a right line northerly to the northern line of the city at the center line of the Tidal Canal.

The Second Ward, which shall include all that portion of the city not embraced in the First Ward, and lying east of a line drawn through the center of Park street, said line extended northerly to the northern boundary of the city, and southerly to the northern boundary of the First Ward.

The Third Ward, which shall include all that portion of the city not embraced in the First and Second Wards, lying east of a line drawn through the center of Willow street, said line extended northerly to the northern boundary of the city and southerly to the northern boundary of the First Ward.

The Fourth Ward, which shall include all that portion of the city not embraced in the First, Second and Third Wards, lying east of a line drawn through the

center of Paru street, said line extended northerly to the northern boundary of the city, and southerly to the northern boundary of the First Ward.

The Fifth Ward, which shall include all that portion of the city not embraced in the First, Second, Third and Fourth Wards, lying east of a line drawn through the center of St. Charles street, said line extended northerly to the northern boundary of the city and southerly to the western boundary of the Fourth Ward.

The Sixth Ward, which shall include all that portion of the city not embraced in the First, Second, Third, Fourth and Fifth Wards lying east of a line drawn through the center of Sixth street, said line extended northerly to the northern boundary of the city and southerly to the northern boundary of the First Ward.

The Seventh Ward, which shall include all that portion of the city not embraced in the First, Second, Third, Fourth, Fifth and Sixth Wards.

SEC. 7. The City of Alameda shall have the right and power, either as principal or as agent:

First: To have hold, establish, construct, acquire, operate, maintain and regulate public buildings, baths, fountains, markets, dispensaries, sanitariums, hospitals, libraries, reading rooms, schools, gymnasiums, kindergartens, charitable institutions, workhouse, morgue, crematories, gas and electric works, telephone and telegraph systems, ferries, light, heat and power works and transportation service.

Second: To have, hold, acquire, construct and maintain, and to grant the right to construct and maintain, and to regulate the construction and maintenance of, all pipes, tubes, conduits, wires and electric or telegraphic apparatus in, along, over, under and across all public streets and highways, to require all telegraph and electric wires to be placed underground; and to regulate the mode of wiring houses, buildings and structures for telegraph, telephone, electric light, electric power and all other electric service.

Third: To have, hold, erect, purchase or otherwise acquire water, gas and electric works within or without the corporate limits; to supply said city and its inhabitants and persons, firms and corporations outside of said city with water, gas and electricity, and to regulate and control the use and price of water, gas and electricity so supplied.

Fourth: To sell gas, water, electric current and all products of any public utility which the city now owns or controls or which it may hereafter own or control; also to purchase gas, water, electric current or other product which may be of public utility, and to sell the same.

Fifth: To condemn, purchase, construct, own and operate, cable, electric and other railways, and to provide for the carriage of freight and passengers thereon.

Sixth: To acquire, by condemnation, purchase or otherwise, such lands or other property, as may be deemed necessary for corporate use, and to dispose of real or personal property owned by the city as the interests of the city or its inhabitants may from time to time require.

Seventh: To do and perform whatsoever is necessary or convenient for its own government and for the benefit of its inhabitants, and to do any act which the council is by this charter or by any law now or hereafter in force, authorized to do.

ARTICLE II.

LEGISLATIVE.

Chapter I—Council.

SECTION 1. Except as otherwise provided, the legislative power of the City of Alameda shall be jointly vested in a body to be designated the council, and in a mayor.

SEC. 2. The council shall consist of nine members, seven of whom shall be nominated by the electors of the respective wards and two by the electors at large. They shall all be elected by the voters at large. Each shall hold office for four years, and until his successor is elected and qualified.

Provided, that the first council elected under the provisions of this charter shall, at their first meeting, so classify themselves by lot that three of the ward councilmen shall go out of office at the end of two years and four at the end of four years, also that one of the councilmen at large shall go out of office at the end of two years and one at the end of four years. At the time of his election each ward nominee must be an elector of the ward from which he has been nominated, and must be of the age of at least twenty-five years. He must have been an elector of the city for at least three years last preceding his election. The members of the council shall receive no pay for their services.

SEC. 3. A majority of the members shall constitute a quorum, but a less number may adjourn from time to time, and compel the attendance of absent members in such manner and under such penalties as the council may prescribe.

SEC. 4. The council shall:

One: Judge of the qualifications of its members and of all election returns.

Two: Establish rules for its proceedings;

Three: Keep a correct journal of its proceedings and allow the same to be published. The ayes and noes shall, on demand of any member, be taken and entered therein.

Four: Choose one of its number president.

Five: Meet on the third Monday in April next succeeding the general municipal election, and hold regular meetings twice in each month and at such other times as they shall fix by ordinance. The council shall not adjourn to any place other than its regular place of meeting. The meetings of the council shall be public. Special meetings may be called by the mayor or by the president of the council or by three councilmen, by serving the members personally with written notices or leaving the same at places designated by the respective members.

Sec. 5. Every legislative act of the city shall be by ordinance. The enacting clause of every ordinance passed by the council shall be in these words: "Be it ordained by the council of the City of Alameda." The enacting clause of every ordinance passed by the people shall be as follows: "Be it ordained by the people of the City of Alameda." No ordinance shall be passed except by bill, and no bill shall be so amended as to change its original purpose. No ordinance shall be passed by the council on the day of its introduction or within five days thereafter, or at any time other than at a regular meeting or an adjourned regular meeting. Every ordinance shall be signed by the officer presiding at the time of its adoption, attested by the clerk and published at least once in a newspaper published in the City of Alameda, or advertised as hereinafter provided.

It shall not be necessary in any action to plead or prove the organization or existence of such corporation, or the passage, existence or validity of any ordinance thereof; and courts shall take judicial cognizance thereof without proof.

Sec. 6. Except as hereinafter provided no bill shall become an ordinance, or resolution be adopted unless finally passed by a majority vote of all the members of the council, and the vote taken by ayes and noes, and the names of the members voting for and against the same entered in the journal. No resolution or order for the payment of money shall be passed at any other than a regular meeting or an adjourned regular meeting.

Sec. 7. No ordinance shall be revised, re-enacted or amended by reference to its title; but the ordinance to be revised or re-enacted or the section thereof to be amended, shall be re-enacted at length as revised and amended. Any ordinance revised, re-enacted or amended contrary to the provisions of this section shall be void.

Sec. 8. When a bill is put upon its final passage in the council and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the next regular meeting.

Sec. 9. If any bill passed by the council containing several items appropriating money or fixing a tax levy, be presented to the mayor, he may object to one or more items separately, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the item or items to which he objects, and the reasons therefor, and the item or items so objected to shall not take effect unless passed notwithstanding the mayor's objection. Each item so objected to shall be separately reconsidered by the council in the same manner as bills which have been disapproved by the mayor.

Sec. 10. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in and about streets, bays, water fronts, or in or about embankments or other works for protection against overflow or erosion, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract, and when let shall be let to the lowest responsible bidder, after notice by publication in the official newspaper of the city for at least twice a week for two weeks. Such notice shall distinctly and specifically state the work contemplated to be done; *provided* that the council may reject all bids presented, and re-advertise in their discretion.

Sec. 11. The council shall annually call for bids for doing city printing and advertising, and the contracts therefor shall be awarded separately, and to the lowest responsible bidder;

Provided, that the council may reject all bids if in their opinion the bid of the lowest responsible bidder is exorbitant, and may again call for bids, subject to the reservation hereinafter mentioned. If the council shall determine that the bids secondly received are exorbitant, they may nevertheless let the contract to the lowest bidder for such portion of the printing as the board may determine, reserving the option to obtain other printing from such bidder at his schedule rates; and as to any printing not absolutely mentioned in the contract, the board may from time to time secure the same to be done by any party who may agree to do the same at a lower rate than that scheduled in the bid for doing the city printing; and in lieu of any newspaper advertising, may issue and publish a bulletin containing such matter as they are required by law to publish, sending the same by mail to the registered voters of the city, to their addresses as the same shall appear on the latest printed copy of the great register of Alameda County, and shall also post printed copies of such advertisement in three public places in the City of Alameda, at least five days before action is taken in response to said advertisement. Such mailing and posting shall be conclusively deemed of the same effect as if the advertisement had been fully published in the official newspaper of the city. The board shall annually designate as the official city paper, a newspaper published in this city. All provisions of this charter are subject to the provisions of this section.

SEC. 12. Every ordinance shall take effect ten days after its passage, unless otherwise provided.

SEC. 13. Every bill and every resolution as hereinbefore provided, which shall have passed the council and shall have been duly authenticated, shall be presented to the mayor for his approval. The mayor shall return such bill or resolution to the council within ten days after receiving it. If he approve the bill he shall sign it. If he disapprove it he shall specify his objections thereto in writing. If he does not return it with such disapproval within the time above specified, it shall take effect as if he had approved it. The objections of the mayor shall be entered at large in the journal of the council, and the council shall, after five and within thirty days after such bill or resolution shall have been so returned, reconsider and vote upon the same. If the same shall, upon reconsideration, be passed by the affirmative vote of not less than two thirds of the council, the presiding officer shall certify that fact on the bill or resolution, and when so certified the bill shall become an ordinance with like effect as if it had been approved by the mayor. If the bill or resolution shall fail to receive the votes of two thirds of the council, it shall be deemed to be finally lost. The vote on such reconsideration shall be taken by ayes and noes, and the names of the members voting for and against the same shall be entered in the journal.

SEC. 14. All ordinances and resolutions shall be deposited with the city clerk, who shall record the same in a suitable book.

All ordinances of a general, public or permanent nature, and those imposing a fine, penalty, or forfeiture, shall be published at least once in the city official newspaper within three days after the same shall have become a law. The publication of all ordinances granting any franchise or privilege shall be at the expense of the applicant therefor.

SEC. 15. No ordinance passed by the council shall be repealed by the council except by ordinance adopted in the manner hereinbefore set out, and such ordinance shall be presented to the mayor for his approval as hereinbefore provided.

SEC. 16. No member of the council shall be eligible to appointment on any board or commission provided for in this charter except so designated in the charter.

Chapter II—Powers and Limitations of the Council.

SEC. 17. Subject to the provisions and restrictions in this charter contained, the council shall have power:

One. To ordain, make and enforce within the limits of the city all necessary local, police, sanitary, building and other laws and regulations.

Two. To punish its members and others for disorderly or otherwise contemptuous behavior in its presence, and to expel for such behavior in its presence any member by the affirmative vote of not less than two thirds of its members, specifying in the order of expulsion the cause thereof; to compel attendance of witnesses and the production of papers and things pertinent to business, before it or before any of its committees.

Three. To establish, build and repair bridges; to acquire, lay out, open, widen, extend, alter and close streets, avenues, alleys, lanes, roads, courts, parks, boulevards, playgrounds, recreation grounds and other public places within said city; to fix and alter official grades; to grade, pave, curb, sidewalk, sewer, drain and otherwise improve the same; to provide for the repair, cleaning, watering, oiling, lighting and parking thereof; to manage and control such streets, roads, highways and public places and to regulate the use thereof; to permit, regulate or prohibit the placing or maintaining of trees, hitching posts, safety and convenience stations, signs, awnings and other obstructions therein and to remove obstructions therefrom; to cause to be planted, maintained and cultivated, shade trees therein; to regulate the pruning of all trees planted and maintained in public places; to levy special assessments for street improvements, and to provide for the collection of the same;

Four. To establish fire limits with proper regulations.

Five. To require the owners of real property to construct and repair sidewalks, and to remove grass, weeds and obstructions from sidewalks in front of their property; to require them to prune sidewalk trees as provided by ordinance; and upon their neglect or refusal, to cause such work to be done, the cost thereof to be made a lien upon said property or otherwise recovered from such owners.

Six. To regulate and determine the character and mode of construction, plumbing, piping and wiring of buildings that may be erected in the city, and the nature and kind of materials to be used in the construction, alteration or repair of such buildings, or in the alteration or repair of existing buildings, and to restrict the height of buildings and fences.

Seven. To regulate the size and construction of the entrances and exits to and from theaters, lecture rooms, churches and other places for public gathering, and to prohibit the placing of seats, and other obstructions in the aisles and open spaces in such buildings.

Eight. To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the city, or disturb the public peace, or which may be offensive to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them.

Nine. To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun-cotton, nitro-glycerine, fire works and other explosive materials and substances.

Ten. To regulate the storage of hay, straw, oil and other inflammable or combustible materials.

Eleven. To regulate the use of steam engines and gas engines and steam boilers, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

Twelve. To provide for and maintain a city prison, and to provide for the government, maintenance and clothing of persons detained therein.

Thirteen. To declare what shall be a nuisance and to provide for the abatement of the same and for the punishment of any person or party who shall create, maintain or suffer a nuisance to exist; and every act or thing done or being within the limits of the city which is or may be by law or by any ordinance of the city declared to be a nuisance shall be and is hereby declared to be a nuisance, and shall be considered and shall be treated as such in all actions and proceedings whatever; and all remedies which are or may be given for the prevention and abatement of nuisances shall apply thereto.

Fourteen. To provide a public pound and to make all necessary rules and regulations in the matter of animals running at large, and for the custody, redemption, sale or destruction of the same.

Fifteen. To provide for the inspection of water meters, gas meters and electric meters, and of weights and measures, and to enforce such regulations as may be necessary to insure their accuracy, and to provide for the inspection of all buildings, including those in process of construction or repair; also to provide for the inspection of all food products and liquids; and to compel samples thereof to be furnished to inspectors for analysis and to compel dealers to furnish the names and addresses of manufacturers or other persons from whom impure or adulterated food, food products or liquids have been obtained; and the council may, by ordinance, prescribe penalties for the sale of goods, wares or merchandise weighing or measuring less than represented, and for the sale of impure or adulterated food products or liquids, and may order the same destroyed.

Sixteen. To fix and determine by ordinance in the month of February of each year to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, company or corporation in the city for the use of water, heat, light or power, telephonic or telegraphic or other public service supplied to the city or the inhabitants thereof, and to prescribe the quality of the service.

Seventeen. To impose all license taxes, subject to the restrictions elsewhere in this charter contained, and to provide for the collection thereof.

Eighteen. To change the boundaries of the several wards in the city, subject to the provisions of this charter, *provided* that said boundaries shall not be changed by the council oftener than once in four years nor within ninety days prior to any general municipal election.

Nineteen. To authorize the granting of licenses for any lawful purpose, for revenue and regulation, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same; *provided* that no license shall be granted for a longer period than one year.

Twenty. To prescribe and enforce fines, forfeitures and penalties for the breach of any ordinance or resolution.

Twenty-one. To fix the fees and charges for all official services not otherwise provided for in this charter.

Twenty-two. To provide a seal for the city, which shall be the seal of the several departments, boards, commissions and officers thereof.

Twenty-three. To fix, alter, regulate and control fares and rates on all cable, electric, steam or other railways within the city; to compel the owners of two or more such roads using the same street for a distance not exceeding five blocks to use the same tracks and to equitably divide the cost of construction and maintenance thereof; to regulate rates of speed and to protect the public from danger or inconvenience in the operation of such roads; to erect, construct and maintain all buildings and appurtenances necessary to the operation of such roads as may be hereafter owned or controlled by the city.

Twenty-four. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Twenty-five. To provide for the purchase of property levied upon or under execution in favor of the city; but the amount bid on such purchase shall not exceed the sum of the judgment, interest and costs.

Twenty-six. To provide for making local improvements and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof; to determine what work shall be done or improvements made at the expense in whole or in part, of the owners of the adjoining contiguous or proximate property, or others benefited thereby, and to provide for the manner of making and collecting assessments therefor.

Twenty-seven. To provide for the deepening, widening, docking, covering, walling, altering or changing the channels of waterways and watercourses, and to provide for the construction and maintenance of canals, slips, public landing places, wharves, docks, viaducts, subways, tunnels and levees and all work which may be required

for the accommodation of commerce, and to control and regulate the use thereof; also to provide for the construction and purchase of all such work or works by the city and for its use and benefit, and for the entire or partial construction, maintenance and ownership of the same by the city, or as tenant in common with any other corporation.

Twenty-eight. To control, regulate or prohibit the anchorage, moorage and landing of all water craft and their cargoes within the jurisdiction of the corporation.

Twenty-nine. To fix the rate of wharfage, storage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States; to license, regulate, control and restrain wharf boats, tugs and other boats used about the harbor or within the jurisdiction of the city.

Thirty. To make and enforce laws for the protection of fish and game within the limits of the city.

Thirty-one. By a two-thirds vote of the whole council to disapprove of any nomination to an appointive office, made by the mayor.

Thirty-two. To appropriate annually, and the council must so appropriate, to the mayor, for his own use, the sum of six hundred dollars, for which he need furnish no vouchers.

Thirty-three. To do and perform any and all other acts and things which are necessary and proper for the execution of the provisions of this charter, including the power to delegate any of the powers herein conferred; and in addition, to have all powers not in conflict with the Constitution and laws of the United States or of the State of California, or in conflict with this charter or with ordinances adopted by the people.

SEC. 18. The council shall not sell or convey any portion of any water front. No lease or sale of real estate shall be authorized by the council except by ordinance passed by the affirmative vote of three fourths of the members and approved by the mayor; and no lease shall be made for a period longer than ten years except by ordinance adopted by the people.

SEC. 19. The council must, at the time of making the annual tax levy, include therein such rate for school purposes as is elsewhere in this charter provided.

SEC. 20. The council shall appoint from its members a committee consisting of three, to be called the finance committee, and shall fill all vacancies in said committee. The finance committee shall investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow or audit demands on the treasury; and shall have free access to all records, books and papers in public offices or kept by public officials; shall have power to administer oaths and affirmations, to examine witnesses and compel their attendance by subpoena. The finance committee may at any time visit any of the public offices and make examination and investigations therein without hindrance.

The finance committee must, at least once in every six months, examine the official bonds of all city officers and investigate the sufficiency and solvency of the sureties thereon and report in writing the facts to the mayor. Such reports shall specify each bond with the sureties, and the amount for which each surety is bound, and shall state their opinion as to the sufficiency of each amount and the solvency of each surety. Upon such report the mayor shall take such action as may be necessary to protect the interests of the city. He may require new bonds when he deems it necessary and he may suspend any officer until a sufficient bond be filed and approved.

SEC. 21. The finance committee shall have power to examine the records and to examine and expert the books of account of all persons, companies or corporations that are required to pay a portion of their receipts into the treasury; and shall likewise as an aid to the fixing of rates for the furnishing of water, light and power or other service to the city and to the inhabitants thereof, have like power to examine and expert the books of account of any and all persons, companies or corporations so furnishing water, light or other service.

In the exercise of its functions the concurrence of two members shall be sufficient. The finance committee shall keep a record of its proceedings, with the names of the witnesses examined and a substantial statement of the evidence taken. If from their examination it shall appear that an offense has been committed by an officer, or that an officer is in default, the committee shall immediately report to the mayor, who shall take such proceedings against such officer as are authorized by law, and may suspend him pending such proceedings. Any police officer shall execute the processes of the committee.

SEC. 22. The council shall, by ordinance, determine what officers shall give bonds for the faithful performance of their duties, and shall fix the amount of such bonds; and each of such officers shall, before entering upon the duties of his office, execute a bond to the city in such penal sum as the council, by ordinance, may determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this charter ex-officio incumbent. Such bonds shall be approved by the council. All bonds when approved shall be filed with the city clerk, except the city clerk's bond, if any, which shall be filed with the mayor. All the provisions of any law of this State relating to the official bonds of officers as then existing shall apply to such bonds except as herein otherwise

provided. Every officer of the city, before entering upon the duties of his office shall take and file with the city clerk the constitutional oath of office.

Chapter III—Initiative and Referendum.

SEC. 23. The basis of the percentage in this chapter provided for any petition shall be the total number of voters appearing on the great register of the County of Alameda, as residing in the City of Alameda at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petitions herein provided for.

SEC. 24. Upon presentation to the council of a petition signed by qualified electors of the city in number equal to ten per cent. of said registered voters asking for submission to the electors of a measure fully set forth in said petition, being a measure that the council might itself adopt, the council itself must either enact such measure without alteration, or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition. But if such petition request the calling of a special election and be signed by qualified electors equal in number to twenty per cent. of said registered voters, then such measure, if not so enacted by the council, must be submitted to the electorate at a special election to be called within sixty days from the filing of such petition.

SEC. 25. If such proposed measure is a measure that the council might adopt except for the fact that it involves the repeal or amendment of a measure adopted by the electorate, as herein provided, and if in such case said petition be signed by qualified electors in number equal to twenty-five per cent. of said registered voters, then such proposed measure must be submitted to the electors of the city at the next regular city election occurring subsequent to sixty days after the filing of said petition.

SEC. 26. The method of signing and presenting petitions provided for herein shall be as follows: The signatures to a petition need not be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number or residence location. Each paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Petitions shall be filed with the city clerk and by him presented to the council.

SEC. 27. Within ten days from the date of the filing of such petition in his office, the city clerk shall examine the great register and therefrom and from certificates of voters shall ascertain whether or not said petition is signed by the requisite number of qualified electors; and if necessary the council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine.

SEC. 28. If by the clerk's certificate it is shown that the petition has not been signed by the requisite number of qualified electors as herein provided, it may be amended within ten days from the date of said certificate by the further addition of names. The clerk shall within ten days after such amendment make like examination of said amended petition, and if his certificate shall show the same to be insufficiently signed as heretofore provided it shall be returned to the person who filed the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficiently signed as herein provided, the clerk shall present the same to the council without delay.

SEC. 29. After the first special election held hereunder, no special election shall be held under the provisions of this chapter until after the expiration of six months from the date of the holding of a preceding special election.

SEC. 30. Whenever any measure is required or authorized by this charter to be submitted to the electors of the city at any election, the city clerk shall cause the measure to be printed, and he shall send by mail a printed copy thereof to each voter whose name appears on the great register of Alameda County as last printed and published, at least ten days prior to election; but the council may order such measure to be published in the official newspaper of the city in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the measure, as above provided. Ordinances and measures in connection with local improvements, the expenses whereof are to be defrayed by local assessment, shall not come within the operation of this chapter.

SEC. 31. Any measure that the council or the electorate of the city, as herein provided, has authority to adopt, the council may, of its own motion, submit to a vote of its constituent electors at a general or special election.

SEC. 32. Except as herein provided no penal ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any contract (except contracts for improvements the expenses whereof are to be defrayed by local assessment and contracts where the subject matter involved is of less value than one thousand dollars), passed by the council shall go into effect in less than thirty days after its final passage. But ordinances and contracts declared by

the council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, passed by a three-fourths vote of the whole council, and not obligating the city for a longer period of time than one year, may go into effect at the will of the council, or as otherwise provided by law.

SEC. 33. If within said thirty days a petition signed by qualified voters of the city, in number equal to ten per cent. of said registered voters, is filed with the city clerk, asking that any penal ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements the expenses whereof are to be defrayed by local assessment, and contracts, where the subject matter involved is of less value than one thousand dollars), adopted by the council, be submitted to the electorate, then such ordinance or measure must either be repealed or be submitted to the electors for approval or rejection at the next regular city election occurring subsequent to sixty days after the filing of said petition, or at a special election called prior to such regular city election; and if such ordinance or measure has not gone into effect before the filing of such petition, and said petition has been signed by qualified electors of the city in number equal to fifteen per cent. of said registered voters, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall within one year be again submitted except by vote of the council at the next general municipal election, or on a petition signed by twenty-five per cent. of said registered voters. Said petition shall be in all respects in accordance with the provisions hereinbefore specified in this chapter, except as to the percentage of signers, and shall be examined and certified by the clerk in all respects as heretofore provided.

SEC. 34. If a majority of votes cast by the electors of the city on any ordinance or measure referred to in this chapter shall be in favor thereof, it shall, if not already in effect, go into effect as a valid and binding ordinance or measure of the city ten days after the official count has been determined; otherwise such ordinance or measure shall be repealed or rejected. Such repeal shall take effect ten days after the official count has been determined. No ordinance or measure approved by the electorate under the provisions of this chapter shall be subject to veto, or be amended or repealed except by vote of the electorate.

SEC. 35. If the provisions of two or more measures approved and adopted at the same election, under the provisions of this chapter conflict, then the measure receiving the highest affirmative vote shall control.

SEC. 36. Whenever an applicant for a franchise, or other person, shall pay in advance to the city the expenses of a special election, the council must call such special election as heretofore provided, at which the proposed ordinance shall be submitted to vote of the electors.

ARTICLE III.

EXECUTIVE.

Chapter I—Mayor.

SECTION 1. The chief executive officer of the City of Alameda shall be designated the mayor. He shall be at least thirty years of age. He shall be a qualified elector of the city, and must have been such elector for three years next preceding the day of his election. He shall receive no salary. He shall be elected by the qualified voters of the city at the general city election, and his term of office shall be two years.

He shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall be the presiding officer of the council, but shall have no vote. He shall vigilantly observe the conduct of all public officers, and shall take notice of the fidelity and exactitude, or want thereof, with which they execute their duties and obligations, especially in the collection and disbursement of the public funds and the control of the public property. The books, records and official papers of all departments, boards, officers and persons in the employ or service of the city shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of said departments, boards, officers and persons are kept in legal and proper form. For the purpose of examining into the conduct of any board, commission, committee or other body entrusted with interests pertaining to the city, he shall have the power to call a special meeting of such board, commission, committee or other body.

Any defalcation or willful neglect of duty or official misconduct which he may discover or which may be reported to him shall be laid by him before the council in order that the public interests may be protected, and the person in default be proceeded against according to law.

He shall from time to time give the council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial. He shall have general supervision over all the departments and public institutions of the city, and shall promote, to the best of his ability, the honest, economical and lawful conduct thereof.

SEC. 2. He shall take all proper measures for the preservation of the public order and the suppression of riots and tumults, and in case of emergency shall be vested with command of the chief of police and of the police force, and in such case shall have power to add to the police force as may in his judgment be required.

SEC. 3. The mayor shall appoint all officers, and fill all vacancies not otherwise provided for in this charter, and such appointees shall serve for the unexpired term. All such appointees shall be approved by the council as elsewhere provided. Such appointees shall possess the qualifications prescribed by this charter for their eligibility to the respective offices.

SEC. 4. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part.

SEC. 5. He shall have power to suspend any city officer, appointed or elected, except a member of the council, for dereliction, neglect or non-performance of duty, and shall immediately report his action in writing to the council. If the council, after hearing, approve the suspension, they shall either declare the office vacant or shall continue the suspension for such time as they may deem proper, and such vacancy shall be filled as otherwise provided.

SEC. 6. In the event that the mayor shall be temporarily unable to perform his official duties, the president of the council shall act as mayor pro tempore. Should a vacancy occur in the office of mayor it shall be filled by the council, assembled for the purpose, and said appointee shall hold until the next general municipal election.

Chapter II—Auditor and Assessor.

SEC. 7. An auditor shall be elected at the same time and in the same manner as the mayor. He shall be an elector of the city, and shall have been such for three years preceding his election. He shall hold office for two years. He shall be ex-officio assessor. His compensation for acting in both capacities shall be one hundred and twenty-five dollars per month.

SEC. 8. As auditor he shall keep a record of all demands allowed by him, showing the date of approval, amount and name of original holder, the number, and on what account and out of what fund payable. He must always know the exact condition of the treasury. He shall be in personal attendance at his office daily during office hours. He shall be the general accountant of the city and shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the city, its debts, revenues and other financial affairs. He shall give information as to the exact condition of the treasury and of every appropriation and fund thereof upon the demand of the mayor, the council, or any committee.

SEC. 9. He shall keep an account of all moneys paid into and out of the treasury, and the treasurer shall pay no money out of the treasury except upon demand approved by the auditor.

SEC. 10. He shall approve no demand unless the same has been allowed by the officer, board, department or committee required to act thereon.

SEC. 11. Every demand approved by him shall specify on its face each item composing it and the amount and date thereof, and shall be numbered and acted upon in the order of its presentation.

SEC. 12. No demand shall be allowed in favor of any corporation or person in any manner indebted to the city, except for taxes not delinquent, without first deducting the amount of any indebtedness of which he has notice; nor in favor of any person having the collection, custody or disbursement of any public funds, unless his account has been presented, passed, approved and allowed as herein required; nor in favor of any officer who has neglected to make his official returns or reports in the manner and at the time required by law, ordinance or the regulations of the council; nor in favor of any officer who has neglected or refused to comply with any of the provisions of law regulating his duties, and he may refuse to audit the salary demand of any officer or employe for the time he shall have absented himself without legal cause from the duties of his office during office hours. The auditor may examine on oath any person receiving a salary from the city touching such absence.

SEC. 13. Every demand upon the treasurer must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due, and its payment authorized by law, and against what appropriation payable and out of what fund payable. If he allow it he shall endorse upon it the word "allowed," with the name of the fund out of which it is payable, and the date and consecutive number of its allowance, and sign his name thereto.

SEC. 14. He shall have authority to take affidavits and administer oaths necessary in the transaction of all city business.

SEC. 15. As assessor the auditor shall perform all the duties prescribed by this charter, by ordinance or by law, for assessing property in the city for the purpose of taxation. He may appoint deputies in such number and for such time as may be determined by the council, their salaries to be fixed by the council.

Chapter III—City Clerk.

SEC. 16. The council shall appoint a city clerk who shall hold office for two years from the date of his appointment, unless sooner removed by resolution adopted by a majority vote of the whole council. He shall be clerk of the council and shall be the mayor's private secretary; shall keep the corporate seal and all the books, papers, records and other documents belonging to the city the custody

of which may not be otherwise provided for. He shall attend all meetings of the council and shall keep a record of its proceedings and a record of its by-laws, ordinances and resolutions, and shall perform such other duties relating to his office as the council may direct. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall attest by signature all leases and grants of the city. He shall receive a salary to be fixed by the council.

Chapter IV—Treasurer and Tax Collector.

SEC. 17. There shall be a treasurer, who shall be elected in the same manner and at the same time as the mayor, and who shall hold office for four years. He shall be ex-officio tax collector, and shall collect the licenses if so directed to do by the council.

SEC. 18. As treasurer he shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed by ordinance; and shall do all things required of him by any ordinance of the city.

SEC. 19. He shall pay out money belonging to the city only upon legal demands, allowed and audited in the manner provided by this charter or authorized by law.

SEC. 20. As tax collector he shall perform the duties in this charter and by the general laws of the State provided, and as directed by ordinances and resolutions. His compensation shall be fixed by the council.

SEC. 21. Whenever not in conflict with the Constitution of this State, it shall be permissible, in the following manner, to abolish provision for the election of a treasurer:

An ordinance may be adopted by the vote of the electorate, under the form and restrictions elsewhere in this charter provided, abolishing the provision in this chapter for the election of a treasurer, and for the salary thereof, and substituting in lieu thereof a provision for the appointment of a bank or banks to act as depository or depositories of the funds of the city. Such ordinance must provide due safeguards for the proper keeping and disbursement of the funds of the city. It may also name the salary of the official who shall thereafter be elected tax collector; and shall provide that such tax collector shall make daily deposit in the proper depository, of all sums collected by him as tax collector. Such ordinance may be drawn to cover, supersede and repeal all the provisions of this chapter. It shall not take effect until the close of the term for which the treasurer then in office has been elected.

Chapter V—Street Superintendent.

SEC. 22. The street superintendent shall have the general care of the streets, boulevards, parks, plazas, playgrounds and wharves of the city and it shall be his duty to frequently inspect the same. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstructions. He shall receive a salary to be fixed by the council.

SEC. 23. He shall frequently inspect all public works pertaining to street improvements while the same are in course of construction; inspect and approve or reject all materials used in such construction, whether done under contract or otherwise; and shall at once report to the council all deficiencies from contracts, and use of improper material and bad workmanship in such works; and shall have the power, pending investigation, to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance or by direction of the council. He shall devote his entire time to the duties of his office.

SEC. 24. He shall be appointed by the council, and shall serve for a period of two years.

Chapter VI—City Engineer.

SEC. 25. It shall be the duty of the city engineer to make all surveys, inspections and estimates required by the council. He shall receive a salary to be fixed by the council, and such fees as may be established by ordinance.

SEC. 26. He shall examine all public work done under contract, and report thereon in writing to the council.

SEC. 27. He shall on application of any person owning or interested in real property in the city, for a survey or plat of such property, make and deliver the same upon the payment of his fee therefor.

SEC. 28. He shall be the custodian of and responsible for all maps, plats, profiles, field notes, and other records and memoranda belonging to the city pertaining to his office, and the work thereof; all of which he shall keep in proper order and condition, with a full index thereof, and all of which he shall turn over to his successor.

SEC. 29. All maps, plats, profiles, field notes, estimates, and other memoranda or surveys, and other professional work made or done by him, or under his direction or control during his term of office for the city, shall be the property of the city.

SEC. 30. He shall perform such other duties as are prescribed by this charter or as may be imposed by ordinance or by direction of the council.

SEC. 31. He shall be appointed by the mayor with the approval of the council, as elsewhere provided, and shall serve for a period of two years.

ARTICLE IV.

JUDICIAL AND LEGAL.

Chapter I—Police Court.

SECTION 1. The judicial power of the city shall be vested in a police court to be held by the police judge of the city. Said police court shall have jurisdiction concurrently with the justices' courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such justice's court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinance of the city, of all actions founded upon any obligations or liability created by any ordinance, and of all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said police court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of Alameda County, from all judgments of said police court, in like manner and with like effect as in cases of appeals from justices' courts.

SEC. 2. The police judge shall be judge of the police court and shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations, and take and certify acknowledgments. He shall receive for his services a salary to be fixed by the council, and in addition thereto, shall be entitled to charge and receive such fees as are or may be allowed by law to justices of the peace for like services in civil actions.

SEC. 3. In all cases in which the police judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree or is otherwise disqualified, or in case of sickness or inability to act, the police judge may call in any justice of the peace residing in the county.

SEC. 4. The police judge must be an attorney-at-law, duly admitted to practice by the Supreme Court of the State. He shall be elected in the same manner and at the same time as the mayor and shall hold office for four years.

SEC. 5. The foregoing provisions of this article shall not take effect until the council shall deem it necessary or expedient to establish a police court, as above provided for, and shall by ordinance so declare and establish the same. Until the council shall so ordain, the provisions of the general laws of the state applicable to city justices of the peace shall be and continue in full force and effect.

Chapter II—City Attorney.

SEC. 6. There shall be a city attorney who shall be appointed by the council, and who shall have been an elector of the city for at least four years next before his appointment, and shall be an attorney and counselor-at-law duly admitted to practice by the Supreme Court of the State, and shall have actually been engaged in the practice of his profession for a period of at least four years next before his appointment, and whose term of office shall be two years and until his successor is appointed and qualified. It shall be his duty to prosecute on behalf of the people all criminal cases before the police court and justices of the peace, for all violations of this charter and of city ordinances and resolutions. It shall be his duty to attend to all suits and other matters to which the city is a party or in which the city may be legally interested. He shall be in attendance at every meeting of the council unless excused therefrom; and shall give his advice or opinion in writing whenever required by the council, board of education or other city officers. He shall be the legal advisor of all city officers; he shall approve the form of all bonds given to and all contracts made with the city; he shall, when required by the council or any member thereof, draft any and all proposed ordinances for the city and amendments thereto; and he shall do and perform all such things touching his office as the council or mayor may require of him, and shall, at the expiration of his term, surrender all books, papers and documents pertaining to the city's business over to his successor. He shall receive a salary to be fixed by the council.

ARTICLE V.

FINANCE AND TAXATION.

Chapter I—Levyng of Taxes.

SECTION 1. On or before the second Monday of May in each year the heads of departments, offices, boards and commissions of the city shall send to the council an estimate in writing of the amount of expenditure, specifying in detail the objects thereof, required in their respective departments, offices, boards and commissions for the fiscal year next ensuing, including a statement of the salaries of their subordinates. Duplicates of these estimates shall be sent at the same time to the auditor.

SEC. 2. On or before the first Monday of June in each year the auditor shall transmit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for all outstanding funded debts, and the wants of all the departments of the municipal government in detail, showing specifically the amount necessary to be apportioned to each fund in the treasury; also an estimate

of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

SEC. 3. The council shall have power, and it shall be their duty to provide by ordinance, a system for the assessment, levy and collection of all city taxes, not inconsistent with the provisions of this charter, which system shall conform, as nearly as the circumstances of the case may admit, to the provisions of the laws of this State in reference to the assessment, levy and collection of state and county taxes, except as to the time for such assessment, levy and collection;

Provided, that taxes on real property shall be due and delinquent at the same time that state and county taxes are now due and delinquent.

SEC. 4. Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the party against whom such assessment is made. Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment shall attach as of twelve noon, on the first Monday in March of each year, and shall not be satisfied or discharged until the tax assessed against the property is paid, or the property sold for the payment thereof.

SEC. 5. The city shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of State and county taxes levied in Alameda County. The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of State and county taxes in said county;

Provided, that the council may, by ordinance, regulate the time or times and the method of the collection of said taxes within each fiscal year, and prescribe by what officer the respective duties appertaining to such collection and enforcement shall be performed; and such proceedings, sales, certificates and conveyances had, made, and executed by them in pursuance thereof, shall be of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of collections of State and county taxes in said county.

SEC. 6. All sales for delinquent taxes shall be made to the City of Alameda, unless otherwise regulated by ordinance.

SEC. 7. The council may, by an order entered upon its journal, extend for not exceeding thirty days the time fixed in this article for the performance of any act.

SEC. 8. All fines and forfeitures arising under the revenue and taxation laws as applied to the city, may, in civil cases, be recovered in the name of the city, and, together with all other moneys collected or received by any officer of the city, under said laws, shall be for the use of the city. When real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city in like case and in like manner, and with like effect as it may be struck off or sold to the State when offered for sale for State and county taxes, and the council shall have the same powers and duties in relation to such property as are given by law to the State Board of Equalization in case of a sale to the State, but no certificate or receipt need be delivered to the State Controller.

SEC. 9. No officer shall be required to send or transmit any statement or report to any State officer or board.

SEC. 10. All papers and instruments required to be filed or recorded with or by the county recorder by the revenue or taxation laws of this State, shall, under said laws as applied to the city, be, in like manner and with like effect, filed with and recorded by the county recorder of Alameda County.

SEC. 11. Whenever the council shall determine that the public interest requires the construction, or acquisition, or completion of any permanent municipal building, school building, high school building, sewer property, water right, bridge, canal, tunnel or other public improvement, or utility, the cost of which in addition to the other expenditures of the city will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a debt for such purpose and proceed therein as provided in the constitution of this State and the general law or laws thereof, now or hereafter in force.

SEC. 12. Except as otherwise provided in this charter no money shall be drawn from the treasury unless in consequence of appropriations made by the council and upon warrants duly drawn thereon by the auditor.

SEC. 13. No warrant shall be drawn except upon an unexhausted specific appropriation.

SEC. 14. No contracts made, the expense of whose execution is not provided by law or ordinance to be paid by assessments upon the property benefited, shall be binding or of any force unless the auditor shall endorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract as certified by the board or officer making the same. This provision shall not apply to work done or supplies furnished, involving the expenditure of less than two hundred and fifty dollars, unless the same is required by law to be done by contract by public letting. The auditor shall make such endorsement

upon every such contract so presented to him, if there remain unapplied and unexpended such amount so specified by the officer making the contract, and thereafter shall hold and retain such sum to pay the expense incurred until the contract shall be fully performed. The auditor shall furnish monthly, and oftener if requested, to the head of each department a statement of the unexpended balances of the appropriation for such department.

SEC. 15. The amount of the tax levy shall be sufficient to provide for the payment during the fiscal year, of all demands upon the treasury authorized to be paid out of the same; but such levy exclusive of the tax to pay the interest and maintain the sinking funds of bonded indebtedness of the city, and exclusive of the tax to pay for street and sewer work and to pay for the maintenance and improvement of the parks, squares and public grounds of the city shall not exceed the rate of one dollar on each one hundred dollars valuation of the property assessed. The council in making the levy shall apportion the taxes to the several funds.

SEC. 16. The limitation in the section last preceding shall not apply in case of any great necessity or emergency. In such case the limitation may be temporarily suspended, so as to enable the council to provide for such necessity or emergency. No increase over the dollar limit shall be made in the rate of taxation authorized to be levied in any fiscal year, unless such increase be authorized by ordinance adopted by vote of the people or passed by a three-fourths vote of the council and approved by the mayor. The character of such necessity or emergency shall be recited in the ordinance authorizing such action, and be entered in the journal of the board. Nothing in this section shall authorize the incurring of liabilities against the treasury not allowed by law or which cannot be paid out of the income and revenue provided, collected and paid into the proper fund as its proportion of the same for such fiscal year, or permit liabilities or indebtedness incurred in any one fiscal year to be a charge upon or paid out of the income or revenue of any other fiscal year.

SEC. 17. The council shall, subject to the provisions of this charter, fix the amount of municipal revenues and provide by ordinance for the collection thereof. They shall, from time to time, provide for the payment of the interest and principal of the bonds for which the city is liable.

SEC. 18. The council shall authorize the disbursement of all public moneys except as otherwise specifically provided in this charter.

SEC. 19. At the close of each fiscal year, if all demands against each fund have been paid or satisfied, and all disputed or contested demands fully adjudicated, the council shall direct the treasurer to transfer all surplus moneys to the general fund, except such surplus moneys as are in the several interest and sinking funds, in the school fund, in the library fund and in such other funds the disposition of whose surplus moneys is in this charter otherwise provided for.

SEC. 20. The assessment of property within the city made by the county assessor of Alameda County and the State Board of Equalization may be the basis of taxation of the city, unless the council on or before the fourth Monday of July in any year, shall, by ordinance, elect to have an independent assessment made by the city assessor for such year; in which event such ordinance shall prescribe the time within which such assessment shall be made, and the method of making the same, and shall provide for such clerical assistance as may be required to properly prepare such assessment.

SEC. 21. Should any property in the city, however, not be assessed by the county assessor, the city assessor shall assess and enter the same in the "Subsequent Assessments" provided for in the next section.

SEC. 22. It shall be the duty of the assessor at any time subsequent to the first Monday in August of each year, to assess any property which shall not be on the regular list, and he shall enter such assessment in a separate portion of the tax list or assessment roll, under the head "Subsequent Assessments," and shall deliver a true copy thereof, duly certified by him, to the city clerk, to be by him compared with the entries on the assessment roll.

SEC. 23. The council shall meet at the usual place of holding meetings on the first Monday of September of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been received. They shall have power to hear complaints, and to correct, modify or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. They may also, partially, or wholly, relieve from taxation any improvements, structures or fixtures used exclusively for manufacturing, erected or placed in the city subsequent to the first day of January, 1906; *Provided*, that no particular property shall be exempt from taxation for more than two years.

SEC. 24. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which said tax is to be levied in said year.

Chapter II—The Several Funds.

SEC. 25. The income and revenue paid into the treasury shall be at once apportioned to and kept in separate funds, one of which shall be designated the general fund, and which shall consist of money received into the treasury not specifically apportioned to any other fund.

SEC. 26. Except as otherwise provided in this charter, any moneys remaining at the end of any fiscal year in any interest and sinking fund or in a fund provided by a special bond issue for a specific purpose, the school fund, the library fund and the electric fund, shall be carried forward and apportioned to the respective funds for the ensuing year.

SEC. 27. Any demand against the treasury or against any fund thereof remaining unpaid at the end of the fiscal year for lack of money applicable to its payment, may be paid out of any money which may subsequently come into the proper fund from delinquent taxes or other uncollected income or revenue for such year. Such demands shall be paid out of such delinquent revenue when collected.

Chapter III—The Custody of Public Moneys.

SEC. 28. All moneys arising from taxes, licenses, fees, fines, penalties and forfeitures, and all moneys which may be collected or received by any officer of the city in his official capacity, or from any department of the city, for the performance of any official duty, and all moneys accruing to the city from any source, and all moneys directed by law or by this charter to be paid or deposited in the treasury, shall be paid into the treasury. All officers or persons collecting or receiving such moneys must pay the same into the treasury daily.

SEC. 29. No salaried officer, except as otherwise provided in this charter, shall receive or accept any fee, payment or compensation either directly or indirectly for any services performed by him in his official capacity, or any fee, payment or compensation for any official service performed by any of his deputies, clerks or employes, whether performed during or after official business hours. No deputy, clerk or employe of such officer shall receive or accept any fee, compensation or payment other than his salary as now or hereafter fixed by law, for any work or service performed by him of any official nature, or under color of office, whether performed during or after official business hours.

SEC. 30. Every fee, commission, percentage, allowance or other compensation authorized by law to be charged, received or collected by any officer for any official service, must be paid daily by the officer receiving the same, to the treasurer, except as otherwise provided in this charter. The treasurer shall place the same to the credit of the general fund.

SEC. 31. The auditor or other proper officer must deliver from time to time to the treasurer, and to every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, for the performance of any official service of duty, as many official receipts as may be required, charging therewith the treasurer or other officer receiving them. Such receipts must be bound into books containing not less than one hundred such receipts, and numbered consecutively, beginning with number one in each class required for each officer for each fiscal year, and provided with a stub corresponding in number with receipt. When the books containing receipts are exhausted by the officer receiving them, he shall return the stubs thereof to the auditor or other proper officer, in whose custody they shall remain thereafter.

SEC. 32. When a receipt as herein provided is issued by the treasurer or other officer, he must state therein the date of payment, the name of the person making the payment, and the amount of such payment, the nature of the service for which the charge is made, and the name and official designation of the officer performing the service, and shall make corresponding entries on the stub of each receipt.

SEC. 33. On the first day of each month the treasurer, tax collector and city marshal, and every officer authorized by law to charge any fee, commission, percentage, allowance, or compensation, must make to the auditor a report under oath of all moneys received by him during the preceding month, showing the date and number of the receipt on which the money was received, the amount of each payment, by whom paid, the nature of the service, and the name and official designation of the officer performing the service. At the same time, or oftener, if required by the auditor, each officer above named shall exhibit to the auditor all official receipts received by him during the preceding month, and all official receipts remaining in his hands, unused or not issued, at the close of business on the last day of the preceding month.

SEC. 34. The demand of the auditor for his monthly salary shall be audited and allowed by the mayor. All other demands on account of salaries fixed by law, ordinance or this charter, and made payable out of the treasury, may be allowed by the auditor without previous approval. All demands payable out of any fund in the control of any board, commission or committee, before they can be allowed by the auditor or paid, must be regularly approved by such board, commission or committee. All demands on the treasury for salaries, wages, compensation of deputies, clerks, assistants or employes in any office or department must, before they can be audited or paid, be first approved in writing by the officer, board or department of authority under whom or in which such demand originated. All other demands payable out of any fund in the treasury must, before they can be allowed by the auditor or paid, be approved by the department, board or officer in which or with whom the same have originated, and in all such cases must be approved by the council, and if for more than two hundred dollars, also by the mayor.

SEC. 35. Every demand against the city shall, in addition to the other entries and endorsements upon the same required by this charter show: 1. The ordinance

or authorization under which the same was allowed. 2. The name of the board, department or authority authorizing the same. 3. The fiscal year within which the indebtedness was incurred. 4. The appropriation provided to meet the demand. 5. The name of the specific fund out of which the demand is payable. Each demand shall have written or printed upon it a statement that the same can only be paid out of the income and revenue provided, collected and paid into the proper specific fund in the treasury for the fiscal year within which the indebtedness was incurred.

ARTICLE VI.

PUBLIC SCHOOLS AND LIBRARIES.

Chapter I—Board of Education.

SECTION 1. The government of the school department of the city shall be vested in a board of education, to consist of five members, to be called school directors, who shall receive no compensation. They shall be appointed by the mayor, subject to approval by the council as provided in Article II, Section 17, subdivision 31, and shall hold office for the term of five years and until their successors have been appointed and qualified; *provided*, that the directors first appointed shall, at their first meeting, so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three, four, and five years after their appointment. Any vacancy occurring prior to the expiration of a term shall be filled by appointment by the mayor in the manner heretofore provided, such appointee to serve for the remainder of the unexpired term.

SEC. 2. The board shall organize within one week after the first appointment, and annually thereafter, by electing one of its number president, whose term of office shall be one year and until his successor is elected and qualified.

SEC. 3. The board shall hold regular meetings at least once in each month, and at such other times as it may determine by its rules. Special meetings may be called at any time by its president; and the president shall call a special meeting at any time when requested in writing so to do by any two members. It shall establish rules for its proceedings. The presence of a majority of its members shall be necessary for the transaction of business. In every instance where a power is exercised by the board under this article the vote thereon shall be taken by ayes and noes and entered on the minutes of the board, except otherwise provided in this charter.

SEC. 4. In addition to the powers and duties prescribed by the general laws of the State, the board of education shall have power:

One. To establish and maintain public schools in the City of Alameda, including kindergarten, primary, grammar, high, technical, evening and physical and manual training schools, and to change, consolidate and discontinue the same as public welfare may require.

Two. To manage and control the school property.

Three. To employ, pay, promote, transfer and dismiss such teachers and persons and at such times as may be necessary to carry into effect its powers and duties; to fix, alter and approve their salaries and compensation, and to withhold for good and sufficient reasons the whole or part of the salaries or compensation of any person or persons employed as aforesaid.

Four. To make, establish and enforce all necessary rules and regulations for the government, efficiency and progress of the schools.

Five. To establish and regulate the grade of schools and adopt a course of study, not in conflict with that prescribed by higher state authority.

Six. To provide the school department with all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.

Seven. To build, repair, alter, rent and provide school houses and to furnish them with proper furniture, apparatus and appliances, and to insure any and all school property against loss by the elements.

Eight. To recommend and arrange for the purchase, sale, lease and exchange of school lots and other school property for the City of Alameda; to take charge of any and all real estate and personal property which may have been or may hereafter be acquired for the use and benefit of the public schools of the city; *provided*, that no real estate shall be bought, sold or exchanged without the consent of the council or of the people evidenced by ordinance; *and, provided further*, that the proceeds of any such sale of real estate or of personal property shall go into the school fund of the city.

Nine. To sue and to prosecute and defend actions at law or in equity in the name of the board of education, and to employ counsel therefor in case the city attorney be disqualified or unable to act. Service of process upon the president or upon the majority of the members of the board shall be sufficient to give jurisdiction.

Ten. To establish regulations for the proper use, application and manner of disbursing for school purposes only, all moneys belonging to the school fund, subject to the forms and methods of accounting required by the city auditor.

Eleven. To admit non-resident children to any department of the public schools at their discretion, upon the payment as the board may direct, of tuition fees to be fixed by the board; *provided*, that said fees shall not be less than the cost per capita per pupil.

Twelve. To admit, and it shall be their duty to admit adults to free tuition in evening schools, but no child under the age of twelve shall be admitted to such schools.

Thirteen. To employ and dismiss school census marshals, and to fix, alter, allow and order paid their compensation.

SEC. 5. The board of education shall appoint a superintendent of schools, whose term of office shall be four years, unless sooner removed by a four-fifths vote.

SEC. 6. In any investigation by the board into matters connected with the school department, the president of the board of education is vested with the power of issuing subpoenas, and the board can compel the attendance of witnesses and the production of documentary and other evidence. The president and each member of the board is vested with the power of administering oaths or affirmations in all matters pertaining to the school department.

SEC. 7. No teacher shall be elected to a position in any of the public schools of the city unless he or she be a properly accredited graduate of either a California State Normal School, the University of California, the Leland Stanford Junior University, or of an institution of equal rank, or who has had at least two years' successful teaching experience.

Chapter II—Superintendent of Schools.

SEC. 8. It shall be the duty of the superintendent to give his full time to the duties of his office as the same may be prescribed by law, by this charter and by the board of education. His compensation shall be fixed by the board of education. He shall be ex-officio secretary and shall act as bookkeeper for the board without pay as such. He shall keep his books and accounts in conformity with the requirements of the auditor.

SEC. 9. There shall be appointed by the board an assistant secretary, at a salary to be fixed by the board. The secretary and assistant secretary shall each have power to administer oaths and affirmations in matters connected with the school department.

SEC. 10. The superintendent shall attend all sessions of the board and shall report to the board upon such subjects and in such detail as may be required by the board, or as he may deem for the interest of the department.

Chapter III—School Finances.

SEC. 11. It shall be the duty of the board of education to fix and determine annually the amount of school tax necessary for the establishment, support and maintenance of the public schools of the city and for the carrying into effect all provisions of law regarding the same; and in pursuance of this provision the board shall on or before the second Monday in May of each year, submit in writing to the council an estimate of the whole amount of money to be received from the State and county, and an itemized estimate of the amount to be required from the city for the above mentioned purposes; and the amount so found to be required from the city shall, by the council, be added to the amounts otherwise provided by them to be assessed and collected for city purposes, and when collected the proceeds thereof shall immediately be paid into the school fund of the city, to be drawn out only on order of the board of education as herein provided; *provided*, that such annual tax shall not, for high school purposes, exceed the sum of fifteen cents, and for all other schools, the sum of twenty cents, on each one hundred dollars of the assessed valuation of the real and personal property within the city, to be exclusive of all taxes levied for the purpose of paying principal and interest on bonded indebtedness.

SEC. 12. All claims against the school department which shall have been allowed by the board of education in the manner and form prescribed by it, this charter and the auditor, shall be paid by the treasurer upon warrants ordered drawn by the board of education, signed by its president and secretary and by the auditor, from the proper designated fund of school moneys; *provided*, that the board of education shall not have power to create any debts or liabilities in any one year to exceed the available funds of that year, under the control of the board of education and justly applicable for school purposes for such year; *provided further*, that in case of disaster from fire, water, riot, earthquake or public enemy the board of education may, with the approval of the mayor and council, incur extraordinary expenses for the repair, construction and furnishing of school houses, in excess of the annual limit provided by this charter, and the council may, by ordinance, cause to be transferred to the school fund from the general fund sufficient moneys to pay the same.

SEC. 13. The board shall cause to be prepared in July of each year, a detailed tabulated statement showing the income and expenditures of the department, and such other information as to employes, attendance, etc., and general condition of the schools as will fully show the work accomplished by the department during the previous year.

Chapter IV—Teachers' Annuity Fund.

SEC. 14. The provisions of this chapter shall take effect upon and after a referendum vote has been taken thereon, and the majority of the qualified electors voting thereon have voted therefor.

SEC. 15. It shall be the duty of the council to provide annually for the levy and collection of a tax of five mills on each one hundred dollars of taxable property in

the city. The proceeds of this tax shall be set apart in the city treasury in a fund to be known as the Teachers' Annuity Fund, and said fund shall be drawn upon for no purpose other than the purposes in this chapter designated.

SEC. 16. Subject to the provisions of this charter the board of education shall have control of the disbursement of this fund and said board is empowered to receive donations and bequests to said fund, which donations and bequests, if in money, it shall immediately on receipt thereof, deposit in the city treasury to the credit of the fund.

SEC. 17. Any teacher who shall have served thirty years in the public schools of this city shall be entitled to retire from service and to become an annuitant under the provisions of this chapter. Any teacher who shall have served twenty-five years in the public schools of this city, and who shall, by the board of education, have been discharged from service by reason of incapacity shall be entitled to become an annuitant.

SEC. 18. Any person who, under the provisions of this chapter, shall be entitled to become an annuitant, shall be entitled to receive, subject to the provisions herein-after set forth, such sum per month as shall equal fifty per cent. of the average salary paid to said teacher during the last ten years of his or her term of service in the public schools of the City of Alameda.

SEC. 19. Whenever there shall be in the teachers' annuity fund a sum sufficient therefor the board of education shall cause to be drawn on said fund warrants in payment of annuities to all annuitants entitled to receive the same. In case there be not sufficient money with which to make one month's payment of all the annuities otherwise due and payable to said annuitants, then the board of education shall defer the drawing of the warrants aforesaid, until such time as there shall be in said fund sufficient money to pay the same.

Chapter V—Free Library.

SEC. 20. The Alameda Free Library shall be under the management of a board of five directors, to be known as the board of library trustees, and who shall serve without compensation. They shall be appointed by the council, and shall hold office for the term of five years and until their successors have been appointed and qualified; *provided, however*, that the trustees first appointed shall at their first meeting so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three, four and five years after their appointment. Any vacancy occurring prior to the expiration of a term shall be filled by appointment in the manner heretofore provided, such appointee to serve for the remainder of the unexpired term.

SEC. 21. The board shall organize within one week after the first appointment and annually thereafter, by electing one of its number president. It shall also elect a secretary, who shall hold office during the pleasure of the board.

SEC. 22. The board shall appoint a librarian and such other employees as may be necessary, and fix their compensation and may remove them at their will.

SEC. 23. The board shall have full charge, management and control of the library and of all the real and personal property thereto belonging, or that may be acquired by loan, purchase, gift, devise or otherwise, when not inconsistent with the terms and conditions of the gift, devise or bequest, or with this charter. Regular meetings shall be held once in each month, and special meetings may be held as the board may determine. A majority of its members shall constitute a quorum.

SEC. 24. The board shall have power:

One. To make and enforce such rules, regulations and by-laws as may be necessary for the administration, government and protection of the library and all the property thereto belonging or in its custody.

Two. To administer any trust declared or created for such library.

Three. To purchase any and all real and personal property necessary for the purposes of the library, and to repair, sell, or otherwise dispose of personal property.

Four. To draw warrants, duly certified by the president and secretary on the library fund, to pay authorized expenditures, which warrants, when duly audited, the treasurer shall pay out of said fund; and generally to do and perform all acts necessary for the proper carrying into effect of the provisions of this charter with reference to the library.

Five. To establish, maintain or discontinue such branches of the library as the board may deem best.

SEC. 25. The board shall, annually, on or before the first Monday of July of each year, make a report to the mayor and council giving a full statement of the condition of its trust, and a statistical resumé of all matters pertaining to the library property and management occurring during the previous year, and shall, on or before the second Monday of May in each year, recommend such tax levy or other matter pertaining to the library as to them may seem necessary or of interest.

SEC. 26. There shall be levied by the mayor and council, and collected as in other cases, annually, a tax not exceeding one mill on the dollar of the assessed value of taxable property in the City of Alameda for the purposes of the library.

SEC. 27. All money and revenue derived for the use of the library, from whatever source, shall be paid into the city treasury and be known as the library fund, which shall be kept separate from all other funds and which shall be drawn upon and used only for the purposes of the library as herein authorized.

ARTICLE VII.

POLICE AND FIRE.

SECTION 1. The police and fire departments shall be under the management of a board of three commissioners to be appointed by the mayor from among the qualified electors of the city, subject to approval by the council as elsewhere provided. They shall hold office for the term of four years, except the first board appointed. They shall be the head of the police and fire departments.

SEC. 2. The commissioners shall enter upon their duties within thirty days after their appointment, and they shall organize as a board by electing one of their number president. At the first meeting of the board the commissioners shall, by lot, so classify themselves that one of their number shall hold office for a term of two years, one for a term of three years and one for a term of four years. The board shall establish rules and regulations governing its proceedings and for the regulation and conduct of its officers, clerks, and employees; and may require bonds from its subordinates for the faithful performance of their duties.

SEC. 3. The board shall hold regular meetings at least once a month and special meetings at such other times as it may appoint, or of which the president may give notice. The regular meetings shall be held on a day and at an hour fixed by resolution entered upon the records of the board, and which shall not be changed except by similar resolution, of which notice shall be posted for two weeks in the office of the board. The meetings of the board shall be public. Two members shall constitute a quorum, and the affirmative votes of two members shall be necessary to pass any order or resolution.

SEC. 4. The board shall keep a record of its transactions, specifying therein the names of the commissioners present at the meetings, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length and the record shall be approved by the board.

SEC. 5. The officers, members and employees of the police and fire departments shall be appointed by the board; but no appointment or removal shall be made by the board for political purposes, nor shall any removal be made except for cause established to the satisfaction of the board, after due investigation or trial. The salaries of officers, clerks, and employees of the board except so far as the same are otherwise designated in this charter, shall be fixed from time to time by the council in its discretion on recommendation of the board.

SEC. 6. The board shall have power:

One. To prescribe the qualifications, duties, badges of office and uniforms of officers, members and employees of said departments.

Two. To prescribe rules and regulations for the government and discipline of the same, and to prescribe and enforce penalties for their violation.

Three. To hear and determine all complaints of misconduct, inefficiency, violation of the rules and regulations, or other charge against any officer, member or employee of said departments, and to take such action thereon as shall be most conducive to the maintenance, discipline and efficiency of said departments.

Four. To appoint and remove at their discretion special policemen, who shall be under the supervision and control of the chief of police; *provided, however*, that the compensation of said special policemen shall in no event be chargeable to the city, unless appointed by authority of the mayor.

Five. To make all necessary rules and regulations to carry into execution the foregoing powers, and all other powers vested in said board by this charter, or by any ordinance passed pursuant thereto, or by the constitution and laws of this state, and in general to manage and control said departments.

SEC. 7. The board shall have the custody and control of all property, buildings and equipments now or hereafter used by or belonging to said police and fire departments.

SEC. 8. The board shall annually report to the council an estimate of the amount of money that will be required to pay all salaries and expenses of the police department and of the fire department for the ensuing year, specifying in detail the proper items for which the same will be required.

SEC. 9. The board shall make semi-annual reports to the council of its acts and expenditures, and also of the condition of said departments.

SEC. 10. The board shall determine and report to the council as to the necessity of constructing cisterns and erecting hydrants in particular localities, the necessity for additional houses, apparatus, material, supplies, engines, horses, hooks and ladders, and also as to alterations and repairs required; but the action of the board with respect to the necessity of these matters shall be only advisory to the council, and none of the matters and things in this section enumerated shall be done or provided until the same shall have been authorized by the council. All contracts let and work ordered for said departments shall be let and ordered by the council; and the board shall see that the same are faithfully carried out and performed; *provided, however*, that the board shall have power to make repairs upon engines and other property in their custody and under their control when the necessity for such repairs is urgent, and the cost thereof does not exceed the sum of one hundred and fifty dollars the bills for such urgent repairs to be ordered paid by the council.

SEC. 11. First. The police department shall consist of a chief of police, who shall be the executive head of the police department, and such sergeants, detectives and patrolmen as may be necessary, not exceeding in the aggregate, on the regular force, one to every one thousand inhabitants of the city.

Second. The employes of the fire department shall consist of a chief engineer, who shall be the executive head of the fire department, and such number of assistant engineers, fire wardens, and other employes as the council may, by ordinance, authorize on recommendation of the board.

SEC. 12. Any officer, member or employe of the police or fire departments, guilty of any legal offense, inefficiency, neglect of duty, absence without leave, breach of discipline, disobedience of orders, violation of rules, or any conduct injurious to public peace or welfare, or detrimental to the department of which he may be an officer, member or employe, shall be liable to be punished by reprimand, forfeit of pay for a specified time, suspension or dismissal from the department of which he may be an officer, member or employe; but not more than thirty days' pay shall be forfeited for any one offense. All moneys so forfeited shall be paid into a fund to be established and disbursed under such regulations as the board may adopt, for the benefit of the sick and disabled members and the families of deceased members of the department of which the offender may be an officer, member or employe. The board shall render to the council a verified itemized account of all moneys so received and disbursed during the preceding year.

SEC. 13. In all investigations or trials conducted by said board, the president thereof shall have the power to issue subpoenas for and compel the attendance of witnesses and the production of papers before it. Such subpoenas shall be served by any policeman. Any member of the board may administer oaths and affirmations in the conduct of said investigations.

SEC. 14. The officers and employes of both the police and fire departments, employed by the city at the time of the adoption of this charter, shall be retained in their several positions, unless removed for cause as hereinbefore provided.

ARTICLE VIII.

HEALTH.

SECTION 1. There shall be a health department under the management of a board of health. Said board of health shall consist of five members who shall be appointed by the council, and of whom four shall be physicians, duly licensed under the laws of the State of California. One may be appointed from among the councilmen.

The members of the board, as such shall serve without compensation. They shall hold office for the term of five years and until their successors are appointed and qualified; *provided*, that the members of the board first appointed shall at their first meeting so classify themselves that they shall go out of office at the expiration of one, two, three, four and five years respectively.

SEC. 2. The board shall organize within one week after the first appointment, and annually thereafter, by electing one of its number president, whose term of office shall be one year and until his successor is elected.

SEC. 3. Regular meetings of the board of health shall be held at least once each month, and special meetings when called by the president or by any two members, and all meetings shall be public.

SEC. 4. Said board of health shall have supervision of all matters appertaining to the sanitary condition of the city and the public institutions thereof, and full powers are hereby given to said board over all questions of foul drainage, and the disinfection and sanitary cleaning of streets, alleys, cellars, cesspools, sewers, or nuisances of any description, and of places within the city limits so situated as to receive and retain unhealthy deposits.

SEC. 5. The board of health shall exercise a general supervision over and be the custodian of all the death records now belonging to the city, and they shall cause to be kept in books prepared for the purpose, complete records of all deaths and the causes thereof, and shall also keep a record of all births occurring in the city. They shall adopt such forms and regulations for the use of physicians and undertakers as in their judgment may be best calculated to secure reliable, vital and mortality statistics in the city, and to prevent the spread of contagious and infectious diseases. They shall have power to prevent or forbid communication with infected families or houses, and by the consent of the council may provide and maintain ambulances and may establish a pest-house and provide the necessary attendants and supplies therefor.

SEC. 6. The council may, by ordinance or otherwise, make and enforce such orders and regulations as the board of health may from time to time recommend; and all expenses necessarily incurred by the board of health in carrying out the provisions of such orders and regulations shall be provided for by the council.

SEC. 7. The sum in the annual budget for the city tax levy apportioned by the council for the use of the health department shall be deposited in the city treasury as a fund to be known as the health department fund. Said fund shall be under the exclusive control of the board of health, subject to such restrictions as are provided in Article III, Chapter II of this charter.

SEC. 8. The board of health, within two weeks from the time of its organization, shall elect a city physician, who shall also act as health officer and secretary of the board of health. He shall receive such compensation for all his services as may be fixed by the board of health. He shall not be a member of the board of health. He shall be an elector of the city and a duly licensed physician under the laws of the State of California, and actually engaged in the practice of his profession therein. He shall hold his office during the pleasure of the board and must see that the laws and ordinances of the city in relation to the public health and the regulations and orders of the board of health are properly enforced. He shall keep a full record of all the transactions of the board of health, as well as all the records appertaining thereto. He shall have the powers of a police officer, and shall make an extended annual report to the board of the affairs pertaining to his office, including mortality and other statistics, with such observations and recommendations in relation to the sanitary condition of the city as he may deem proper.

SEC. 9. The city physician shall attend, when called upon, the indigent sick or wounded in the city, and shall have charge of any receiving hospital or dispensary established for the benefit of emergency cases and the sick poor, and when deemed necessary by the board of health, he may employ nurses to assist him in the care of the sick or wounded.

SEC. 10. The city physician, as health officer, shall visit, once in each quarter, all public buildings and school houses in the city. During such visits he shall examine the manner in which they are lighted, ventilated, and heated, and particularly as to their sanitary condition.

SEC. 11. The city physician, as health officer, shall promptly report in writing to the city superintendent of schools the name and residence of every person sick with any infectious or contagious disease. Said city superintendent of schools, when so notified, must refuse admittance to the schools of any member of a household one or more of whose inmates are sick from any of the aforesaid diseases. The person excluded shall be admitted on presenting a certificate from his or her attending physician, or from the health officer, that there is no longer any danger from infection or contagion.

SEC. 12. When a case of infectious or contagious disease is reported to the city physician, he may visit the premises where the person is, and, when satisfied that said disease exists, he shall place a yellow flag or conspicuous notice on said premises, which shall remain during the continuance of the said disease on said premises.

SEC. 13. The city physician may cause to be removed to a hospital any person in the city affected with smallpox, and may, with the consent of the board of health, cause to be removed to a hospital any person affected with any infectious disease. When a case of smallpox exists in any house, and the person so affected is not removed to said hospital or pest-house, the health officer shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof, who shall see that a quarantine is strictly enforced so long as public safety requires.

SEC. 14. The city physician shall vaccinate, free of charge, all poor persons applying to him.

SEC. 15. Within two weeks from the time of its organization, the board of health shall appoint a veterinarian and food inspector, and may from time to time appoint additional food inspectors, whose duties shall be prescribed by the board and who shall hold office during the pleasure of the board, and shall receive such compensation as may from time to time be fixed by the board. The veterinarian shall be duly licensed under the laws of the State of California.

SEC. 16. The board of health within two weeks after its organization shall appoint a sanitary inspector, who shall be a skilled and practical plumber, an elector of the city and a resident therein for not less than one year. His duties shall be prescribed by the board of health. He shall be clothed with the powers of a police officer and hold his office during the pleasure of the board of health. His salary shall be fixed by the board of health.

SEC. 17. Every member of the board of health and the health officer may administer oaths on matters connected with the health department.

ARTICLE IX.

PUBLIC UTILITIES.

Chapter I—Department of Electricity.

SECTION 1. There shall be a department of electricity which shall be under the management and control of a board of three commissioners, to be known as the board of electricity. They shall receive no compensation. They shall be appointed by the mayor, subject to the approval of the council as elsewhere provided, and shall hold office for three years, and until their successors are appointed and qualified; *provided, however*, that the members first appointed shall at their first meeting so classify themselves by lot that they shall go out of office in one, two and three years, respectively, after their appointment. They shall be electors of the city. They shall have charge of the construction and maintenance of the electric light and power works, now owned by the city, of the fire alarm and police telegraph and

telephone systems and of such telegraph and telephone systems as the city now owns or may hereafter own or control. They shall organize within one week after the first appointment, and annually thereafter, by electing one of their number chairman, whose term of office shall be one year and until his successor has been elected. The city clerk shall act as secretary of the board and shall keep the minutes and records thereof.

SEC. 2. The board of electricity shall hold regular meetings at least once in each month, and at such other times as it may determine. Special meetings may be called at any time by any member, due notice in writing being given to the other members. Its meetings shall be open to the public.

SEC. 3. In every instance when a power is exercised by the board of electricity under this charter, the vote thereon shall be taken by ayes and noes and entered on the minutes of the board, except as otherwise provided herein.

SEC. 4. The board of electricity shall cause to be kept a proper and comprehensive system of accounts, in such form as shall be approved by the auditor, showing in detail the receipts from all sources and showing in segregation the expenditures for running expenses, betterments and purchase of new machinery.

SEC. 5. Subject to the restrictions elsewhere in this charter expressed, the board of electricity shall have power:

One. To manage and control the property of the city appertaining to the electric department; and to superintend the construction, maintenance and improvement of the electric plant, the management, sale and distribution of power, light and heat and the collection of rates for the same.

Two. To purchase all machinery, materials, fuel and supplies necessary for the maintenance and efficient operation of the department.

Three. To employ, pay, transfer and dismiss such employees of the electric department and at such times as in their judgment may be necessary; to fix, alter and improve their salaries and compensation, to withhold for good and sufficient cause the whole or any part of the salaries or compensation of any person employed by them; to make, establish and enforce all necessary regulations for the efficiency of the department.

SEC. 6. The board of electricity shall present to the council annually in each year a detailed report for the year ending June 30, which shall show the amount of money received from all sources, and the balance on hand. The report shall show in segregation the amounts expended for salaries and other running expenses, betterments, purchase of machinery and any other subdivision required by the auditor. It shall also give a complete inventory of the property under the control of the board, together with an itemized statement of the cost, condition and present value thereof; with such other information and suggestions as the board may deem of general interest. The board of electricity shall also make to the council regular monthly reports of the receipts and expenditures for the preceding month, segregating the items of expenditure as above provided.

SEC. 7. On or before the second Monday in May in each year the board of electricity shall submit to the council an estimate of the income which may be expected to be derived during the ensuing fiscal year from the sale of electric current, and an estimate of the amount which in their judgment will be needed from the city for betterments, repairs and running expenses, including the expense of lighting the public streets and buildings of the city, the cost of the current for the fire alarm system and such other public use as they may estimate will be required and recommend a rate to be charged.

SEC. 8. All moneys apportioned by the council for use of the department of electricity, together with all moneys collected by the board of electricity, shall be set apart in a fund to be known as the electric fund, which fund shall be drawn on only by order of the board of electricity except as otherwise provided in this charter.

SEC. 9. The board of electricity shall not have power to create any debts or liabilities in any one year to exceed the actual revenue or available means in the city treasury under their control; *provided*, that in case of disaster, fire, riot, earthquake or public enemy the board may, with the approval of the mayor and council, incur extraordinary expenditures; and the council may by ordinance cause to be transferred to the electric fund from the general fund sufficient moneys to pay the same.

SEC. 10. All moneys collected by the board of electricity from any source shall be by them deposited with the city treasurer or city depository on the same day on which they are collected, and in such manner as shall be prescribed by the auditor.

SEC. 11. The rates to be charged for electric light, power and heat shall be fixed annually by the council.

SEC. 12. No part of the money in said electric light fund shall be used for any purpose other than the following:

One. The council at the time of fixing the general tax levy shall apportion from said fund an amount sufficient to meet all payments coming due, as principal or interest, on all outstanding electric light works bonds, before the time of fixing the next general tax levy, and the money so apportioned shall be used to meet such payments and for no other purpose.

Two. For the necessary expenses of conducting the electric department, operating the works and making the repairs, extensions and betterments necessary to meet the requirements of the city and other consumers.

SEC. 13. Every demand on the electric fund shall be signed by two members of the board and attested by the signature of their secretary, giving the date of its approval.

SEC. 14. All contracts for supplies, materials, machinery or construction work where the amount to be expended exceeds five hundred dollars shall be advertised and awarded to the highest bidder, except that the board may determine to reject all bids.

SEC. 15. Whenever the City of Alameda shall acquire any public utility under the provisions of this charter, the mayor shall provide for the control and operation of said utility by the appointment of a board of three commissioners, and their duties and powers shall be prescribed by ordinance on lines similar to those provided in this charter for the government and control of the board of electricity.

ARTICLE X.

ALCOHOLIC LIQUORS.

SECTION 1. It shall be unlawful for any person, firm or corporation to establish, open, keep, maintain or carry on within the City of Alameda any saloon, bar, store, dramshop, tipping place, stand or any place where spirituous, malt or fermented liquors or wines or any admixture thereof, are sold or given away, or for any person, firm or corporation (except as hereinafter provided) to sell or barter or give away within the limits of the city any spirituous, malt or fermented liquors or wines or any admixture thereof, without having permission pursuant to an ordinance of the council or people, as provided in this article. The provisions of this article shall not apply to the sale or dispensing of the said liquors, or any of them, by a regularly and duly licensed pharmacist, in the course of his business as a druggist, for medicinal purposes, at his drug store, when the same are sold or dispensed upon a prescription of a duly and regularly licensed physician. Violation of any of the provisions of this section shall constitute a misdemeanor.

SEC. 2. Subject to the provisions of this charter the council shall have power by ordinance to impose all license taxes for, and to confine within the limits of time and place and otherwise regulate the selling and giving away of any spirituous, malted or fermented liquors or wines or any admixture thereof.

SEC. 3. No license provided for in this article shall be granted for a sum less than five hundred dollars per annum, payable quarterly in advance.

SEC. 4. No remission of any such license shall be made during the period for which it is granted, and the bonds required to be given by keepers or proprietors of saloons or drinking houses shall not in any case be fixed at less than one thousand dollars.

SEC. 5. No license issued under the provisions of this article shall be assignable or transferrable without the consent of the council endorsed thereon, such consent being evinced by resolution, and only to such person, firm or corporation as may have filed a bond as heretofore provided, and complied in all other respects with such preliminary requirements as are provided by law.

Provided, that in case any licensee is charged with violation of the provisions of this article or of any ordinance imposing restrictions on his conduct as such licensee, which charge or charges result in an investigation by the council or by any court or other body authorized by law to conduct such investigation, then during such investigation or during a trial upon such charge or charges, and also after conviction, if the same shall follow, no transfer of said license shall be granted.

SEC. 6. Upon sufficient cause being shown or proof furnished to the council that any person, firm or corporation holding a license under the provisions of this article has violated any of the provisions thereof, or of any ordinance of the city relative to the sale of liquors, the council shall, upon notice being given to the person, firm or corporation so licensed, revoke such permission, cancel the license and declare the bond forfeited. Any license shall be revoked ipso facto by judgment of conviction of the holder thereof of a felony or of the violation of any of the provisions of any ordinance by this article authorized.

SEC. 7. No license shall be issued entitling the licensee to carry on the business licensed at more than one place. Each licensee shall at all times keep his license posted in a conspicuous place in his saloon or place of making sales thereunder, so that the license shall at all times be easy to be read by any person entering said place.

SEC. 8. No license shall be required for the purpose of selling liquors at wholesale to any retail dealer in the city who holds a license under the provisions of this article.

ARTICLE XI.

Chapter I—Elections.

SECTION 1. Elections to be held in the City of Alameda for the purpose of electing officers thereof, and for all other purposes, shall be of two kinds, general municipal elections and special municipal elections.

SEC. 2. General municipal elections shall be held on the second Monday in April, in each odd numbered year, and shall be for the purpose of electing all officers made elective by the terms of this charter, and for other purposes in this charter provided. The first election under this charter shall be held on the second Monday of April, 1907.

SEC. 3. Special municipal elections for all such purposes shall be held on such days as shall be fixed by the council therefor, and also on such days as are elsewhere provided for in this charter.

SEC. 4. All general and special municipal elections shall, in all respects as nearly as may be, be held and conducted in accordance with the provisions of the laws of the state for the holding of general elections in effect at the time, and the council shall make all necessary arrangements for holding said elections in accordance therewith; and the canvass and the declaring of the result of all elections by the council shall be in accordance with the provisions of the state laws and of this charter.

SEC. 5. The qualifications of an elector at any election held in the city in pursuance of this charter shall be the same as those prescribed by the laws of this state for electors at any general election in force at the time of such election.

SEC. 6. At the first election held under this charter a full council shall be elected, who shall hold office as elsewhere in this charter provided, and until their successors are elected and qualified. Members of the council and other elective officers shall take office at eight o'clock p. m. on the third Monday in April next after their election.

Chapter II—Mode of Nomination and Election.

SEC. 7. The mode of nomination and election of all officers except councilmen nominated from wards, to be voted for at any general municipal election shall be as follows:

Not later than thirty days and not earlier than sixty days before any general municipal election, electors of the city may, by written petition, present names of candidates for election. The signatures to the said petition need not be appended to one paper, but each signer shall add to his signature his place of residence, giving street and number when such designation by street and number can be given. One of the signers of each paper shall swear that the statements therein made are true, and that each signature to said paper is a genuine signature of the person whose name purports to be thereto subscribed.

Each candidate shall be proposed by not fewer than fifty electors of the city. No more than one candidate may be named in any one petition, and no person may sign more than one petition for a candidate for any one office.

SEC. 8. Such petition shall be presented to the city clerk, and if accompanied by the written acceptance of the nominee, shall be filed by the city clerk. He shall immediately examine the great register and therefrom and from certificates of registration shall ascertain whether or not such petition is signed by the requisite number of qualified electors; and if necessary the council shall allow him extra help for the purpose, and he shall within five days, attach his certificate to said petition, showing the result of his examination.

If by the clerk's certificate it shall appear that the petition has not been signed by the requisite number of electors as herein provided, it may be amended within five days from the date of said certificate by the further addition of names. The clerk shall, within five days after such amendment, make like examination of said amended petition and shall certify to the result of his examination.

SEC. 9. If the petition shall be found to be sufficiently signed as herein provided the clerk shall enter the name of the candidate so nominated in a list, and shall, not later than ten days prior to the election, certify said list as being a list of candidates nominated as required by this section, and shall cause said certificate, together with said list of names and the offices for which the candidates were respectively nominated, to be published at least five successive days prior to the election, in two daily newspapers published in the city.

SEC. 10. The city clerk shall cause ballots to be printed, numbered and bound, which ballots shall contain said list of names and of the respective offices as published; and the following caption: "Municipal Election, City of Alameda, (inserting date thereof). To vote, stamp or write a cross opposite the name of the candidate voted for or the measure voted on."

The names of the candidates shall be arranged on such ballots in the following order: "For Mayor, vote for one"; "For Auditor and Assessor, vote for one"; "For Treasurer and Tax Collector, vote for one"; "For Police Judge, vote for one," following with the name of any other office to be filled at that election except that of councilman, the names of the candidates for councilmen to be the last on the ballot; *provided* that at the first election held under the provisions of this charter the tickets shall read, as regards councilmen to be nominated at large, "Vote for two."

The names of the candidates for each office shall be arranged in alphabetical order. There shall be nothing on any ballot indicative of the source of nomination or of support of any candidate.

SEC. 11. The mode of nomination and election of councilmen nominated from wards shall be as is heretofore provided in this article with the exception that the

signatures to the petitions for each councilman shall be limited to those of electors from the ward in which the councilman resides, and each petition shall be signed by not less than twenty electors. The names of councilmen nominated from wards shall be preceded by these words: "For Councilman from — Ward" (naming the ward) "vote for one."

SEC. 12. Each ballot shall contain blank spaces underneath the printed names of offices, wherein a voter may write the name of any candidate for whom he may wish to vote.

SEC. 13. The ballots shall be printed on paper provided by the Secretary of State, which paper shall be such as is provided for use at State elections, and the form provided for State elections shall be adhered to as closely as practicable, and still conform to the provisions of this chapter.

SEC. 14. Each elector may vote for as many of said candidates as there are offices to be filled, by writing or stamping a cross in the square opposite the name of the candidate. The candidates in number equal to the number to be chosen, who have the highest number of votes, shall be declared elected.

SEC. 15. Any candidate nominated to fill a vacancy and to serve the remainder of an unexpired term, may be nominated as above provided, but such candidate shall be designated on the ballot as a candidate to fill a vacancy, and the term of the vacancy shall be stated.

SEC. 16. If any candidate who shall have received the highest number of votes shall prove to be disqualified, then the qualified candidate who shall receive the number of votes next highest shall be entitled to the office.

Chapter III.

SEC. 17. The term of each office, elective or appointive, shall be limited to the good behavior of the holder thereof, who shall be subject to removal as provided by this charter and by general law.

ARTICLE XII.

MISCELLANEOUS.

SECTION 1. Whenever in this charter the word "city" occurs, it means the City of Alameda, and every department, board and officer, whenever either one of them is mentioned in this charter, means a department, board, or officer, as the case may be, of the City of Alameda.

SEC. 2. The fiscal year shall begin with the first day of July, and end with the last day of June of each year.

SEC. 3. All officers mentioned in this charter, elected or appointed, at the time of their election or appointment, must be citizens of the United States and residents of the city, and must continue to so reside in the city during their respective terms of office or employment.

SEC. 4. Compensation of city officers shall not be increased or diminished during the terms of their respective offices.

SEC. 5. The restriction in this article in regard to citizenship and residence shall not apply to school teachers, except that immediately after their appointment they shall become and shall continue to be residents of this city.

SEC. 6. If any officer of the city shall remove from the city or absent himself therefrom for more than thirty days consecutively, without the permission of the council, or shall fail to qualify by taking the oath of office and filing his official bond whenever such bond is required, within fifteen days from the time his certificate of election or appointment is mailed or delivered to him, or shall resign, or be convicted of any felony, or be adjudged insane, his office shall be vacant and the vacancy filled as herein provided. The mayor shall have the power to appoint suitable persons to fill vacancies in any office, except as this charter otherwise provides. The appointee shall hold for the unexpired term and until the election or appointment and qualification of his successor.

SEC. 7. The improvement, widening and opening of streets, the planting of trees, and all other matters not specified in this charter, shall be done, and assessments therefor levied, in conformity with and under the authority conferred by general law.

SEC. 8. The mayor, the auditor and the city clerk shall together count the money in the treasury at least once in three months, and see if the amount on hand tallies with the amount that should be in said treasury shown by the proper books of the city, and they shall make a written report thereof to the council.

SEC. 9. All officers and boards shall turn over and deliver to their respective successors designated in this charter, all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments in their possession or under their control.

SEC. 10. No member of the council, or of any board, and no officer or employé of the city shall be or become directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the city treasury, nor shall either or any of them receive any gratuity or advantage from any contractor or person furnishing labor or material for the same.

SEC. 11. No officer of the city shall give or promise to give to any person, any portion of his compensation, or any money or any valuable thing in consideration of having been, or of being nominated, appointed, voted for or elected to any office or employment.

SEC. 12. No officer or employé shall accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employé, or any one under his charge, or from any candidate or applicant for any position as employé or subordinate under him.

SEC. 13. A violation of any provision of the three sections last preceding shall cause a forfeiture of his office, and he shall be forever disbarred and disqualified from being elected, appointed or employed in the service of the city.

SEC. 14. Every officer who shall willfully approve, allow or pay any demand on the treasury not authorized by law, ordinance or this charter, shall be liable to the city individually and on his official bond for the amount of the demand so illegally approved, allowed or paid, and shall forfeit the office which he holds and be forever disbarred and disqualified from holding any position in the service of the city.

SEC. 15. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office; but the records of the police department shall not be subject to such inspection except by permission of the proper police authorities, or by order of the mayor.

SEC. 16. Copies or other extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of twenty-five cents for certifying to such certified copy or extract.

SEC. 17. Except where otherwise provided for by law or this charter, all public offices shall be kept open for business during such hours as may be provided by ordinance.

SEC. 18. Every officer authorized by law or ordinance to allow, audit or certify demands upon the treasury, or to make any official investigation, shall have power to administer oaths and affirmations, and take and bear testimony concerning any matter or thing relative thereto.

SEC. 19. Unless otherwise provided by law or this charter, any officer, board or department authorized to appoint any deputy, clerk, assistant or employé, shall have the right to remove any person so appointed. This right shall not apply to the removal of appointees on the several boards or commissions, which boards or commissions are, by this charter, vested with the management and conduct of branches or departments of the government of the city.

SEC. 20. All ordinances, resolutions and regulations of the city in force at the time this charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed.

SEC. 21. All officers of the city when this charter takes effect shall continue to hold and exercise their respective offices under and in accordance with the terms of this charter, until the election or appointment and qualification of their successors provided for herein.

SEC. 22. The board of trustees of the present City of Alameda shall provide for the holding of the first election of officers under this charter, and shall canvass the votes and declare the result thereof.

SEC. 23. The compensation of all paid officers and employés of the city for whose compensation no provision has been made in this charter, shall be fixed by the council.

SEC. 24. It shall be the duty of every officer and person in the employ or service of the city, when it comes to his knowledge that any contract or agreement with the city or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the mayor all facts and information within his possession concerning such matter, and a willful failure so to do shall be cause for removal of such officer or employé as in the case of malfeasance in office.

SEC. 25. All advertising required by the city may be published in a daily newspaper printed and published in this city, and which newspaper shall have been established at least one year immediately preceding the date of the contract for doing such advertising.

SEC. 26. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price or rate than that proposed by any other bidder, or who shall favor one bidder over another, giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of different kinds of material or supplies than has been actually received, shall be guilty of malfeasance and shall be removed from office.

SEC. 27. Should any part or parts, provision or provisions of this charter be illegal or unconstitutional, such illegality or unconstitutionality shall destroy and render null and void only the part or provisions so illegal and unconstitutional, and all the other parts and provisions of this charter shall be in force and effect, so far as may be, as though such illegal part or provision had not been contained herein.

SEC. 28. For the purpose of holding and conducting the elections provided for by Section 6 of Article XI of this charter, this charter shall take effect from the time of the approval of the same by the Legislature; and for all other purposes this charter shall take effect at 8 o'clock p. m. on the second Monday in April, 1907.

SEC. 29. This charter may be amended in accordance with the provisions of the Constitution of this State.

WHEREAS, The City of Alameda, a city containing a population of more than ten thousand inhabitants, did on the 27th day of January, 1906, at a special election held under and in accordance with the provisions of Section 6 of Article XI of the Constitution of the State of California, elect a board of fifteen freeholders to prepare and propose a charter for said city,

Be it known that in pursuance of said provisions of the Constitution and within a period of ninety days after such election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the said City of Alameda, and that in proposing and submitting such charter the said board of fifteen freeholders pursuant to said provision of the Constitution, also presents therewith for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the proposed charter, two alternative propositions, hereinafter stated and designated respectively as "Alternative Proposition No. 1," and "Alternative Proposition No. 2."

Said alternative propositions shall be submitted to the voters for their approval or rejection, and if one or both be approved by majority vote, shall, one or both, take the place or places of two certain other provisions embodied in the foregoing charter.

The said Alternative Proposition No. 1 shall, if approved by majority vote, take the place of Section 2, Article X of the proposed charter; and the said Alternative Proposition No. 2 shall, if approved by majority vote, take the place of Chapter III, Article XI, of the proposed charter.

Said alternative propositions shall be submitted to the voters at the same election at which the charter shall be submitted, and upon the ballots shall be printed: "Shall Alternative Proposition No. 1, providing for limiting to twenty, the number of licenses which may be granted to retail liquor saloons take the place of Section 2, Article X?" and "Shall Alternative Proposition No. 2 providing for a mode of removal, by the electors of the city, of elected and appointed officers, said mode being known as the Recall, take the place of Chapter III, Article XI?"

ALTERNATIVE PROPOSITION No. 1.

Shall the following be substituted in place of Section 2, Article X?

SEC. 2. Subject to the provisions of this charter the council shall have power by ordinance to impose all license taxes for, and to confine within the limits of time and place and otherwise regulate the selling and giving away of any spirituous, malted or fermented liquors or wines or an admixture thereof:

Provided, that the council shall not have power to grant more than twenty of the licenses or permits specified in this article to be in force at any one time. The licenses granted shall be numbered consecutively from 1 to 20, and not more than one license bearing any one number from 1 to 20, inclusive, shall be valid at one time.

ALTERNATIVE PROPOSITION No. 2.

Shall the following chapter be substituted in place of Chapter III, Article XI?

Chapter III—Recall.

SEC. 17. The term of each office, elective or appointive, shall be limited to the good behavior of the holder thereof who shall be subject to removal as provided by this charter and by general law.

SEC. 18. The removal by the electors of the city, of any elected officer, may be effected as follows:

A petition or petitions, signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote cast for mayor, at the last preceding general municipal election, demanding an election of a successor of said incumbent, shall be addressed to the council and filed with the city clerk. Said petition shall contain a general statement of the grounds for which said removal is sought. The method of procedure after the filing of the petition shall be as provided in Sections 27 and 28, Chapter III of Article I.

SEC. 19. The council shall make or cause to be made due publication of notice of, and shall make all arrangements for, the holding of such election, and the same shall be conducted, and the result thereof declared in all respects as are those of other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be

a candidate to succeed himself, and unless he request otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some person other than the incumbent receive the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the party who has received the highest number of votes shall fail to qualify within ten days after receiving notification of his election, the office shall be deemed vacant and shall be filled by appointment, as elsewhere provided; *provided* that no one who has been recalled under the provisions of this chapter shall be appointed to fill a vacancy. If the incumbent has received the highest number of votes, he shall continue in office.

SEC. 20. The holder of any appointive office may be removed by the electors of the city. The initial procedure to effect such removal shall be as provided in Section 18 of this article.

SEC. 21. The council shall make or cause to be made due publication of notice of, and shall make all arrangements for, the holding of such election and the same shall be conducted and the result thereof declared in all respects as are other city elections.

SEC. 22. If, prior to the publication by the council, as provided in Section 19 of this article, the office which is sought by the petition to vacate, has been already vacated, by resignation or otherwise, further proceedings under the petition shall thereupon terminate, and the office shall be filled by appointment of a person other than the former incumbent, as elsewhere in this charter provided.

SEC. 23. In case such office shall not have been vacated prior to publication by the council, as provided in Section 22 of this article, a referendum vote shall be had as provided in this article. The tickets to be voted at such referendum, shall be as follows: "For the removal of ———," naming the officer the removal of whom is sought to be accomplished, and "Against the removal of ———," naming the officer whose removal is sought to be accomplished.

The ballots shall be provided with squares at the right hand of each voting proposition, in which the voter may make a cross, indicative of his vote.

SEC. 24. In case the result of the ballot shall show a majority vote against removal the incumbent shall continue to hold office. In case the result shall show a majority vote for removal, he shall, upon the announcement thereof, as elsewhere provided, cease to hold office, which shall thereupon by the council be declared to be vacated, and the vacancy shall thereupon be filled as is elsewhere provided for the filling of the said office.

IN WITNESS WHEREOF we have hereunto set our hands and seals at the City of Alameda, State of California, this 26th day of April, 1906.

Done in duplicate.

EDWD K. TAYLOR (Seal)

President.

GEO. A. MOORE (Seal)

Vice-President.

BRAINARD C. BROWN (Seal)

ISAAC N. CHAPMAN (Seal)

P. W. BARTON (Seal)

E. J. BEVAN (Seal)

FREDERICK E. MASON (Seal)

JULIUS MAGNIN (Seal)

J. D. JAMISON (Seal)

J. C. LINDERMAN (Seal)

WILLIAM H. NOY (Seal)

H. G. MEHRTENS (Seal)

PAUL K. BUCKLEY (Seal)

H. M. KEBBY (Seal)

HENRY MICHAELS (Seal)

Board of Freeholders, City of Alameda, State of California.

Attest: BRAINARD C. BROWN, Secretary.

STATE OF CALIFORNIA, COUNTY OF ALAMEDA, CITY OF ALAMEDA.—SS.

I, Wm. J. Gorham, President of the board of trustees of the City of Alameda, State of California, do hereby certify that the board of freeholders whose names appear signed to the foregoing proposed charter were on the 27th day of January, 1906, at a special municipal election held in said City of Alameda on said day, duly elected by the qualified electors of said city, to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety days after said election as required by Section eight of Article eleven of the Constitution of this State; that said proposed charter was then

published in the Alameda Daily Argus and in the Daily Encinal which then were daily newspapers of general circulation in said city, and that such publication was made for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter as required by said Section eight to wit: on the 18th day of July, 1906, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter and the alternative propositions submitted therewith; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole, excepting that Alternative Proposition No. 1 and Alternative Proposition No. 2 therein contained, being each separately voted on, were each ratified by a majority of such votes and were therefore chosen and substituted respectively for Section 2 of Article X and for Chapter III of Article XI of said proposed charter; that the returns of said election were duly canvassed by the board of trustees of said City of Alameda on the 6th day of August, 1906, and the result thereof declared as above set forth and that in all matters and things pertaining to said proposed charter the provisions of said section of the Constitution and the laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF I have hereunto set my hand and caused the corporate seal of said City of Alameda to be affixed this 31st day of December, 1906.

WM. J. GORHAM,

President of the Board of Trustees of the
City of Alameda, State of California.

Attest: J. W. GILLOGLY,

[SEAL] City Clerk of said City of Alameda.

AND WHEREAS, Said proposed charter with said two alternative propositions so ratified has been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section eight of Article eleven of the Constitution of the State of California.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring herein), that said charter of the City of Alameda including said two alternative propositions as presented to, adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole as and for the charter of said City of Alameda.

Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 2 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, and Wright—33.

NOES—Senator Wolfe—1.

Resolution ordered transmitted to Assembly.

Senate Bill No. 23—An Act to amend Section 1329 of the Penal Code, relating to the payment of witnesses in criminal cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 23 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—Senator Carter—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 28—An Act to amend Section 10 of an Act entitled "An Act authorizing certain corporations to act as executor and in other

capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, relating to deposits in bonds or mortgages accompanied by a certificate of title or abstract of title.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 28 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Carter, Cartwright, Curtin, Hartman, Keane, Kennedy, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 59—An Act authorizing the City of San Diego and the authorities thereof to convey a portion of La Jolla Park, in said city, to the Regents of the University of California for the purposes of a biological station.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 59 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 69—An Act to amend Section 1093 of the Penal Code, relating to the order of trial.

Bill read third time and, on motion of Senator Curtin, temporarily passed on file.

SECOND READING OF BILLS.

Senate Bill No. 51—An Act to amend an Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such election; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 8 of printed bill, strike out the word "assistant" and insert in lieu thereof the following: "assisted."

Amendment adopted.

Also:

On page 2, Section 1, lines 11, 12, and 13 of printed bill, strike out the words "No vote cast independently or irregularly shall be counted for a person whose name is printed upon the ballot or face of the machine," and insert in lieu thereof the following: "No vote cast in the independent or blank column shall be counted for a person whose name is printed upon the ballot or face of the machine."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 52—An Act to amend Section 1202 of the Political Code of the State of California, relating to the appointment of election officers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

On motion of Senator Curtin, Senate Bill No. 100 was temporarily passed on file.

Senate Bill No. 12—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said court, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys and a stenographer, and providing for their appointment.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 118—An Act to amend Section 3051 and Section 3052 of the Civil Code of California, relating to the lien on personal property for services performed thereon, and providing a method of enforcing said lien for the amount secured thereby.

During second reading of bill, the following amendment was offered by Senator McCartney:

Amend Section 3051, line 20, page 2, printed bill (Senate Bill No. 118), by striking out the period after the word "work," and inserting the following: "; and veterinary hospital proprietors and veterinary surgeons shall have a lien, dependent on possession, for their compensation in caring for, boarding, feeding, and medical treatment of animals."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 81—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the creation of a "Law Library Fund."

During second reading of bill, the following amendments were submitted by committee:

On page 2, section 1, lines 16 and 17, strike out the words "with its necessary furniture and fixtures."

Amendment adopted.

Also:

On page 1, Section 1, line 12, insert after the word "court," the words "in addition to fees fixed by law."

Amendment adopted.

Also:

On page 1, Section 1, line 9, strike out the words "probate or."

Amendment adopted.

Also:

On page 1, Section 1, line 9, strike out the words "or proceeding."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 164—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks and assistants and their compensation.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 29—An Act for preventing the manufacture, sale or transportation of adulterated or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend the title of said Act by inserting after the word "adulterated," in second line of the title, page 1, of the printed bill, a "(,)" and the word "mislabeled (, mislabeled)."

Amendment adopted.

Also :

Strike out of lines 5, 6, and 7 on page 1 of the printed bill, the following words : "or shipment, or exportation to any other state or territory, or the District of Columbia, or any foreign country from this State."

Amendment adopted.

Also :

Insert after the word "adulterated," in line 8, page 1 of the printed bill, the following : "mislabeled"

Amendment adopted.

Also :

Strike out of lines 10, 11, and 12, pages 1 and 2 of the printed bill, the following words, commencing after the word "shall," in line 10, page 1 of the printed bill : "export or ship or deliver for shipment or exportation to any other state, territory or the District of Columbia, or any foreign country, or who shall."

Amendment adopted.

Also :

After the word "adulterated," in line 16, page 2, Section 1, of the printed bill, add the following : ", mislabeled."

Amendment adopted.

Also :

After the word "Liquor," in line 2, Section 2, page 2 of printed bill, insert a comma "(,)."

Amendment adopted.

Also :

After the word "adulterated," in line 20, page 2 of the printed bill, insert the following : ", mislabeled."

Amendment adopted.

Also :

After the word "deemed," in line 1, Section 6, page 3 of the printed bill, insert the following words : "mislabeled or."

Amendment adopted.

Also :

After the word "Product," in line 8, Section 6, page 3 of the printed bill, insert the following : "tend to."

Amendment adopted.

Also:

After the word "bear," in line 18, page 3, of the printed bill, strike out the following words: "the true net weight, or, in case of liquids, the true net measure."

Amendment adopted.

Also:

After the word "adulterated" in line 1, Section 8, page 4 of the printed bill, insert the following: ", mislabeled."

Amendment adopted.

Also:

After the word "laboratory," in line 4, Section 9, page 4 of the printed bill, strike out the following words: "may, in the discretion of the State Board of Health, be located at the State University at Berkeley, or at such other place as the State Board of Health shall select," and insert in lieu thereof the following: "shall be located at such place as the State Board of Health may select."

Amendment adopted.

Also:

After the word "skilled," in line 10, Section 9, page 4 of the printed bill, insert the following word: "pharmaceutical."

Amendment adopted.

Also:

Strike out after the word "of," in line 16, Section 9, page 4 of the printed bill, the word "two," and insert in lieu thereof the word "three."

Amendment adopted.

Also:

Strike out the word "analysis" after the word "and," in line 3, page 5, Section 10 of the printed bill, and insert in lieu thereof the word: "analyses."

Amendment adopted.

Also:

After the word "adulterated," in line 12, page 5 of the printed bill, insert the following: "mislabeled."

Amendment adopted.

Also:

After the word "take," in line 14, Section 10, page 5 of the printed bill, strike out the following words: "by force."

Amendment adopted.

Also:

After the word "adulterated," in line 2, Section 13, page 5 of the printed bill, insert the following: "mislabeled."

Amendment adopted.

Also:

After the word "found," in line 6, Section 15, page 6 of the printed bill, insert the following: "mislabeled or."

Amendment adopted.

Also:

After the word "any," in line 12, Section 15, page 6 of the printed bill, strike out the following words "of its issues," and insert in lieu thereof the following word: "issue."

Amendment adopted.

Also:

Strike out after the word "adulterated," in line 4, Section 17, page 6 of the printed bill, the following words: "or misbranded food complained of and forward the same to the

said Director of the State Laboratory for examination and analysis, marking the package or wrapper containing the same, for identification, with the name of the person for whom procured, the date on which the same was procured, and the substance therein contained." Insert in lieu thereof the following: "misabeled or misbranded food complained of and divide said article into three parts, and each part shall be sealed by the Sheriff with a seal provided for that purpose. If the package be less than four pounds or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above. One sample shall be delivered to the party from whom procured, or to the party guaranteeing such merchandise. One sample shall be sent to the Director of the State Laboratory and the third sample shall be sent to and held under seal by the State Board of Health."

Amendment adopted.

Also:

After the word "travel," in line 2, Section 18, page 7 of the printed bill, strike out the following words: "as are now."

Amendment adopted.

Also:

Strike out after the period in line 7, Section 20, page 7 of the printed bill, "The court or judge, upon conviction may, in addition to such fine or imprisonment, or to such fine and imprisonment adjudge that the defendant pay all necessary costs of prosecution including the expense of examination or analysis of any article of adulterated or misbranded foods or liquors, which costs shall be entered as part of the judgment of conviction."

Amendment adopted.

Also:

After the word "adulterated," in line 13, page 7 of the printed bill, insert the following, "misabeled."

Amendment adopted.

Also:

After the period after the word "purchased," in line 10, Section 22, page 8 of the printed bill, insert the following: "or a general guaranty may be filed with the Secretary of the United States Department of Agriculture by the manufacturer, wholesaler, jobber or other party in the United States, and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words, 'Guaranteed that the articles sold by him are not mislabeled, adulterated or misbranded within the meaning of this Act, designating it.'"

Amendment adopted.

Also:

Strike out all of Section 24, page 8 of the printed bill, after the words, figures and period "Sec. 24." and insert in lieu thereof the following: "When this Act takes effect, if articles of food in the meaning of this Act are stamped by the owner thereof as follows: 'On hand May first nineteen hundred and seven,' and the owner files an inventory of such foods accompanied by his affidavit certifying the same with the Secretary of the State Board of Health within ten days after this Act takes effect, such foods so labeled shall be exempt from the provisions of this Act until the first day of September, nineteen hundred and seven."

Amendment adopted.

Also:

Strike out all of the words in Section 25, page 8 of the printed bill, after the words and figures "Sec. 25." and insert in lieu thereof as follows: "All Acts and parts of Acts in conflict or inconsistent with this Act are hereby repealed."

Amendment adopted.

Also:

Amend by adding a new section to the bill as follows:

"Sec. 26. This Act shall be in force and effect from and after the first day of May, nineteen hundred and seven."

Amendment adopted.

Also:

After the word "adulterated," in line 5, Section 22, page 8 of the printed bill, insert the following, "misabeled."

Amendment adopted.

Also:

After the word "adulterated," in line 14, Section 22, page 8 of the printed bill, insert the following, "mislabeled."

Amendment adopted.

Also:

Sec. 22. No dealer shall be prosecuted under the provisions of this Act, when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States from whom he purchased such article to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty to afford protection must contain the name and address of the party or parties making the sales of such article to said dealer, and an itemized statement showing the names and quantity of the article purchased. In case the wholesaler, jobber, manufacturer, or other party making such guaranty to said dealer resides without this State, and it appears from the certificate of the Director of the State Laboratory that such article or articles were adulterated or misbranded, within the meaning of this Act, or the National Pure Food Act, approved June 30, 1906, the District Attorney must forthwith notify the Attorney-General of the United States of such violation.

Amendment adopted.

Also:

After the word "Act," lines 2, 3, 4, and 5, Section 21, page 7 of the printed bill, strike out the following words: "And all the money collected from the defendants for the expense of the examination and analysis of adulterated or misbranded foods at the State Laboratory."

Amendment adopted.

Also:

After the period in line 6, Section 23, page 8 of the printed bill, strike out the following words: "of the amount herein appropriated the sum of ten thousand dollars (\$10,000.00) shall be available during the fiscal year nineteen hundred and seven and nineteen hundred and eight, and ten thousand dollars (\$10,000.00) during the fiscal year nineteen hundred and nine and nineteen hundred and ten."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and referred to Committee on Judiciary, to retain its place on file.

Senate Bill No. 42—An Act to amend an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State" (approved March 10, 1887, Stats. 1887, 82), by including the badge or button of the United Spanish War Veterans within the provisions of said Act.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 42.

An Act to amend an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887, by including within the provisions of said Act the badge or button of the United Spanish War Veterans of this State.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1 of an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887, is hereby amended to read as follows:

Section 1. Any person who shall willfully wear or use the badge or button of the Grand Army of the Republic, or of the United Spanish War Veterans, to obtain aid or assistance thereby within this State, unless he shall be entitled to wear or use the same under the Rules and Regulations of the Department of California, Grand Army of the Republic, or United Spanish War Veterans, respectively, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment for a term not to exceed thirty days in the county jail, or a fine not to exceed twenty dollars, or by both such fine and imprisonment.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

ADJOURNMENT.

At twelve o'clock M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER.

Friday, January 25, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVES OF ABSENCE.

Senator Markey was, on motion of Senator Kennedy, granted leave of absence until Monday, January 28, 1907.

Senator Savage was, on his own motion, granted leave of absence until Wednesday, January 30, 1907.

Senator Bates was, on motion of Senator Wright, granted leave of absence until Monday, January 28, 1907.

Senator Muentert was, on motion of Senator Wright, granted leave of absence until Monday, January 28, 1907.

Senator Anderson was, on motion of Senator McCartney, granted leave of absence until Monday, January 28, 1907.

Senator Greenwell was, on motion of Senator Nelson, granted leave of absence until Monday, January 28, 1907.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 24, 1907, the further reading was dispensed with, on motion of Senator Irish.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 5—Relative to the approval of the charter of the City of Santa Monica, Los Angeles County, California.

CLIO LLOYD, Chief Clerk.
By T. G. WALKER, Assistant.

Assembly Concurrent Resolution No. 5 referred to Committee on Municipal Corporations.

RESOLUTIONS.

The following resolutions were offered:

By Senator Wolfe:

Resolved, That W. J. Ford be and he hereby is elected to the position of Clerk of the Judiciary Committee at the per diem of \$6, in place and stead of Assistant Minute Clerk at the per diem of \$5.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Belshaw, Black, Boynton, Broughton, Carter, Cartwright, Hartman, Irish, Keane, Leavitt, Lynch, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walzer, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—Senator Caminetti—1.

Whereupon the President declared that the above named person had been elected.

By Senator Savage:

Resolved, That the Sergeant-at-Arms of the senate be and is hereby instructed to procure, for the use of outside Senate committee rooms, two dozen chairs, at a cost not to exceed \$1 apiece, and the State Controller is hereby directed to draw his warrant to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, January 25, 1907.

MR. PRESIDENT: Your Committee on Printing, to whom was referred Senate Bill No. 248—An Act to amend Section 4460 of the Political Code, relating to and regulating publications, notices, or advertisements authorized or required to be given or made by public officers of courts, or by law, and defining newspapers of general circulation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

NELSON, Chairman.

Senate Bill No. 248 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 24, 1907.

MR. PRESIDENT: Your Committee on Judiciary to whom was referred Senate Bill No. 146—An Act declaring that no contract entered into during the holidays from and including the 19th day of April, 1906, to and including the 31 day of June, 1906 shall be held invalid by reason of being entered into on any of such holidays nor by reason of having been entered into prematurely on account of such holidays, and ratifying and confirming contracts so entered into.

Also: Senate Bill No. 177—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

Also: Senate Bill No. 199—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert.

Also: Senate Bill No. 209—An Act to repeal Section 645 of the Penal Code, relating to harboring deserting seamen.

Also: Senate Bill No. 128—An Act to amend Section 487 of the Penal Code of California, defining grand larceny.

Also: Senate Bill No. 129—An Act to repeal Section 491 of the Penal Code of the State of California.

Also: Senate Bill No. 130—An Act to add a new section to the Penal Code of California, to be numbered 490a, providing therein for the punishment of the larceny of bicycles, jacks, jennies, and dogs.

Also: Senate Bill No. 355—An Act to amend Section 595 of the Political Code, relating to the general duties of Insurance Commissioners.

Also: Senate Bill No. 201—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110a, requiring notice to be given to the real parties in interest in certain proceedings.

Also: Senate Bill No. 202—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.

Also: Senate Bill No. 204—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.

Also: Senate Bill No. 205—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties.

Also: Senate Bill No. 207—An Act to amend Sections 1025 and 1031, both relating to costs in civil action.

Also: Senate Bill No. 211—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise.

Also: Senate Bill No. 215—An Act to repeal Section 749 of the Code of Civil Procedure, as approved March 31, 1891, relating to service of summons by publication in actions relating to real property in this State.

Also: Senate Bill No. 216—An Act to repeal Section 749 of the Code of Civil Procedure as approved March 31, 1891, relating to service of summons by publication in actions relating to real property in this State.

Also: Senate Bill No. 217—An Act to amend Section 728 of the Code of Civil Procedure relating to sales in actions to foreclose mortgages.

Also: Senate Bill No. 218—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution.

Also: Senate Bill No. 362—An Act to repeal Section 599 of the Penal Code, as approved March 18, 1905, and to add a new section thereto, to be known as Section 599⁷, both relating to the killing of any elk within the State of California.

Also: Senate Bill No. 361—An Act to repeal Section 526 of the Penal Code, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public places of amusement for more than the original price thereof.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

Also: Senate Bill No. 183—An Act to amend Section 1249 of the Code of Civil Procedure of the State of California.

Also: Senate Bill No. 208—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil actions.

Also: Senate Bill No. 203—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.

Also: Senate Bill No. 209—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

WOLFE, Chairman.

Senate Bills Nos. 116, 177, 199, 200, 128, 129, 130, 355, 201, 202, 204, 205, 207, 211, 215, 216, 217, 218, 362, 361, 183, 208, 203, and 209 ordered on file for second reading.

ON INSURANCE AND INSURANCE LAWS.

SENATE CHAMBER, SACRAMENTO, January 24, 1907.

MR. PRESIDENT: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 85—An Act to amend Section 595 of the Political Code, relating to the general duties of an Insurance Commissioner—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LEAVITT, Chairman.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Senate Bill No. 85 taken up for the purpose of amendment.

Senate Bill No. 85—An Act to amend Section 595 of the Political Code, relating to the general duties of an Insurance Commissioner.

During second reading of bill, the following amendment was submitted by committee:

On page 2, after Section 1, add the following:
"Sec. 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 85.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 25, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 47—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 24, 1905, by providing for the construction of storm water drains within municipalities.

Also: Senate Bill No. 56—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Concurrent Resolution No. 5—Approving the charter of the City of Santa Monica, in Los Angeles County, California, which was voted for by the qualified electors of said city at a special election held therein, for the purpose of ratifying said charter, on the 28th day of March, 1906—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

SAVAGE, Chairman.

Senate Bills Nos. 47 and 56 ordered on file for second reading.
Assembly Concurrent Resolution No. 5 ordered on file.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 25, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 101—An Act to amend Section 2981 of the Political Code of the State of California, relating to meetings of the State Board of Health.

Also: Senate Bill No. 142—An Act to amend Section 2970a of the Political Code of the State of California, relating to the preservation of the public health.

Also: Senate Bill No. 263—An Act to add a new section to the Penal Code of the State of California, to be numbered 374a, providing for safeguards against the pollution of waters used for domestic purposes.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

McKEE, Chairman.

Senate Bills Nos. 101, 142, and 263 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, January 25, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 332—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 1st thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CARTER, Chairman.

Senate Bill No. 332 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, January —, 1907.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 82—An Act to encourage the propagation of striped bass in the State of California, and making an appropriation of \$10,000 therefor—have had the same under consideration, and report the same favorably as amended, and recommend that said bill be re-referred to the Committee on Finance.

WELCH, Chairman.

Senate Bill No. 82 referred to Committee on Finance.

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, January 25, 1907.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 9—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery and livestock,

and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work and the operation of the school of agriculture and the educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose.

Also: Senate Bill No. 50—An Act to provide for the examination, tearing down, and removal of certain buildings of the San José State Normal School injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for the erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds, for the use of said Normal School, and making an appropriation therefor.

Also: Senate Bill No. 222—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Have had the same under consideration, and report them back to the Senate with recommendation that they do pass, and be re-referred to the Committee on Finance.

Also: Senate Bill No. 64—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriations for the same.

Also: Senate Bill No. 197—An Act making an appropriation for the erection of an additional wing to the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, California.

Have had the same under consideration and report the same back to the Senate without recommendation.

WRIGHT, Chairman.

Senate Bills Nos. 9, 50, and 222 ordered referred to Committee on Finance.

Senate Bills Nos. 64 and 197 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 25, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

Resolved, That the Secretary of the Senate be and he is hereby directed to purchase for the use of each member of the Judiciary Committee Kerr's Annotated Codes, and Henning's Code of Civil Procedure, and one set of California Reports Annotated and Digests, to be paid for out of the Contingent Fund of the Senate; *provided*, that the said California Reports Annotated and Digests shall be delivered to the Secretary of State at the conclusion of this session and shall be and remain the property of the State.

Senator Caminetti moved to amend the report and resolution, as follows:

Strike out from said resolution all after the word "provided," and insert the following: "that the works aforesaid shall be the property of the State and delivered to the Secretary of State at the conclusion of the session, to be by him retained for the use of the Judiciary Committee of the Senate."

Amendment read.

Senator Leavitt moved to amend the amendment as follows:

Strike out the words "Secretary of State" therefrom and insert in lieu thereof the words "State Law Library."

Have had the same under consideration, and respectfully report the same back, and recommend that the same be amended so as to read "ten sets of Kerr's Annotated Codes, striking out Henning's Code of Civil Procedure, and providing that at the conclusion of the session the books shall be delivered to the Secretary of the Senate to be by him turned over to the Secretary of State to remain the property of the Judiciary Committee of the Senate."

Also: The following resolution by Senator Irish:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of \$2,017.66, in payment of the bills hereto attached, and the Treasurer is directed to pay the same.

A. J. Johnston Co.	\$376 80
John Breuner Co.	711 61
George Oakes	12 50
Henry E. Sleeper	2 50
Kane & Trainor Ice Co.	21 00
Sacramento Rockdale Co.	3 90
Siller Bros.	32 00
Siller Bros.	14 00
The Schaw Batcher Co.	3 75
Scott, Lyman & Stack	45 00
Scott, Lyman & Stack	72 95
Scott, Lyman & Stack	51 75
Scott, Lyman & Stack	256 50
Scott, Lyman & Stack	137 35
Scott, Lyman & Stack	55 25
H. W. Rivett	18 50

United States Postoffice.....	\$5 60
F. R. Pulford.....	100 35
C. J. Peters.....	4 50
Pasteur Germ-Proof Filter Co.....	10 00
Hale Bros.....	81 85
	<hr/>
	\$2,017 66

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

RE-REFERENCE OF BILL.

On motion of Senator Sanford, Senate Bill No. 248—An Act to amend Section 4460 of the Political Code, relating to and regulating publications, notices, or advertisements authorized or required to be given or made by public officers of courts, or by law, and defining newspapers of general circulation—was re-referred to Committee on Printing.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Keane: Senate Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending subdivision (i), Section 6, of said Act.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by adding a new section thereto, to be known as Section 6a and relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by "An Act to provide for the establishment and quieting of titles to real estate in case of the loss or destruction of public records," approved June 16, 1906.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 438—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be known as Section 800a, relating to the dispensing with abstracts of title in all proceedings brought for the purpose of effecting, establishing, or registering title to real estate where it shall appear that the public records of such title, or a substantial portion thereof, have been destroyed by conflagration or other public calamity.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 439—An Act to amend Section 1171 of the Penal Code of California, relative to the settlement of bills of exception in criminal cases.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anthony: Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry

on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Bill read first time, and referred to Committee on Labor and Capital and Immigration.

By Senator Weed: Senate Bill No. 441—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Carter (by request): Senate Bill No. 442—An Act to amend an Act entitled "An Act to establish the fees of the county, township, and other officers, and of jurors and witnesses, in this State," approved March 28, 1895, by adding thereto a new section, to be numbered 5.

Bill read first time, and referred to Committee on Judiciary.

By Senator Nelson (by request): Senate Bill No. 443—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children, prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duties of such board; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903, as amended Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same," approved March 22, 1905.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 444—An Act to amend Section 634 of the Penal Code of the State of California, relating to the protection and preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Willis (by request of Code Commission): Senate Bill No. 445—An Act to repeal Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment.

Bill read first time, and referred to Committee on Judiciary.

Also: (by request of Code Commission): Senate Bill No. 446—An Act to amend Section 1908 of the Code of Civil Procedure, referring to the effect of judgments or final orders.

Bill read first time, and referred to Committee on Judiciary.

By Senator Broughton: Senate Bill No. 447—An Act providing for the cancellation of bonds given to secure the performance of the conditions of franchises or privileges, the exoneration of the sureties of such bonds and the filings and acceptance of new bonds in lieu thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Black (by request): Senate Bill No. 448—An Act to pay the claim of Ada Tharp, as administratrix of the estate of Edward Herbut Cruson, deceased, against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Cartwright (by request): Senate Bill No. 449—An Act to amend Sections 338, 339, 340, and 341 of the Penal Code, and to add

two new sections thereto, and to be known and designated as Sections 345 and 345a, all relating to pawnbrokers.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 450—An Act regulating the loan of money, when, as security for such loan, a lien is taken upon household furniture and effects, musical instruments, typewriters, and sewing machines, or upon any other personal property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cartwright (by request): Senate Bill No. 451—An Act authorizing certain corporations to loan and invest money, and regulating the same.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 452—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executors and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 453—An Act making an appropriation for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 454—An Act to amend Section 637a of the Penal Code of California, and to add thereto four new sections, to be numbered 637b, 637c, 637d, and 637e, all relating to the protection of wild birds, other than game birds, and their nests and eggs.

Bill read first time, and referred to Committee on Fish and Game.

Also (by request): Senate Bill No. 455—An Act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish the standards of quality in dairy products, and to provide for enforcing its provision.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Price: Senate Bill No. 456—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor," approved March 18, 1905 and to change and re-direct the manner of the expenditure thereof.

Bill read first time, and referred to Committee on Hospitals and Asylums.

BILL RECALLED FROM COMMITTEE AND RE-REFERRED.

On motion of Senator Rolley, Senate Bill No. 229—An Act to provide for the location, survey, and construction of the State highway in Trinity County, connecting the present county road systems of Trinity and Humboldt counties, and making an appropriation therefor—was ordered recalled from Committee on County Government and referred to Committee on Finance.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS, ETC.

Senate Concurrent Resolution No. 4—Approving the charter of the City of Santa Monica, in Los Angeles County, California, which was

voted for by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter on the 28th day of March, 1906.

On motion of Senator Savage, Senate Concurrent Resolution No. 4 was temporarily passed on file.

Senate Bill No. 69—An Act to amend Section 1903 of the Penal Code, relating to the order of trial.

On motion of Senator McCartney, Senate Bill No. 69 was temporarily passed on file.

SECOND READING OF BILLS.

Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

On motion of Senator Belshaw, Senate Bill No. 100 was temporarily passed on file.

Senate Bill No. 288—An Act to repeal Chapters III, IV, V, and VI, of Title IV, of the Political Code, as said chapters existed on the 17th day of March, 1905, relating to the State militia.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 252—An Act to amend Sections 1925 and 1933 of the Political Code, all relating to the National Guard and troops of cavalry therein.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 41—An Act to encourage the enlistment of Californians in the regular army, navy, and marine corps of the United States, and appropriating the sum of \$5,000 therefor.

Senate Bill No. 2—An Act to provide for training high school boys of the State of California in marksmanship, with automatic or self-loading rifles, and appropriating the sum of \$5,000 therefor.

Senate Bill No. 1—An Act to encourage the introduction into the State of California automatic or self-loading rifles, and appropriating \$5,000 therefor.

Senate Bills Nos. 41, 2, and 1 ordered referred to Committee on Finance.

Senate Bill No. 30—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof.

During second reading of bill, the following amendments were submitted by committee:

Amend the title of said Act by adding after the word "adulterated," in line 2 of the title, page 1 of the printed bill, the following: "misbranded".

Amendment adopted.

Also:

Strike out of lines 5, 6, 7, page 1 of the printed bill, the following words: "Or shipment or exportation to any other state or territory, or the District of Columbia, or any foreign country from this State,".

Amendment adopted.

Also:

After the word "adulterated," in line 8, page 1 of the printed bill, the following: "**, mislabeled**".

Amendment adopted.

Also:

Strike out the following words, beginning with the word "export," in line 10, page 1 of the printed bill, as follows: "export or ship, or deliver for shipment or exportation to any other state, territory or District of Columbia, or any foreign country, or who shall".

Amendment adopted.

Also:

After the word "adulterated," in line 16, page 2 of the printed bill, insert the following: "**, mislabeled**".

Amendment adopted.

Also:

After the word "branded," in line 6, Section 5, page 2 of the printed bill, insert the following: "**or labeled**".

Amendment adopted.

Also:

After the word "deemed," line 1, Section 6, page 3 of the printed bill, insert the following: "**mislabeled or**".

Amendment adopted.

Also:

After the word "adulterated," line 1, Section 8, page 3 of the printed bill, insert the following: "**, mislabeled**".

Amendment adopted.

Also:

After the word "adulterated," in line 3, Section 9, page 3 of the printed bill, add the following: "**, mislabeled**".

Amendment adopted.

Also:

After the word "adulterated," in line 11, page 4 of the printed bill, insert the following: "**, mislabeled**".

Amendment adopted.

Also:

After the word "take," in line 13, page 4 of the printed bill, strike out the following words: "**by force**."

Amendment adopted.

Also:

After the word "adulterated," in line 15, page 4 of the printed bill, insert the following: "**, mislabeled**".

Amendment adopted.

Also:

After the word "adulteration," in line 3, Section 10, page 4 of the printed bill, insert the following: "**, mislabeling**".

Amendment adopted.

Also:

After the word "adulterated," in line 2, Section 12, page 4 of the printed bill, insert the following: "**, mislabeled**".

Amendment adopted.

Also:

After the word "adulterated," in line 6, Section 12, page 4 of the printed bill, insert the following: "mislabeled".

Amendment adopted.

Also:

After the word "adulterated," in line 3, Section 14, page 4 of the printed bill, insert the following: "mislabeled".

Amendment adopted.

Also:

After the word "found," line 6, Section 14, page 5 of the printed bill, insert the following: "mislabeled or".

Amendment adopted.

Also:

After the word "any," line 12, Section 14, page 5 of the printed bill, strike out the following words: "of its issues," and insert in lieu thereof the word "issue."

Amendment adopted.

Also:

After the word "adulterated," in line 3, Section 15, page 5 of the printed bill, insert the following: "mislabeled".

Amendment adopted.

Also:

Before the word "misbranding," line 7, Section 15, page 5 of the printed bill, insert the following: "mislabeling or".

Amendment adopted.

Also:

After the word "adulterated," in line 4, Section 16, page 5 of the printed bill, strike out the following words: "or misbranded drug complained of, and forward the same to the said Director of the State Laboratory for examination and analysis, marking the package or wrapper containing the same for identification, with the name of the person from whom procured, the date on which the same was procured, and the substance therein contained," and insert in lieu thereof the following: "mislabeled or misbranded drug complained of and divide said article into three parts, and each part shall be sealed by the Sheriff with a seal provided for that purpose. If the package be less than four pounds, or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above. One sample shall be delivered to the party from whom procured, or to the party guaranteeing said drug. One sample shall be sent to the Director of the State Laboratory, and the third sample shall be sent to and held under seal by the said Board of Health."

Amendment adopted.

Also:

After the word "traveling," line 2, Section 17, page 5 of the printed bill, strike out the following words: "as are now."

Amendment adopted.

Also:

After the period after the word "imprisonment," line 6, Section 19, page 6 of the printed bill, strike out the following words: "the court or judge, upon conviction may, in addition to such fine or imprisonment, or to such fine and imprisonment, adjudge that defendant pay all necessary costs of prosecution, including the expense of examination or analysis of any adulterated or misbranded drug, which costs shall be entered as part of the judgment of conviction."

Amendment adopted.

Also:

After the word "adulterated," line 4, Section 20, page 6 of the printed bill, insert the following: "mislabeled".

Amendment adopted.

Also:

Strike out all of Section 22, page 7 of the printed bill, after the words, figures and periods "Sec. 22." and insert in lieu thereof the following: "When this Act takes effect, if drugs in the meaning of this Act are stamped by the owner as follows: 'On hand May first, nineteen hundred and seven' and the owner files an inventory of such drugs accompanied by his affidavit certifying the same with the secretary of the State Board of Health within ten days after this Act takes effect, such drugs so labeled shall be exempt from the provisions of this Act until the first day of January, nineteen hundred and eight."

Amendment adopted.

Also:

Amend by adding a new section at the end of the bill on page 7 as follows: "Sec. 23. This Act shall be in force and effect from and after the first day of May, nineteen hundred and seven."

Amendment adopted.

Also:

After the word "or," in line 9, page 3 of the printed bill, strike out the following words: "Proportion of any," and insert in lieu thereof as follows: "Per cent of volume of".

Amendment adopted.

Also:

In line 12, page 3 of the printed bill, strike out the following words: "Peanacetine or antipyrine".

Amendment adopted.

Also:

After the comma after the word "therein," in line 13, page 3 of the printed bill, strike out the following words: "or any other poisons or narcotic drug," and insert in lieu thereof the following: "except when prescribed by a licensed physician, licensed dentist, or licensed veterinary surgeon."

Amendment adopted.

Also:

After the period after the word "purchased," in line 10, page 7 of the printed bill, insert the following:

"Or a general guaranty may be filed with the Secretary of the United States Department of Agriculture by the manufacturer, wholesaler, jobber, or other party in the United States, and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words, 'guaranteed that the articles sold by him are not mislabeled, adulterated, or misbranded, within the meaning of this Act,' designating it."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 88—An Act to amend Section 270 of the Penal Code and to add two new sections thereto, to be numbered 270a and 270b, relating to the neglect and abandonment of minor children by parents, and neglect and abandonment of wives by husbands, and providing the punishment therefor.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 88.

An Act to amend the Penal Code by adding two new sections thereto, to be numbered two hundred and seventy a and two hundred and seventy b relating to the neglect and abandonment of wives by husbands, and providing the punishment therefor.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code, to be numbered section two hundred and seventy a, and to read as follows:

270a. Every husband having sufficient ability to provide for his wife's support, or who is able to earn the means of such wife's support, who willfully abandons and leaves

his wife in a destitute condition or who refuses or neglects to provide such wife with necessary food, clothing, shelter, or medical attendance, unless by her misconduct he was justified in abandoning her, is guilty of a misdemeanor.

SEC. 2. A new section is hereby added to the Penal Code, to be numbered section two hundred and seventy b, and to read as follows:

270b. After arrest, conviction, or plea of guilty on a charge of a misdemeanor under either section two hundred and seventy or two hundred and seventy a of this code, and before trial or sentence, if the defendant shall appear before the court and enter into an undertaking with sufficient sureties to the people of the State of California in such penal sum as the court may fix, to be approved by the court, and conditioned that the defendant will furnish said minor child or wife as the case may be, with necessary food, clothing, shelter, or medical attendance, then the court may suspend proceedings or sentence therein; and said undertaking is valid and binding for six months; and upon the failure of defendant to comply with said undertaking, he may be ordered to appear before the court and show cause why further proceeding should not be had in said action or sentence should not be imposed, whereupon the court may proceed with said action, or pass sentence, or for good cause shown may modify the order and take a new undertaking and further suspend proceedings, or sentence for a like period.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 111—An Act to repeal an Act entitled "An Act to incorporate the Town of Yuba City," approved March 30, 1878.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 119—An Act to amend the Penal Code of California by adding four new sections thereto, to be numbered Section 597a, Section 597b, Section 597c, and Section 597d, relating to docking of horses' tails, and providing a punishment therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 5 taken up for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION NO. 5.

Approving the charter of the City of Santa Monica, in Los Angeles County, California, which was voted for by the qualified electors of said city, at a special election held therein, for the purpose of ratifying said charter, on the 28th day of March, 1906.

WHEREAS, The City of Santa Monica, in Los Angeles County, California, is now, and at all the time herein referred to, was a city containing a population of more than three thousand five hundred, but less than ten thousand; and

WHEREAS, At an election held in said city on October 17, 1905, in accordance with law and the provisions of section eight of article eleven of the Constitution of this State, a board of fifteen freeholders, duly qualified, was duly elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city, which said board of fifteen freeholders did, within the ninety days next after such election, prepare and propose a charter for said city, which said charter was, on the eleventh day of January, 1906, signed in duplicate by a majority of the members of said board of fifteen freeholders, and was duly returned, one copy thereof to the president of the board of trustees of said city, and the other copy thereof to the county recorder of the County of Los Angeles (within which county said city is situated); and

WHEREAS, Such proposed charter was then published in one daily newspaper of general circulation in said city, to-wit: in "The Daily Outlook," for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; and

WHEREAS, Said charter was, within not less than thirty days after the publication of said charter, as required by section eight, to-wit: on the twenty-eighth day of March, 1906, was submitted by the legislative authority of said city, to-wit: by the board of city trustees thereof, to the qualified electors of said city, at a special election, held in said city on the twenty-eighth day of March, 1906; and

WHEREAS, The returns of said election were duly canvassed by said board of city trustees of said City of Santa Monica on the second day of April, 1906, and the result thereof declared as above set forth; and

WHEREAS, Said charter is now submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provision of section eight of article eleven of the Constitution of the State of California; and

WHEREAS, Said charter is in the words and figures following, to-wit:

ARTICLE I.

INCORPORATION AND POWERS.

SECTION 1. The municipal corporation now existing and known as "The City of Santa Monica", shall continue to be a municipal corporation under the name and style of "City of Santa Monica," and with the same boundaries it now has, to-wit:

Commencing at a point in the ordinary tide line of the Pacific Ocean, distant thirty and sixty hundredths feet (30.60-100) southeasterly of the southerly line of Marine street as shown on the map of the Crescent Bay Tract, as recorded in Book 2, pages 13-14 of Maps, Los Angeles County Records.

Thence extending north 56 degrees east to the southwest corner of Block C of the Santa Monica Tract, as per map recorded in Book 53, page 29, Miscellaneous Records, Los Angeles County.

Thence extending northeasterly along the southerly line of the Santa Monica Tract to the southeast corner of Block B of said Santa Monica Tract.

Thence extending northeasterly along the southerly line of the Lucas Tract, to the southeast corner of Block 47 of said Lucas Tract as per map recorded in Book 6, page 221, Miscellaneous Records, Los Angeles County.

Thence extending north 57 degrees 30 minutes east to the northwest corner of the Mesa La Ballona Tract as per map recorded in Book 5, page 134 of Maps, Los Angeles County Records.

Thence north 57 degrees 45 minutes east along the northerly line of said Mesa La Ballona Tract, and its prolongation thereof, to the westerly line of Ballona Road No. 2.

Thence north 33 degrees and 30 minutes west along the westerly line of said Ballona Road No. 2 to a point in the dividing line between the Ranches San Vicente y Santa Monica, and La Ballona.

Thence north 64 degrees and 56 minutes west along the southerly line of the Twenty-seventh (27th) Street extension to the southeasterly corner of the S. P. R. R. Co.'s yards (55-acre tract).

Thence south 75 degrees and 52 minutes west along the southerly line of S. P. R. R. Co.'s yards (55-acre tract) four thousand (4000) feet to the southwest corner of said S. P. R. R. Co.'s yards (55-acre tract).

Thence northwesterly along the westerly line of the aforesaid S. P. R. R. Co.'s yards (55-acre tract).

Thence north 14 degrees and 28 minutes west to a point in the southerly line of Colorado Avenue (formerly known as Railroad Ave.) as per map of the Villa Farms, recorded in Book 3, pages 118-119, Miscellaneous Records, Los Angeles County.

Thence northeasterly along the southerly line of Colorado Avenue, to a point in the westerly line of Cambridge Street as per map of the Artesian Tract recorded in Book 4, page 90 of Maps, Los Angeles County Records.

Thence northwesterly along the westerly line of Cambridge Street to the southerly line of Nevada Avenue.

Thence north 44 degrees and three minutes west two thousand eight hundred and forty (2840) feet to the northerly line of Montana Avenue if prolonged northeasterly.

Thence extending southwesterly along the northerly line of Montana Avenue and the northerly line of said avenue projected southwesterly to a point in the westerly boundary line of Los Angeles County (in the Pacific Ocean).

Thence southeasterly along the aforesaid boundary line to a point where a straight line bearing south 56 degrees west would intersect the said boundary line of Los Angeles County.

Thence north 56 degrees east to the place of beginning.

And such additional territory as may from time to time be annexed.

WARDS.

SEC. 2. The City shall be divided into seven wards as follows:

First Ward.

Commencing at the intersection of the center lines of Sherman Avenue, East Santa Monica, with the southeasterly Corporate Limits of the City of Santa Monica.

Thence extending northwesterly along the center line of Sherman Avenue to the center line of Central Avenue.

Thence southwesterly along the center line of Central Avenue, to the center line of South Fourth (4th) Street.

Thence southeasterly along the center line of South Fourth Street (4th) to the center line of East Hill Street.

Thence southwesterly along the center line of East Hill Street to the easterly line of the Trolleyway, so called.

Thence southwesterly to the point of intersection of the center line of the alley in block two (2), Crescent Bay Tract (between Hill and Surf streets) with the westerly line of the Trolleyway.

Thence southwesterly along the center line of the alley in said block two (2), Crescent Bay Tract, to the center line of the Speedway.

Thence southeasterly along the center line of the Speedway to the center line of West Hill Street.

Thence southwesterly along the center line of West Hill Street, and its prolongations thereof, to the southwesterly line of the city limits.

Thence southeasterly along the westerly line of the city limits to the south-easterly corporate limits.

Thence northeasterly along the southerly line of the city limits to the place of beginning.

Second Ward.

Commencing at the intersection of the center lines of Central and Sherman avenues.

Thence extending northwesterly along the center line of Sherman Avenue to the center line of Pearl Street.

Thence southwesterly along the center line of Pearl Street to the center line of South Eighth (8th) Street.

Thence northwesterly along the center line of South Eighth (8th) Street, to the center line of Garfield Avenue.

Thence southwesterly along the center line of Garfield Avenue to the easterly line of Block "G" of the Ocean Spray Tract.

Thence northwesterly along the easterly line of said Block "G" Ocean Spray Tract, to the northeast corner of lot Twenty (20) of said Block "G" Ocean Spray Tract.

Thence southwesterly along the northerly line of said lot twenty (20) Block "G" Ocean Spray Tract, and its prolongation thereof to the center line of South Sixth (6th) Street.

Thence southeasterly along the center line of South Sixth (6th) Street, to the center line of Strand Street.

Thence southwesterly along the center line of Strand Street to the center line of South Fourth (4th) Street.

Thence southeasterly along the center line of South Fourth (4th) Street to the intersection of the dividing lines between lots 5 and 6 of Vawter's Subdivision of Blocks 6-13, Lucas Tract projected northeasterly.

Thence southwesterly along the center lines of said lots 5 and 6, Vawter's Subdivision of Blocks 6-13, Lucas Tract, to the center line of South Third (3rd) Street.

Thence southeasterly along the center line of South Third (3rd) Street to the center line of Mills Street.

Thence southwesterly along the center line of Mills Street to the center line of Lake Street.

Thence southwesterly along the dividing lines between lots 18 and 19, and lots 45 and 46, Santa Monica Commercial Co.'s Tract.

Thence continuing southwesterly along the dividing lines between lots 19 and 20 and their prolongation thereof, of Block R of the said Santa Monica Commercial Co.'s Tract, to the easterly line of the Trolleyway.

Thence northwesterly along the easterly line of the Trolleyway to the intersection of the center line of Hart Avenue if prolonged northeasterly.

Thence southwesterly along the center line of Hart Avenue and its prolongation thereof to the southwesterly line of the city limits.

Thence southeasterly along the southwesterly line of the city limits to its intersection with the center line of West Hill Street if prolonged southwesterly.

Thence northeasterly along the center line of West Hill Street, and its prolongation thereof, to the center line of the Speedway.

Thence northwesterly along the center line of the Speedway to the center line of the alley in Block Two (2) Crescent Bay Tract (between Hill and Surf streets).

Thence northeasterly along the center line of said alley to the westerly line of the Trolleyway.

Thence northeasterly to the point of intersection of the center line of East Hill Street, with the easterly line of the Trolleyway.

Thence northeasterly along the center line of East Hill Street, to the center line of South Fourth (4th) Street.

Thence northwesterly along the center line of South Fourth (4th) Street, to the center line of Central Avenue.

Thence northeasterly along the center line of Central Avenue to the place of beginning.

The southeasterly line of Ward Two (2) is identical with the northwesterly line of Ward One (1).

Third Ward.

Commencing at the intersection of the center lines of Pearl Street and Sherman Avenue.

Thence northwesterly along the center line of Sherman Avenue to the center line of Front Street.

Thence southwesterly along the center line of Front Street, and its prolongation thereof, to the southwesterly line of the city limits.

Thence southeasterly along the southwesterly line of the city limits to its intersection with the center line of Hart Avenue if prolonged southwesterly.

Thence northeasterly along the center line of Hart Avenue and its prolongation thereof to the easterly line of the Trolleyway.

Thence southeasterly along the easterly line of the Trolleyway to the intersection of the dividing lines of lots 19 and 20, Block R and lots 45 and 46, and 18 and 19, Block P, Santa Monica Commercial Co.'s Tract and its prolongation thereof.

Thence northwesterly along the said dividing lines of said lots 19 and 20, Block R, and lots 45 and 46 and 18 and 19, Block P, Santa Monica Commercial Co.'s Tract to the intersection of the center line of Lusk Street and Mills Street.

Thence northeasterly along the center line of Mills Street to the center line of South Third Street.

Thence northwesterly along the center line of South Third (3rd) Street to its intersection with the dividing lines between lots 5 and 6, Vawter's Subdivision of Blocks 6-13, Lucas Tract.

Thence northeasterly along said dividing line between lots 5 and 6, Vawter's Subdivision of Blocks 6-13, Lucas Tract, to the center line of South Fourth (4th) Street.

Thence northwesterly along the center line of South Fourth (4th) Street, to the center line of Strand Street.

Thence northeasterly along the center line of Strand Street, to the center line of South Sixth (6th) Street.

Thence northwesterly along the center line of South Sixth (6th) Street, to the northerly line of lot Twenty (20) Block "G" Ocean Spray Tract, if prolonged westerly.

Thence northeasterly along the northerly line of said lot Twenty (20) Block "G" Ocean Spray Tract, to the easterly line of Block "G" of said Ocean Spray Tract.

Thence southeasterly along the easterly line of said Block "G" to the center line of Garfield Avenue.

Thence northeasterly along the center line of Garfield Avenue, to the center line of South Eighth (8th) Street.

Thence southeasterly along the center line of South Eighth (8th) Street to the center line of Pearl Street.

Thence northeasterly along the center line of Pearl Street to the place of beginning.

The southeasterly line of Ward Three (3) is identical with the northwesterly line of Ward Two (2).

Fourth Ward.

Commencing at the center line of Seventeenth (17th) Street, if prolonged southeasterly, with the center line of Front Street.

Thence northwesterly along the center line of Seventeenth Street, and its prolongation thereof, to the center line of Utah Avenue.

Thence southwesterly along the center line of Utah Avenue and its prolongation thereof to the southwesterly line of the city limits.

Thence southeasterly along the southwesterly line of the city limits, to the intersection of the center line of Front Street if prolonged westerly.

Thence northeasterly along the center line of Front Street, and its prolongation thereof to the place of beginning.

The southeasterly line of Ward Four (4) is identical with the northwesterly line of Ward Three (3).

Fifth Ward.

Commencing at the center line of Seventeenth (17th) Street and Utah Avenue.

Thence extending northwesterly along the center line of Seventeenth (17th) Street to the center line of Arizona Avenue.

Thence southwesterly along the center line of Arizona Avenue and its prolongation thereof to the southwesterly line of the city limits.

Thence southeasterly along the said southwesterly line of the city limits to the center line of Utah Avenue if prolonged westerly.

Thence northeasterly along the center line of Utah Avenue and its prolongation thereof, to the place of beginning.

The southeasterly line of Ward Five (5) is identical with the northwesterly line of Ward Four (4).

Sixth Ward.

Commencing at the intersection of the center line of Arizona Avenue and Seventeenth (17th) Street.

Thence extending northwesterly along the center line of Seventeenth (17th) Street to the northwesterly city limits.

Thence southwesterly along the northwesterly line of the city limits to the southwesterly city limits.

Thence southeasterly along the southwesterly line of the city limits to the center line of Arizona Avenue if prolonged southwesterly.

Thence northeasterly along the center line of Arizona Avenue and its prolongation thereof, to the place of beginning.

The southwesterly line of Ward Six (6) is identical with the northwesterly line of Ward Five (5).

Seventh Ward.

Commencing at the point of intersection of the center line of Sherman Avenue with the southeasterly city limits.

Thence extending northwesterly along the center line of Sherman Avenue, to the center line of Front Street.

Thence southwesterly along the center line of Front Street to the center line of Seventeenth (17th) Street if prolonged southwesterly.

Thence northwesterly along the center line of Seventeenth (17th) Street, and its prolongation thereof, to the northwesterly city limits.

Thence northeasterly along the northerly line of the city limits, to the north-easterly line of the city limits.

Thence southerly along the northeasterly and southeasterly boundary lines to the place of beginning.

Being all of that territory within the corporate limits of Santa Monica lying northwesterly of the center line of Seventeenth (17th) Street, and its prolongation thereof, and Sherman Avenue, between the northwesterly and southeasterly city limits.

The southwesterly line of Ward Seven (7) is identical with the northwesterly lines of Wards One to Six (1 to 6).

SEC. 3. The council may alter the lines of any ward by ordinance adopted by a vote of at least five of its members and approved by the mayor at any time within ninety days after a general municipal election, but at no other time.

ARTICLE II.

SECTION 1. The said corporation shall have the power:

- (1) To make and use a corporate seal and alter the same at pleasure.
- (2) To sue and be sued in all actions and proceedings whatever.
- (3) To have perpetual succession.
- (4) To erect and maintain public buildings, and to lay out, establish, improve and maintain public parks and cemeteries.
- (5) To provide for the care of the sick and helpless.
- (6) To make regulations to prevent the spread of epidemics and contagious diseases.
- (7) To provide for supplying the city and its inhabitants with water, gas and electricity, or other means of heat and illumination and power.
- (8) To lay out, open, extend, widen, improve or vacate, pave and repave streets and alleys, sidewalks and crossings, and other highways. It shall have power to declare any street or highway within said city a boulevard and may restrict the traffic thereon.
- (9) To construct and maintain sewers, drains and other works necessary for the disposition of sewage.
- (10) To establish and maintain public schools and public libraries.
- (11) To levy assessments upon property to pay for the improvements, and to collect the same, and to levy and collect taxes upon property for municipal purposes: *provided* that the tax levied for any one year, for all municipal purposes, other than for parks, library, schools and payment of interest on the municipal debt and redemption of bonds, shall not exceed \$1 on each \$100 worth of taxable property.
- (12) To manage, control, sell, lease or otherwise dispose of any or all of the property of the said corporation, and to appropriate the income or proceeds thereof to the use of the said corporation: *provided* that it shall have no power to mortgage or hypothecate its property for any purpose.
- (13) To license and regulate the carrying on of any and all professions, trades, callings, and occupations carried on within the limits of said city, and to fix the amount of license tax thereon to be paid by all persons engaged in such professions, trades, callings or occupations, provide the manner of enforcing the payment of the same; *provided* that no discrimination shall be made between persons engaged in the same business otherwise than by proportioning the tax upon any business to the amount of business done; and to license, regulate, restrain, suppress, or prohibit any or all laundries, livery and sale stables, cattle and horse

corrals, slaughter-houses, butcher-shops, lawyers, peddlers, pawn-brokers, dance halls, melodons, shows, circuses, public billiard tables, howling and ten pin alleys, the sale or giving away of malt, vinous, fermented, or other alcoholic or intoxicating liquors as a business, except for medicinal purposes by licensed druggists on the prescription of a regularly licensed physician; *provided* that nothing herein shall prevent the submission of the question whether the sale or giving away of such liquors may be licensed or prohibited to the voters at any election under the provisions herein concerning the initiative and referendum, and to suppress and prohibit all faro banks, games of chance, gambling houses, tables on stands, bawdy-houses, the keeping of bees within the city limits, and any and all obnoxious, offensive, immoral, indecent or disreputable places of business or practice.

(14) To create offices, and provide for the election or appointment of officers other than those established by this charter, or by the general law, whenever the public convenience may require the same, and prescribe their duties and fix their compensation. (But this shall not be construed to authorize the creation of new offices and the appointment of other officers to perform the duties by this charter assigned to officers provided for herein, other than the necessary deputies and assistants to the officers of said city.)

(15) To acquire, by purchase, condemnation, or other lawful means, property, both real and personal, including water and water rights, electric plants and gas plants, wharves, railroads, bridges and other public utilities within or without the corporate limits, necessary or convenient for municipal purposes, or for exercise of the powers granted to said corporation.

(16) To fix the salaries of municipal officers, except those officers whose salaries are fixed by this charter.

(17) To provide and maintain a proper and efficient fire department, and make and adopt such measures, rules and regulations for the prevention and extinguishing of fires, and for the preservation of property endangered thereby, as may be deemed expedient.

(18) To protect the property of its inhabitants against inundations.

(19) To provide against the existence of filth, garbage and other injurious and inconvenient matter within the city, and for the disposition of the same.

(20) To make violations of its ordinances a misdemeanor in all proper cases, and to prescribe the punishment therefor, by fine or imprisonment, or by both; but such fine not to exceed \$500, and such imprisonment not to exceed six months.

(21) To prescribe the places at which elections shall be held and appoint the officers of election.

(22) To make and enforce within its limits such local, police, sanitary and other regulations as are not in conflict with general laws and are deemed expedient to maintain the public peace, protect property, promote the public morals and to preserve the health of its inhabitants.

(23) To exercise all municipal powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers be expressly enumerated herein or not, except such powers as are forbidden or are controlled by general law.

(24) The powers conferred by this article shall be exercised by ordinance, except as hereinafter provided.

ARTICLE III.

OFFICERS OF THE MUNICIPALITY.

SECTION 1. The officers of the municipality shall be:

A mayor.

One councilman from each ward.

A city clerk, who shall be ex-officio clerk of the police court and ex-officio clerk to the superintendent of streets.

A city treasurer, who shall be ex-officio tax collector.

A city assessor.

A city engineer.

A city attorney.

A street superintendent.

A superintendent of building.

Five members of the board of education.

Five trustees of Santa Monica Public Library.

Three police commissioners.

Three fire commissioners.

Three park commissioners.

Three members of the board of health.

A city school superintendent.

A chief of police.

A chief of the fire department.

An assistant chief of the fire department.

A health officer.

SEC. 2. The following officers shall be elected by the electors of the City of Santa Monica at large, to-wit:

The mayor.

The city clerk.

The city treasurer.

The city assessor.

Five members of the board of education.

And by the electors of each ward respectively, one member of the council.

SEC. 3. The following officers shall be appointed by the mayor and confirmed by the council:

A city engineer.

A city attorney.

A superintendent of building.

A street superintendent.

Five trustees of Santa Monica Public Library.

Three police commissioners.

Three fire commissioners.

Three park commissioners.

Three members of the board of health.

SEC. 4. All elective officers, except those elected at the first general municipal election held after the taking effect of this charter, shall hold their offices for the term of two years, commencing on the first Monday in January next succeeding their election.

SEC. 5. The city school superintendent shall be appointed by the board of education. The chief of police shall be appointed by the board of police commissioners. The chief and assistant of the fire department shall be appointed by the board of fire commissioners. The health officer shall be appointed by the board of health.

SEC. 6. All appointed officers shall hold office until removed by the appointing power, which shall have the power of removing in all cases; *provided*, that where confirmation is required the assent of the confirming body shall be requisite for removal. The council shall have power to suspend any officer of the city, pending trial, against whom criminal proceedings based on misdemeanor in office or civil action for recovery of money due the city has been commenced, and to appoint a substitute for such officer during suspension. In all voting upon the appointment, confirmation, suspension and removal of officers the members of the council, or other body appointing, confirming, suspending or removing, shall vote by open ballot or call of roll, and the ballot or vote of each member shall be spread upon the minutes.

SEC. 7. No elective officer shall during the term for which he has been elected be eligible to any office under this charter other than that to which he has been elected.

SEC. 8. Officers of the municipality must not be interested in any contract made by them in their official capacity, nor by any body or board of which they are members.

ARTICLE IV.

POWERS AND DUTIES OF THE COUNCIL.

SECTION 1. All legislative power of the city is vested in the council, subject to the power of veto and approved by the mayor, as hereinafter given, and shall be exercised by ordinance; other action of the council may be by order upon motion.

SEC. 2. The said council, consisting of one councilman from each ward, elected as herein provided, is the governing body of the city, and shall meet at least once a week, and shall by ordinance provide for the manner, time and place of holding all regular and special meetings.

SEC. 3. The council shall meet in the city hall of the city. The records of its proceedings shall be open for inspection during usual office hours.

SEC. 4. The enacting clause of all ordinances shall be substantially as follows: "The Mayor and Council of the City of Santa Monica do ordain as follows:"

SEC. 5. Four members of the council shall constitute a quorum for the transaction of business, but no ordinance shall be passed or other act done granting a franchise, making any contract, auditing any bill, ordering any work to be done, or supplies to be furnished, disposing of or leasing the city property, ordering any assessment for street improvement, or building sewers, or any other act to be done involving the paying of money, or the incurring of debt by the city, unless five of the members of the council vote in favor thereof. All other ordinances may be passed by a vote of a majority of the whole council.

SEC. 6. All bonds of officers must be approved by the council, as also the bonds of any contractors with the city. The city clerk shall indorse upon such bonds the date of their approval, which indorsement shall be signed by the presiding officer of the council and the city clerk.

SEC. 7. The city clerk shall be present at the meeting of the council during its sessions.

SEC. 8. The meetings of the council shall be public and a journal of the proceedings be kept by the clerk under its direction and the ayes and noes shall be taken and entered in the journal in the final action upon the granting of franchises, making of contracts, auditing bills, ordering work to be done or supplies furnished, disposing of or leasing city property, the passage of any ordinance, the ordering of

SEC. 26. The council shall meet at their usual place of holding meetings on the second Monday of August of each year, at ten o'clock in the forenoon of said day, and shall sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified, but not later than the fourth Monday of the same month. They shall have power to hear complaints, and to correct, modify, or strike out any assessment made by the assessor, and may, of their own motion raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year. Each member of the council shall receive \$6.00 per day during the time the council is sitting as a board of equalization.

SEC. 27. Every ordinance which shall have been passed by the council shall, before it becomes effective, be signed by the city clerk or other person authorized by the council to sign the same on its behalf, and he shall present it to the mayor for approval, taking a receipt therefor setting forth the date of its presentation.

If the mayor approves it he shall sign it; but if not, he shall indorse thereon the date of presentation to him and shall return it to the city clerk with his objections in writing. The city clerk shall indorse thereon the date of its return to him, and shall at the first meeting of the council thereafter present the same, with the objections of the mayor, to that body. Thereupon the council shall proceed to reconsider the passage of the ordinance. Upon such reconsideration, in all cases where the votes of five of the whole council are required to pass the ordinance in the first instance, it shall require the votes of six of the whole council to pass the ordinance over the mayor's veto. In all other cases it shall require the votes of five of the whole council to pass the ordinance over the veto. The vote, in all cases of reconsideration, shall be by ayes and noes, and the names of the members voting for or against shall be entered upon the journal.

SEC. 28. If any ordinance shall not be returned to the city clerk by the mayor, with his objections in writing, within ten days after it shall have been presented to him, it shall become effective and be as valid as if the mayor had approved and signed it.

SEC. 29. All ordinances finally adopted under the provisions of this charter shall be published in the English language by at least one insertion in some daily newspaper printed and published in the City of Santa Monica, and until and without such publication no ordinance shall be valid or take effect.

SEC. 30. The council shall also have full power to pass ordinances upon any other subject of municipal control or to carry into effect any other powers of the municipality.

ARTICLE V.

POWERS AND DUTIES OF OFFICERS.

Mayor.

SECTION 1. The mayor is the executive officer of the corporation, and must exercise a careful supervision over all its affairs.

It shall be the duty of the mayor, annually, at the first meeting of the council under this charter, and on the first meeting in January of each year thereafter, to communicate by message to the council a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper; and to make such special communication to the council from time to time as he shall deem expedient.

It shall be his further duty to be vigilant and active in the enforcement of the ordinances of the city; to exercise a constant supervision over the acts and conduct of all its officers and employees; to receive and examine into all complaints made against them for violation or neglect of duty, and to certify the same to the council, or proper board.

And he shall perform such other duties and have such other powers as are elsewhere in this charter, or by ordinance, imposed upon or granted to him.

City Clerk.

SEC. 2. The city clerk shall have the custody of, and be responsible for, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody.

He shall be present at each meeting of the council, and keep a record of its proceedings.

He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds.

He shall keep all books properly indexed, and open to public inspection when not in actual use.

He shall make out, and sign all licenses other than building permits, and perform such other duties as are, or shall be, imposed by this charter, or by ordinance.

He shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues.

He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner every money transaction of the city, so as to show at all times the state of each fund, from which source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

He shall, on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall upon the deposit of the receipts of the city treasurer for money paid into the city treasury, charge the city treasurer with the amount received by him, and after countersigning both receipts he shall file one with the city records and shall return the other to the person making said payment.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the city treasurer of such apportionment or appropriation. He shall deliver to the proper officer all licenses.

He shall report to the council at the regular meeting of each week the condition of each fund in the city treasury and the amount drawn from each fund the preceding week.

He shall make and present a report to the council at its meeting in the second week in December of each year, showing all financial business transactions of the city for the preceding year ending the 30th day of November.

He shall audit and approve all demands against the city before payment, and keep a record of the same as hereinafter provided in Article XIII.

He shall on or before the first day of August in each year, make and present to the council a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth estimates of (1), the revenue from sources other than taxation; (2), the itemized expenditures; (3), the itemized amounts necessary to be raised by taxation for each fund.

He shall act as ex-officio clerk of the police court, ex-officio clerk of the board of equalization, and ex-officio clerk to the superintendent of streets.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

City Treasurer.

SEC. 3. It shall be the duty of the city treasurer to receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided; and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable.

He shall receive no money into the city treasury unless accompanied by the certificate of the city clerk provided for in Section 2 hereof.

He shall issue receipts in duplicate to all persons paying money into the treasury.

Both of which receipts shall be forthwith deposited with the city clerk.

He shall make a report at the close of each month, to the city clerk, showing all moneys received during the preceding month, together with the number of each receipt given by him therefor, and what account and from whom received and to what fund applied, and he shall make such special reports from time to time as may be required by the council.

The mayor, city attorney, city clerk, the finance committee of the council, or any special committee appointed by the council, separately or collectively, and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the treasurer at all times; and the mayor, clerk, attorney, or finance committee shall also have the right to inspect and count all public moneys. It shall be in the power of the council by ordinance, at any time to require the city treasurer to devote his entire time to the duties of his office.

SEC. 4. It shall be the duty of the city treasurer in addition to the duties which may be elsewhere prescribed for him in this charter or by ordinance, to collect all taxes and licenses of the city, excepting those hereinafter provided to be collected by the city assessor.

He shall keep proper books, showing all moneys collected by him as tax and license collector.

He shall also keep a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed and shall be at all suitable times subject to public inspection.

Assessor.

SEC. 5. It shall be the duty of the assessor, between the first Monday of March and the first day of August in each year, to make out a true list of all the taxable property within the city. The mode of making out said list, and proceedings relating thereto, shall be in conformity with laws in force regulating county assessors, except as the same may be otherwise provided in this charter, or by ordinance. Said list shall describe the property assessed and the value thereof.

and shall contain all other matters required to be stated in such lists by county assessors. Said assessor shall verify said list by his oath, and shall deposit the same with the city clerk, on or before the first Monday in August in each year. Said assessor and his deputy shall have the power to administer all oaths and affirmations necessary in the performance of his duties.

Board of Education.

Board of Trustees of the Santa Monica Public Library.

Board of Health.

Board of Police Commissioners.

Board of Fire Commissioners.

Board of Park Commissioners.

SEC. 6. The powers and duties of the boards enumerated in the heading of this section shall be those herein elsewhere set forth, and granted or imposed by ordinance.

City Engineer.

SEC. 7. In addition to other duties imposed upon him by this charter or by ordinance of the council, the city engineer shall:

(1) Make all surveys, inspections and estimates required by the council.

(2) He shall examine all public works done under contract, and report thereon to the city council.

(3) He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in good order and condition, with full index thereof, and shall turn over the same to his successor.

(4) All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him for the city or under his direction or control during his term of office, shall be the property of the city.

The City Attorney.

SEC. 8. It shall be the duty of the city attorney to prosecute on behalf of the people all criminal cases arising upon violations of the provisions of this charter and city ordinances, and to attend to all suits, matters and things in which the city may be legally interested; *provided*, the council shall have control of all litigation of the city and may employ other attorneys to take charge of any such litigation, or to assist the city attorney therein.

He shall give his advice or opinion in writing, whenever required by the mayor or council, and shall do and perform all such things touching his office as by the council may be required of him.

He shall approve, by indorsement in writing, the form of all official or other bonds required by this charter, or by ordinance of the council, before the same are submitted to the council or mayor for final approval, and no such bonds shall be approved by the mayor or council without such approval by the city attorney.

He shall approve in writing the drafts of all contracts before the same are entered into on behalf of the city. He shall give his advice or opinion in writing whenever required by the board of education, board of library trustees or any commission or officer of said city.

Street Superintendent.

SEC. 9. The street superintendent shall have the general care of, and frequently inspect the streets of the city. He shall receive and investigate all complaints as to their condition and shall have charge of the enforcement of all ordinances pertaining to street obstructions.

He shall frequently inspect all public works pertaining to street improvements while the same are in course of construction; inspect and approve or reject all material used in such construction, whether done by contract or otherwise; and shall at once report to the council all deviations from contracts and use of improper material and bad workmanship in such works; and shall have the power, pending investigation, to stop all work thereon.

He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance.

Superintendent of Building.

SEC. 10. The superintendent of building shall have such powers and perform such duties as are herein or may by ordinance be imposed upon him.

Chief of Police.

SEC. 11. The chief of police shall have the supervision and control of the police force of the city, and in that connection he shall be subject only to the orders of the Board of police commissioners, and all orders of the board relating to the direction of the police force shall be given through the chief of police, or in his absence, the officer in charge of the police force.

SEC. 12. The chief of police shall be the principal police officer of the corporation, and may, with the approval of the board of police commissioners, select and appoint one or more deputies from the police force, for whose official acts he shall be responsible.

He shall, by himself or by deputy, execute and return all writs and processes issued by the police judges or courts. He, or one of his deputies, shall attend on the sittings of the police court and preserve order therein; and his jurisdiction and that of his deputies in the service of process in all criminal cases, and in cases of violation of the city ordinances, shall be co-extensive with the county.

SEC. 13. He shall suppress all riot disturbances and breaches of the peace, and to that end may call on any person to aid him. He may pursue and arrest, any person fleeing from justice from any part of the state, and shall forthwith bring all persons by him arrested before a police judge for trial or examination. He may receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from other places or states.

SEC. 14. He shall have, in the discharge of his proper duties, like powers and be subject to like responsibilities as a sheriff in similar cases, and shall perform such other duties and have such other powers as may be imposed on or granted to him by this charter or ordinance.

Health Officer.

SEC. 15. The health officer shall have such powers and perform such duties as are herein or may by ordinance be granted or be imposed upon him.

Reports of Officers.

SEC. 16. It shall be the duty of the mayor, city attorney, city treasurer, city assessor, chief of police, health officer, city clerk, city engineer, superintendent of building, street superintendent, chief of the fire department, secretary of board of education, board of trustees of the Santa Monica public library, and the board of park commissioners, each, or one of them, to file with the council at the second week in December of each year, a report for the preceding year ending the 30th day of November.

SEC. 17. It shall be the duty of any officer having in his possession any public money to pay the same into the treasury on Tuesday of each week.

SEC. 18. It shall be the duty of the mayor, the clerk, and city attorney to count all public moneys at least once a month and report their findings to the city council.

Annual Estimates.

SEC. 19. Every officer or board of the city shall make out and file with the city clerk, on or before the 15th day of July in each year an estimate of the expenses of his or its office or department for the year commencing on the 1st day of July preceding said report.

Administration of Oaths and Affirmations.

SEC. 20. The mayor, city treasurer, and each member of the council, and of each board and commission provided for in this charter, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before any of said officers or bodies, or concerning any demand on the city treasury, and the city clerk shall have the power to administer all oaths and affirmations required by the charter.

The city council and each board and commission provided for in this charter shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence before each council, board or commission, as the case may be, by subpoena, to be issued in the name of said City of Santa Monica, and to be attested by the city clerk of said city. The city clerk shall, upon the demand of the president of the city council, or the presiding officer of any such board or commission, issue such subpoena in the name of said city, and attest the same with the corporate seal thereof, and shall in such subpoena direct and require the attendance of the witness or witnesses sought to be subpoenaed before the city council or the respective board or commission requiring the issuance of said subpoenas at a time and place to be in said subpoenas specified.

The chief of police shall cause all such subpoenas to be served by some member of the police department upon the person or persons required to attend before the council or board or commission in such subpoenas designated. The city council shall from time to time, adopt ordinances providing suitable penalties for disobedience of such subpoenas, and the refusal of witnesses to testify before such council, board or commission when required so to do.

ARTICLE VI.

OFFICIAL BONDS.

SECTION 1. The city council shall by ordinance, fix the amount of the official bonds of all such officers of said City of Santa Monica as are by ordinance required to give bonds.

ARTICLE VII.

SALARIES OF OFFICERS.

SECTION 1. Each member of the council shall receive the sum of five dollars (\$5.00) for each and every meeting attended by him, not to exceed one meeting a week.

The mayor and all other officers of the city shall receive such salaries as may be fixed by this charter or by ordinance.

ARTICLE VIII.

BOARD OF EDUCATION.

SECTION 1. The government of the school department of the city shall be vested in a board of education, to consist of five members, to be elected as herein provided, to be called members of the board of education, who shall serve without salary.

SEC. 2. The board of education shall elect one of its number president, and shall hold regular meetings at least once in each month, and special meetings at such times as shall be determined by rule of said board.

A majority of all the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The board may determine the rules of its proceedings; the yeas and nays shall be taken and recorded on all questions of elections, appointments, or the expenditure of money, and in all other cases upon the call of any member. Its sessions shall be public, and its records shall be open to public inspection. The board shall fill all vacancies occurring in that body until the next general municipal election.

It shall elect a secretary to serve during its pleasure, who shall not be a member of the board nor employed by it in any other capacity, and by resolution shall fix his salary.

The duties of the secretary shall be to call meetings of the board of education, at the request of two members, and to keep a record of its proceedings; to keep account of receipts and expenditures of school money; to provide, under the direction of the board of education, all school supplies, authorized by law; to keep the school buildings in repair and to have care and supervision over the school premises and property during vacations; and to perform such other duties as may be prescribed by the board of education.

SEC. 3. The board of education shall have power:

(1) To establish and maintain public schools, including high schools, to change, consolidate and discontinue the same.

(2) To appoint or employ and dismiss a city school superintendent, such teachers, janitors, school census marshals, mechanics, laborers and other employees as may be necessary to carry into effect the powers and duties of the board, and to allow their salaries or wages; *provided*, that no election of a teacher, or other person employed by the board shall be construed as a contract, as to the duration of time.

(3) To make, establish and enforce all necessary and proper rules and regulations for the government of public schools, the teachers thereof, pupils therein, and for carrying into effect the laws relating to education; *provided*, that corporal punishment shall not be inflicted upon any pupil in the public schools of said city except in the presence of or with the written consent of the parent or guardian of the pupil; also to establish and regulate the grade of schools, and determine what text-books, course of study and mode of instruction shall be used in said schools.

(4) To provide for the school department fuel and lights, water, blanks, blank books, printing and stationery; and to incur such other incidental expenses as may be deemed necessary by said board.

(5) To build, alter, repair, lease and provide school houses, and to furnish them with proper school furniture, apparatus and appliances, and to insure against fire any and all such school property.

(6) To take and hold in fee, or otherwise, in trust for the city, any and all real estate, and personal property that may have been acquired, or may be hereafter acquired, for the use and benefit of the public schools of the city; and to sell or exchange and to lease any of such property; *provided*, that the proceeds of any such sale or exchange shall be exclusively applied to the purchase of other lots, or the erection of school houses.

(7) To grade, fence and improve all school lots, and in front thereof to grade, sewer or pave and repair the street, and to construct and repair sidewalks.

(8) To sue for any and all property belonging to or claimed by the said board of education, and to prosecute and defend all actions at law or in equity necessary to recover and maintain the full enjoyment and possession of said property, and to require the services of the city attorney, free of charge, in all such cases.

(9) To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and, in pursuance of this provision, the board shall on or before the 15th day of July of each year, submit, in writing, to the city council a careful estimate of the whole amount of money to be received from the State and county, and the amount required from the city, for the above purpose, and the city council shall, in each year, fix the percentage of taxes to be levied and collected for school purposes, *provided*, that the amount to be thus levied for school purposes shall not exceed twenty cents on each one hundred dollars' valuation upon the assessment roll, and that when collected it shall be paid into the school fund.

(10) To establish regulations for the just and equitable disbursement of all moneys belonging to the school fund.

(11) To examine and approve, in whole or in part, in the manner provided in Article XIII, every demand payable out of the school fund, or to reject any such demand for good cause.

(12) To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property.

(13) To prohibit any child under six years of age from attending the public schools.

(14) In its discretion to establish schools for the instruction of children between the ages of five and six years, and industrial and manual training schools or departments.

(15) To receive and manage property or money acquired by bequest or donation in trust for the benefit of any school, educational purpose, or school property.

(16) And generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said board, and to increase the efficiency of the public schools of said city.

SEC. 4. All contracts for building shall be given to lowest bidder thereon, offering adequate security, to be determined by the board after due public notice, published for not less than ten days in the official newspaper of the city. It shall be the duty of the board to furnish all necessary supplies for the public schools. All supplies, books, stationery, fuel, printing, goods, material, merchandise, repairing and every other article and thing supplied to or done for the public schools, or any of them, when the expenditure to be incurred on account of such matter may exceed three hundred dollars, shall be done or furnished by contract let to the lowest bidder after like public advertisement; *provided*, that the board of education may reject any and all bids under this section.

SEC. 5. Any member of the board of education, officer or other person officially connected with the school department, or drawing a salary from the board of education, who, while connected or drawing such salary, upon investigation by the board of education, shall be found to be interested, either directly or indirectly, in, or to have gained any advantage or benefit from any contract, payments under which have been or are to be made, in whole or in part, from moneys derived from the school fund, or raised by taxation or otherwise for the support of the public schools, shall forfeit his office, and the board of education shall thereupon declare such office vacant.

SEC. 6. The board of education shall, before the 30th day of June of each year, fix a schedule of salaries for teachers and employes of the school department, to take effect on the 1st day of July following, and to remain in force during one year.

School Superintendent.

SEC. 7. The superintendent, with the approval of the board of education, may, for good and sufficient cause, provisionally suspend any teacher employed in the public schools of the city, until the next meeting of the board of education. It shall be the duty of the superintendent to report to the board of education annually, and at such other times as it may require, all matters pertaining to the condition and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper; to visit each school at least once a week; to observe, and cause to be observed, such general rules for the regulation, government, and instruction of the schools as may be established by the board; to recommend to the board the dismissal of teachers, stating the reasons therefor; to attend all sessions of the board, and inform it at each session of the condition of the public schools, school houses, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the city, and to acquaint himself with all the laws, rules and regulations governing the public schools in said city, and the judicial decisions thereon, and give advice connected with public schools, gratuitously, to officers, teachers, pupils, and their parents and guardians.

School Fund.

SEC. 8. The school fund shall consist of all moneys received from the State school fund and county school fund, and of all moneys arising from taxes which shall be levied annually by the city council of the city for school purposes; of all moneys arising from the sale, rent or exchange of any of the school property, and of such other moneys as may, from any source whatever, be paid into any school fund. The school fund shall be separate and distinct from all other moneys and shall be used for school purposes only under the provisions of this charter. If, at the end of any fiscal year, any surplus remains in the school fund, such surplus money shall be carried forward to the school fund for the next fiscal year, and shall not be, for any purpose whatever, diverted or withdrawn from said fund, except under the provisions of this charter.

SEC. 9. The said school fund shall be used and applied by said board of education for the following purposes, to wit:

(1) For the payment of the salaries or wages of the superintendent, teachers, janitors, school census marshals, and other persons who may be employed by said board.

(2) For the erection, alteration, repairs, rent and furnishing of school houses.

(3) For the purchase or rent of any real or personal property purchased or leased by said board.

(4) For the insurance of all school property.

(5) For the discharge of all legal incumbrances on any school property.

(6) For lighting the school rooms and the offices and rooms of the superintendent and board of education.

(7) For supplying the schools with fuel, water, apparatus, blanks, blank books and necessary appliances, together with books for indigent children.

(8) For supplying books, printing and stationery for the use of the superintendent and board of education, and for the incidental expenses of the department.

(9) For grading and improving all school lots, and for grading, sewerage, plank-ing, or paving and repairing streets, and constructing and repairing sidewalks in front thereof.

SEC. 10. All demands authorized by this article shall be paid by the city treasurer from the school fund; *provided*, that the said board shall not have power to contract any debts or liabilities, in any form whatsoever, against the said city, in contravention of this article, or exceeding in any year the income and revenue provided for the school fund for such year but this provision shall not be construed to prevent the incurring of indebtedness for permanent improvements to be liquidated by the proceeds of school bonds of the district issued in accordance with the general laws of the State for the purpose of defraying the cost of such permanent improvements.

SEC. 11. It shall be the duty of the auditor of the County of Los Angeles, upon the first Monday in each month, and at such other times as he may deem proper, to certify in duplicate to the superintendent of schools of such county the amount of school moneys at that time in the county treasury, and the amount received during the previous month. The county superintendent shall, upon the receipt of such certificates, indorse upon one of them the amount of such moneys to which the public schools of the city are entitled. The certificate, so indorsed shall be at once returned to said auditor, who shall direct upon the same the county treasurer to pay the sum designated upon such certificate to the treasurer of the city for the use of the school fund thereof.

SEC. 12. The treasurer of said county shall thereupon pay to the treasurer of said city the sum directed by the auditor as above provided; and when said moneys are placed in the city school fund they shall be used in precisely the same manner as moneys raised by the city school taxes in the city; *provided* that the entire revenue derived by the city from the State school fund and the State school tax fund shall be applied by said board of education exclusively to the support of primary and grammar schools.

ARTICLE IX.

LIBRARY DEPARTMENT.

SECTION 1. The public library and reading room, known as the "Santa Monica Public Library," is hereby continued in existence, and shall be free of access to all citizens of said city and the general public, subject to such rules and regulations for the government and management thereof as may at any time be adopted by the board of trustees of said library, hereinafter provided.

SEC. 2. There shall be levied and collected annually, on all the taxable property in the city, as in other cases a tax sufficient to maintain such library, not less than \$3,000 per year, and for purchasing or leasing such real and personal property, books, papers, publications, furniture, and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; *provided*, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the City of Santa Monica, in accordance with the provisions of this charter and of the general laws of the State, for the purpose of defraying the cost of such improvements.

Trustees.

SEC. 3. The mayor shall, after his qualification under this charter, appoint, subject to confirmation by the council, a board of five trustees of said library, who shall serve without compensation and be known as "The Board of Trustees of the Santa Monica Public Library." They shall be chosen from the citizens at large without regard to political opinions, but with reference to their fitness for said office, and no member of said board shall hold office in said city in any other capacity.

SEC. 4. Said trustees shall hold office for two years, and until their successors are appointed and qualified, and if any vacancy occurs the mayor shall, subject to confirmation by the council, fill the same by appointment for the unexpired term.

SEC. 5. Said trustees shall, immediately after their appointment, meet and organize by the election of a president from among their number and they may appoint the librarian or any employé of the library department to act as clerk of the board. Such clerk shall keep a record of and full minutes in writing of all their proceedings, and may certify to such proceedings or any portion thereof under his or her hand, to be verified by seal, if a seal be adopted and provided by the board for that purpose and shall serve without extra compensation.

Powers of the Board.

SEC. 6. Such board, by a majority of all the members, to be recorded in the minutes with the ayes and noes at length, shall have power to make and enforce all such by-laws, rules and regulations as may be necessary or expedient for its own guidance, and for the administration, government and protection of such library, reading-room and property; to determine the number of officers and assistants to be

appointed for such library and reading-room, and to determine and define their duties; to fix the salaries and wages of all such employes, to appoint a librarian and necessary assistants, and such other employes as may be necessary, and, for good cause, to remove them; to control and order the expenditure of all moneys at any time in the library fund, and order the drawing and payment of all moneys out of said fund for such expenditures or liabilities as are herein authorized, subject to the general provisions for the payment of demands on the city treasurer, contained in Article XIII, to purchase or lease all necessary real property wherever to construct and thereon to construct a library building or buildings, or to lease appropriate rooms, or a building or buildings, for such library, and to have the general supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose, and generally do all that may be necessary to carry out the spirit and intent of this chapter in establishing a public library and reading-room; *provided* that all moneys received for such library shall be deposited in the treasury of the city, to the credit of the library fund, and shall be kept separate and apart from other moneys of the city, and shall be drawn from said fund upon demands authenticated by the signatures of the president and clerk of the board. All libraries and reading rooms herein authorized by said city, and all property, real and personal, thereon belonging, shall be turned over to the charge, custody and administration of the board of trustees, with like powers and liabilities as if such library had been established under this chapter.

Who May Use the Library.

SEC. 7. The library and reading-room shall be forever free to the use of the inhabitants of the city, and persons sojourning therein, always subject to such reasonable rules and regulations as the board of trustees may adopt, and said board may exclude from the use of said library and reading-room any and all persons who shall willfully violate such rules, and said board may extend the privileges and use of such library and reading-room to persons residing outside the city upon such terms and conditions as said board may, from time to time, by its regulations prescribe.

Donations and Contributions.

SEC. 8. Any person desiring to make donations of money, securities or other personal property or real estate, shall have the right to vest the title to such money, personal property or real estate so donated in "The Board of Trustees of the Santa Monica Public Library," hereby created, to be owned, held and controlled by such board when accepted, according to the terms of the deed, gift, devise or bequest of such property, and, as to such property, the board shall be held and considered to be a special trustee thereof for the city. The title of all real property that may be purchased shall likewise be taken by said board in its name as such special trustee; and the City of Santa Monica may, in its discretion, by ordinance, set apart and order to be conveyed by said board, as special trustee, any part of the real property of the city not otherwise appropriated.

SEC. 9. The board of trustees shall make the annual report and estimate hereinafter provided.

SEC. 10. The city council shall have power to pass ordinances imposing penalties for the punishment of persons committing injury upon such library, or the grounds or property thereof, and for injury to or failure to return any book belonging to such library.

POLICE DEPARTMENT.

SEC. 11. The mayor, who shall be ex officio a member and president of the board, and two citizens, to be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of police commissioners of the city. The appointive members of the board shall serve without compensation, and shall be of different political parties. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified.

SEC. 12. The police commissioners shall meet at least once a week.

SEC. 13. The police department shall consist of the chief of police and as many subordinate officers and such policemen and detective officers and employes as the council shall, by ordinance, determine. All appointments and removals in the police department shall be made by the board of police commissioners.

SEC. 14. The salaries of members and employes of the police department shall be fixed by the council by ordinance.

SEC. 15. The police commissioners shall prescribe the rules and regulations for the government of the police force, and to and enforce the penalties for their violation.

SEC. 16. The board of police commissioners, the chief of police, and other officers and employes shall have such other powers and be subject to such further duties as may be granted or imposed by ordinance.

FIRE DEPARTMENT.

SEC. 17. The mayor, who shall be ex officio a member and president of the board, and two citizens to be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of fire commissioners of the city. The appointive members of the board shall serve without compensation, and shall

be of different political parties. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified.

Sec. 18. The fire commissioners shall meet at least once a month.

Sec. 19. The fire department shall consist of a chief and assistant chief, and such other officers and employes as the council may, by ordinance, from time to time, determine to be necessary.

Sec. 20. The salaries of all officers and employes of the fire department, shall be fixed by the council, by ordinance.

Sec. 21. The board of fire commissioners shall prescribe the rules and regulations for the government of the department, and fix and enforce the penalties for their violation.

Sec. 22. The board of fire commissioners and the chief engineer, and other officers and employes, shall have such other powers and perform such other duties as may be granted or imposed by ordinance.

PARK DEPARTMENT.

Sec. 23. All lands and real property located in the City of Santa Monica which have been heretofore, or which may be heretofore, set apart or dedicated for the use of the public as a public park or parks, shall forever remain to the use of the public.

Sec. 24. The mayor, who shall be ex officio member and president of the board, and two citizens to be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of park commissioners of the city. The appointive members of the board shall serve without compensation, and shall be members of different political parties. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified.

Sec. 25. The park commissioners shall meet at least once a month.

Sec. 26. The park department shall consist of as many officers and employes as the council may, by ordinance, from time to time determine to be necessary. All appointments and removals in the department shall be made by the council, by ordinance.

Sec. 27. The salary of all officers and employes of the park department shall be fixed by ordinance.

Sec. 28. The board of park commissioners shall prescribe the rules and regulations for the government of the department, and fix and enforce the penalties for their violation.

Sec. 29. The board of park commissioners shall have such other powers and perform such other duties as may be granted or imposed by ordinance.

BOARD OF HEALTH.

Sec. 30. There is hereby established in and for the City of Santa Monica a department to be known as the board of health, to be composed of the mayor, who shall be ex officio president, and two citizens, to be appointed without regard to their political opinions, by the mayor, subject to confirmation by a majority of the council. Both of said citizens shall be physicians in good standing and graduates of some reputable medical college.

Sec. 31. The appointed members of the board shall hold office for two years, and until their successors are elected and qualified, and shall serve without compensation. All vacancies shall be filled by the mayor. Any member failing to qualify within ten days after his appointment shall be deemed to have declined the office, and a new appointment shall be made. Two members shall constitute a quorum for the transaction of business.

Health Office.

Sec. 32. The board of health shall be provided by the city council with a suitable office, in which it shall hold its official meeting once a month, or when requested by two members of the board.

Sec. 33. The board of health shall have such general supervision as may be provided by ordinance of all matters appertaining to the sanitary condition of the city, including jails, hospitals and all public health institutions.

Health Officer.

Sec. 34. The board shall appoint and, for good cause, may remove a health officer, whose duties is to see that the laws of the State of California relating to the practice of a reputable medical college, and shall have practiced medicine for at least five years, and shall have been a citizen of the State of California for at least one year, and have his license to practice medicine in the State of California, and in Santa Monica County, in accordance with the laws of the State of California regulating the practice of medicine. He must reside within the city limits. The board shall appoint all assistants to said health officer, and all employes in the health department, the number of such assistants and employes and their compensation to be fixed from time to time by ordinance.

Sec. 35. The health officer shall be the executive officer of the board, and he shall see that all ordinances in respect to the public health, and the rules and regulations of the board of health are enforced; and shall receive all complaints of the violations of such ordinances, rules and regulations, and report the same to the board thereon. He shall make to the board an annual report of the affairs of his office.

including mortality and other statistics, with such general observations as in his judgment might benefit the sanitary condition of the city. He shall in person visit once in each quarter all the public institutions in the city under the charge of the health department, and twice in each year he shall visit every public school in said city; during such visits he shall examine the buildings in regard to the manner in which they are lighted, ventilated, heated, and particularly in regard to their sanitary condition. At the meetings of the board in the months of January, April, July, and October, he shall report to the board the result of his examinations.

Quarantine.

SEC. 36. Whenever it shall be certified to the board of health by the health officer that any building or part thereof is unfit for human habitation by reason of its being so infected with disease, or from other causes, as to be likely to cause sickness among its occupants, said board may issue an order, and cause the same to be affixed conspicuously on the building or in front thereof and to be personally served upon the owner, agent or lessee, if the same can be found, requiring all persons therein to vacate such building for the reasons aforesaid, to be stated therein. Such building, or part thereof, shall within ten days thereafter be vacated or within such shorter time, not less than twenty-four hours, as in said notice may be specified, but said board, if it should become satisfied that the danger from the building or parts thereof has ceased to exist, may revoke said order, and it shall therefor become inoperative.

SEC. 37. Every physician in the city shall report to the health officer in writing every patient he shall have sick of typhus, ship or yellow fever, Asiatic cholera, leprosy, smallpox, diphtheria or scarlet fever, and every death from such disease immediately after it shall have occurred. Also every householder in said city shall forthwith report in writing, or otherwise, to the health officer the name of every inmate of his or her house whom he or she have reason to believe is sick of typhus, ship or yellow fever, leprosy, cholera, or smallpox, or other contagious or infectious diseases, and any deaths occurring at his or her house from such disease.

Infectious Diseases.

SEC. 38. The health officer shall report to the superintendent of the public schools the names and residences of every person sick of typhus, ship or yellow fever, Asiatic cholera, smallpox, leprosy, diphtheria, scarlet fever or other contagious or infectious diseases; he may deem dangerous to the public health; and it shall be the duty of the superintendent of public schools when so notified of the residence of any person sick of any of the diseases enumerated to refuse admittance to the public schools of any member of a family, one or more of whose inmates are sick of any of the aforesaid diseases; *provided*, that the parties excluded shall be readmitted upon presenting a certificate from the health officer that there is no longer any danger from contagion.

SEC. 39. No person shall drive or use any vehicle, or suffer or permit any vehicle under his or her charge or control, to be driven or used for the conveyance, transportation, or removal of any person infected with the smallpox, or the body of any person who has died of smallpox, without the written consent of the health officer; also no person shall use or drive, or suffer or permit any vehicle authorized by the written consent of the health officer, to convey, transport or remove persons infected with the smallpox, or the bodies of persons who may die of the smallpox, to be used or driven for the conveyance, transportation or removal of persons uninfected with smallpox, without the written consent of the health officer.

SEC. 40. Whenever a case of smallpox, Asiatic cholera, or yellow fever is reported to the health officer, he shall immediately visit the premises where the person is, and the said health officer, upon personal inspection, shall, in cases of smallpox, Asiatic cholera, or yellow fever, immediately cause to be erected a yellow, or quarantine flag in a conspicuous place on said premises, or put upon the doorway of houses infected with such diseases a placard setting forth the fact, the same to remain during the continuance of the disease on said premises.

SEC. 41. The board of health may appoint and remove at pleasure a physician and nurses for the hospital or hospitals of the city when, in their judgment, it may be necessary. The salary of said officers shall be provided for in the same manner as for other officers of the board.

Smallpox Hospital.

SEC. 42. The city council may, by ordinance, establish and provide for the government of a smallpox hospital.

ARTICLE X.

BOARD OF WATER COMMISSIONERS.

SECTION 1. At such time as this city may become the owner of a water system, the city council shall by ordinance provide for the appointment of a board of water commissioners, defining their duties, and for the appointment of such employés as may be necessary.

ARTICLE XI.

ELECTIONS.

SECTION 1. Elections to be held in said city for the purpose of electing the officers of said city, and for all other purposes, are of two kinds:

(1) General municipal elections.

(2) Special elections.

SEC. 2. General municipal elections shall be held in said city on the first Monday in April, 1907, and on the first Tuesday in December, 1909, and on the first Tuesday in December every two years thereafter, at which shall be elected:

A mayor.

A city clerk.

A city treasurer who shall be ex-officio tax collector.

A city assessor, and

Five members of the board of education.

And by the electors of each ward, one member of the city council.

SEC. 3. The first officers elected at a general municipal election shall after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected, on the third Monday in April of the year of their election. All officers elected thereafter shall enter upon the discharge of their duties on the first Monday in January of the year succeeding their election, and shall serve for two years, and until their successors shall have been elected and qualified.

SEC. 4. The council shall have power to submit to the electors of said city at any election any question required to be so submitted by the Constitution, the law, this charter, or by ordinance; *provided*, that in case such question is required by said Constitution, law, charter, or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise.

SEC. 5. The present officers of the city shall hold, continue to hold and exercise their respective offices until the election or appointment and qualification of the first officers to be elected or appointed under this charter, with the powers and duties vested in and imposed upon them by the charter and the ordinances of the city under which they were elected.

Eligibility to Office.

SEC. 6. No person shall be eligible to, or hold any office in said city, whether filled by election or appointment, unless said person be a resident and, if a male citizen, an elector therein, and shall have resided in said city for the following times:

Mayor, three years.

Members of the council, two years within the city and the last one year prior to his election within the ward from which he is elected.

All other elective officers, two years.

All officers appointed by the mayor and confirmed by the council, one year.

SEC. 7. In addition to the above qualifications the attorney must have been admitted to practise in all courts of this State, and also in all Federal courts within the Southern District of California.

Vacancies.

SEC. 8. A vacancy exists in an office within said city when an officer dies, resigns, or ceases to be a resident of the city, or if he be a councilman ceases to reside in the ward for which he was elected.

SEC. 9. A vacancy in an elective office shall be filled by the council.

ARTICLE XII.

CONTRACTS.

SECTION 1. In the erection, improvement, and repair of all public buildings and works, and in all street and sewer work, where payment for the same is to be paid out of the street or general fund, and in all work in or about streams, bays or water fronts, or in or about embankments, or other work for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of three hundred (\$300.00) dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after due notice by publication in a newspaper of general circulation printed and published in such city, for at least ten days. Such notice shall distinctly and specifically state the work contemplated to be done; *provided* that the council may reject all bids presented, and re-advertise, in their discretion. The council shall annually, at a stated time contract for doing all city printing and advertising, which contract shall be let to a daily newspaper of general circulation, published wholly within said city, submitting the lowest bid, after notice, as provided in this section.

SEC. 2. The City of Santa Monica shall not be and is not bound by any contract, or in any way liable thereon, unless the same is made in writing by order

SEC. 9. Every lawful demand upon the treasury, duly audited, as in this charter required, shall in all cases be paid on presentation and canceled, and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the treasurer for that purpose, showing its number, when presented, date, amount, name of the original holder, and on what account allowed, and out of what fund payable, and total deficiency in said fund; and being so registered, shall be returned to the party presenting it, with an endorsement of the word "registered" dated and signed by the city treasurer. All registered demands shall be payable in the order of their registration.

SEC. 10. Nothing in this article contained shall be construed as interfering with or preventing the payment by the city treasurer of bonds of the funded debt of the City of Santa Monica, and the interest coupons thereof, in accordance with the Constitution, laws, and ordinances authorizing the issuance of said bonds.

SEC. 11. All public moneys collected by any officer or employé of the city shall be paid into the city treasury, without any deduction on account of any claim for fees, commissions or other cause or pretense; and the compensation of any officer, employé or other person so collecting money, shall be paid by demands on the treasury duly audited as other demands are audited, and paid.

SEC. 12. No suit shall be brought on any claim for money or damages against the City of Santa Monica, its board of education, board of trustees of the Santa Monica Public Library, or the board of water commissioners, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city, or said board of education, board of trustees of the Santa Monica Public Library, or board of water commissioners, upon any claim or demand that has been in whole approved and audited as provided herein; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandamus or other proceeding against the city council, or any board or officer of said city, to compel it or him to act upon such claim or demand, or pay the same when so audited.

ARTICLE XIV.

POLICE COURT.

SECTION 1. The judicial power of the city shall be vested in a police court presided over by a police judge.

SEC. 2. The police judge shall have the powers of examining magistrates and may commit offenders for trial in the proper court.

SEC. 3. The police court shall have exclusive jurisdiction of the criminal proceedings for a violation of any city ordinance, and all civil actions and proceedings arising out of the violation of such ordinances and for the collection of any license required by any ordinance, except such actions and proceedings as are within the jurisdiction of other courts under the provisions of the constitution of this state.

SEC. 4. The police court shall also have exclusive jurisdiction of the following public offenses committed within the city, (except when prosecuted by indictment or information:)

1. Petty larceny;
2. Assault and battery;
3. Breaches of the peace, riot, committing willful injury to property and all misdemeanors punishable by fine or imprisonment in the county jail, or both;
4. Proceedings respecting vagrants, lewd or disorderly persons.

SEC. 5. The police court shall have concurrent jurisdiction with the justice's court of the township, in all civil cases arising within said city, which might be tried by the justice's court of Santa Monica township.

SEC. 6. The clerk of said court shall remain at his office during business hours and for such reasonable time thereafter as may be necessary for the discharge of his duties.

SEC. 7. All fines, penalties and forfeitures collected by said police court shall be the property of the city and shall be immediately deposited with the city treasurer for the use of said city.

SEC. 8. The city shall furnish the necessary dockets and all blanks and other books and papers and stationery necessary in the transaction of the business of the said police court. A complete record of all cases shall be entered in the docket of said court. Separate dockets shall be kept for the civil and criminal business.

SEC. 9. The said court shall have a seal, which shall be furnished by the city.

SEC. 10. The police court shall always be open for the transaction of business, except on Sundays and other legal holidays.

ARTICLE XV.

THE INITIATIVE.

SECTION 1. The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the city at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petitions herein provided for. Upon presentation to the city council of a petition or petitions signed by qualified electors of the city, in number equal to 25 per cent of said registration, asking for submission to the electors of a measure fully set forth in said petition or petitions, being a measure that the city council might itself adopt, it must either enact such measure without alteration, or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions. But if such petition or petitions are signed by qualified electors in number equal to 30 per cent of said registration, then such measure, if not so enacted by the city council must be submitted to the electorate at a special election to be called within sixty days from the filing of such petition or petitions.

The method of signing and presenting petitions provided for herein shall be as follows: The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within twenty days from the date of filing such petition in his office, the city clerk shall examine and from the great register, and certificates of registration, ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the city council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature whose genuineness is not called to question by the sworn affidavit of the owner thereof shall be assumed to be genuine. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within twenty days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the persons filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the clerk shall submit the same to the city council without delay. Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this section; *provided*, that there shall not be held under this section more than one special election in any period of six months.

Whenever any measure is required or authorized by this chapter to be submitted to the electors of the city, at any election, the city clerk shall cause the measure to be printed, and he shall inclose a printed copy thereof in an envelope and mail the same to each voter, at least ten days prior to the election, but the city council may order such measure to be printed in the official newspaper of the city, and published in a like manner as ordinances adopted by the city council are required to be published; and may order that such publication shall take the place of the printing and mailing of the measure, as at first above provided. Ordinances and measures in connection with local improvements, the expenses whereof are defrayed by special local assessment, shall not come within the operation of this section.

THE REFERENDUM.

SEC. 2. Any measure that the city council or the electorate of the city, as herein provided, has authority to adopt, the city council may of its own motion submit to a vote of its constituent electors at a general or special election.

Except as herein provided, no penal ordinance or measure, no ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject matter involved is of less value than \$1000,) passed by the city council, shall go into effect in less than thirty days after its final passage. But ordinances and contracts declared by the city council to be necessary as emergency measures for the immediate preservation of the public peace, health and safety, passed by a three-fourths vote of the city council and not obligating the city for a longer period of time than one year, may go into effect at the will of the city council or as otherwise provided by law.

If within said thirty days a petition or petitions signed by qualified electors of the city, in number equal to 25 per cent of said registration, is filed with the city clerk, asking that any penal ordinance or measure, any ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessments, and contracts where the subject matter involved is of less value than \$1000,) adopted by the city council, be submitted to the electorate, then such ordinance or measure must either be repealed or submitted to the electors for approval or rejection.

tion at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions, or at a special election called prior to such regular city election; and if such ordinance or measure has not gone into effect before the filing of such petition or petitions, and said petition or petitions are signed by qualified electors of the city, in number equal to 30 per cent of said registration, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted, shall be again so submitted, except by a vote of the city council, or on a petition signed by 30 per cent of said registration. Said petition or petitions shall be in all respects in accordance with the provisions of section one of this article except as to the percentage of signers, and be examined and certified by the clerk in all respects as therein provided.

If the majority of votes cast on any ordinance or measure referred as provided in sections one or two of this article to the electors of the city, shall be in favor thereof, it shall, if not already in effect, go into effect as a valid and binding ordinance or measure of the city, ten days after the official count shall be determined, otherwise such ordinance or measure shall be repealed or rejected; such repeal shall take effect ten days after the official count shall be determined.

No ordinance or measure approved by the electorate under the provisions of these sections shall be subject to veto, nor, within two years from the date of its adoption, be amended or repealed except by a vote of the electorate or by legislative authority superior to that of the city council. Any amendment or repeal of such ordinance by the city council shall be subject to the referendum provided in this section.

If the provisions of two or more measures approved and adopted at the same election under the provisions of this charter conflict, then the measure receiving the highest affirmative vote shall control.

THE RECALL.

SEC. 3. The holder of any elective office may be removed at any time by the electors entitled to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least 40 per cent of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be addressed to the council and filed with the city clerk; and said petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and ascertain whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary, the council shall allow him extra help for that purpose and he shall attach to said result of said examinations. If, by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay and the council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The city council shall make or cause to be made publication of notice, and all arrangements for holding of such election and the same shall be conducted, returned and the results thereof declared, in all respects as are all other city elections. The successor of any officer so removed, shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall, thereupon be deemed removed from his office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

ARTICLE XVI.

MISCELLANEOUS PROVISIONS.

SECTION 1. The indebtedness of said city must not exceed the sum of 10 per cent of its assessed valuation, exclusive of any indebtedness that has been or may hereafter be incurred for the purpose of acquiring or establishing a system of waterworks for the supplying the inhabitants of the city with water, and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers, for the collection and disposition of the sewage of the city, and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers for the collection and disposition of storm waters in the city. For any or all of these purposes a further indebtedness may be incurred by the issue of bonds under the provisions and subject only to the limitations of the constitution and general laws.

SEC. 2. In any action, suit or proceedings in any court concerning an assessment of property, or levy of taxes authorized by this act, or the collection of any such, or in the proceedings consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regularly and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is by this act committed, or left to the discretion of the mayor and council, or other authorities of said city, such discretion or judgment when expressed or declared is final and cannot be reviewed or called in question elsewhere.

SEC. 3. Real property when sold for or to satisfy a delinquent assessment or tax, must be sold for United States coin, and not otherwise; and any one applying or seeking to redeem property so sold as in this charter provided, must pay, or offer to pay, the sum necessary therefor in such coin, and not otherwise.

SEC. 4. In all prosecutions for violation of any city ordinance, rule or other regulation of said authorities, whether in the court of original jurisdiction or in any appellate court, it shall be unnecessary to plead the contents of the same; but the court before which the prosecution shall be pending shall take judicial notice of such ordinance, resolution, rule or other regulation, and of the contents thereof; and, in any civil action or proceeding to which the said corporation is a party, either as plaintiff or defendant, the adoption and contents of any ordinance, resolution, by-law, rule, or regulation may be prima facie proven by the introduction of the original entry thereof on the journal of the proceedings of the council, a copy of such entry, certified by the city clerk to be a full, true and correct copy of such original entry, or by the introduction of a printed copy thereof.

SEC. 5. The fiscal year of the city shall begin on the first day of January of each year and end on the thirty-first day of December following.

SEC. 6. Whenever the word "city" occurs in this charter it means the City of Santa Monica, and whenever any department, board or officer is mentioned in this charter it means such department, board or officer as the case may be of the City of Santa Monica.

SEC. 7. All acts of the legislature relating to the City of Santa Monica, and all city ordinances, resolutions and other regulations now in force and not inconsistent herewith, shall be and remain in force after this charter takes effect until changed or repealed by the proper authority; and all rights vested under any former act or regulation, when this takes effect, shall not thereby be lost, impaired or discharged; and all actions and proceedings commenced in any court wherein the City of Santa Monica is a party, shall be continued under the law existing when said action or proceedings was commenced.

SEC. 8. This charter shall take effect immediately on its approval by the Legislature, as provided by law.

CERTIFICATE.

WHEREAS, The City of Santa Monica, a city containing a population of more than three thousand five hundred inhabitants, did, on the seventeenth day of October, A. D. 1905, at a special election, and under and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, elect the undersigned a board of fifteen freeholders, to prepare and propose a charter for said city:

Be it known, that in the pursuance of said provision of the Constitution, and within a period of ninety days after such election the said Board of Freeholders has prepared and does propose the foregoing articles, signed in duplicate, as and for the charter of said City of Santa Monica.

Said charter, including this certificate, shall be published twenty days in the "Daily Outlook", a daily newspaper printed, published and circulated in the City of Santa Monica, and after such publication it shall be submitted to the qualified electors of said city at a special election to be held thereafter at such time as the board of trustees of said city may designate; and if a majority of the qualified electors of the city, voting at said election, shall ratify the same, it shall be submitted to the Legislature of the State of California for its approval or rejection.

The said board of trustees of said city shall provide for the holding of the first election of officers under this charter, in accordance with the provisions of the charter and the general election laws of the State, and shall canvass the votes and declare the result.

If the Legislature approve this charter, it shall thereupon become the charter and organic law of the City of Santa Monica, except as herein provided.

IN WITNESS WHEREOF, we have hereunto set our hands at the City of Santa Monica, in the State of California, this eleventh day of January, A. D. 1906.

C. A. STILSON, President.
A. N. ARCHER.
T. H. DUDLEY.
H. X. GOETZ.
R. R. TANNER.
GEO. H. HUTTON.
ROY JONES.
ROBERT F. JONES.
A. M. JAMISON.
B. A. NEBEKER.
GEO. D. SNYDER.
WM. S. VAWTER.
D. G. HOLT, Secretary.

Filed this 12th day of January, 1906.

J. C. HEMINGWAY, Clerk.

THE OFFICE OF THE PRESIDENT OF THE BOARD OF TRUSTEES OF THE CITY OF SANTA MONICA.

IN THE CITY OF SANTA MONICA,

COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

I, T. H. Dudley, President of the Board of Trustees of the City of Santa Monica, County of Los Angeles, State of California, do hereby certify that the Board of Freeholders whose names appear signed to the foregoing proposed charter were, on the seventeenth day of October, 1905, at a special municipal election held in said city on said day, duly elected by the qualified voters of said city to prepare and propose a charter for said city; that each of said Freeholders had been a qualified elector and freeholder of said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as President of said Board of Trustees within ninety days after said election, as required by Section 8 of Article XI of the Constitution of this State; that such proposed charter was then published in one daily newspaper of general circulation in said city to wit:

The "Santa Monica Daily Outlook" (said city containing a population of over thirty-five hundred inhabitants and less than ten thousand inhabitants), for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter, as required by Section 8, to wit: on the twenty-eighth day of March, 1906, said charter was submitted to the qualified electors of said city at a special election duly held therein for the purpose of ratifying or rejecting said proposed charter. That said proposed charter as a whole was duly ratified at said election by the majority of the votes of the qualified electors of said city and that the returns of said election were duly canvassed by the Board of Trustees of said City of Santa Monica on the second day of April, 1906, and the result thereof declared as above set forth and that in all manners and things pertaining to said proposed charter the provisions of said section have been duly complied with.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the corporate seal of said city this 4th day of January, 1907.

T. H. DUDLEY,

President of the Board of Trustees
of the City of Santa Monica.

[SEAL.] Attest:

J. C. HEMINGWAY, City Clerk.

Now, therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (the majority of all the members elected to each house voting for and concurring herein), That said charter of the City of Santa Monica as presented to, and adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole, for and as the charter of said City of Santa Monica aforesaid.

Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 5 adopted by the following vote:

AYES—Senators Anthony, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, and Wright—30.

NOES—None.

REQUEST TO BE EXCUSED FROM VOTING.

During the roll call, Senator Wolfe asked to be excused from voting, and his request was unanimously granted.

Concurrent resolution ordered transmitted to the Assembly.

QUESTION OF PERSONAL PRIVILEGE.

Senator Willis arose to a question of personal privilege, and his request was unanimously granted, that the following remarks made by him, on Wednesday, January 23, 1907, in speaking on a resolution offered by himself, be printed in the Journal:

REMARKS IN RE LIVERNASH RESOLUTION.

By Willis.

MR. PRESIDENT: No honest official is afraid of criticism, and no brave man is afraid of the attack of his adversary, if he makes it face to face. There is no man in this Senate Chamber elected as a representative to this present Senate, who is afraid of honest criticism. No member of this Senate, as far as I have been able to ascertain from personal contact, is a coward. No member of this Senate, to the best of my knowledge, judgment, and information, is afraid that any newspaper or any newspaper correspondent can harm him by any fair, just criticism. Nobody, Mr. President, is more willing to be subjected to press criticism than I am; but I resent, and will resent as long as I have the strength and the method, any brutal or unjust criticism. If it is directed toward me personally, there are two ways in which I can resent it: one by rising on the floor of this Senate to a question of privilege, and expressing myself in language as to how I feel about it. The other way is, Mr. President, to make a personal matter of it, and subject him who is guilty of unfair and unjust and brutal conduct, to treatment at my hands, and with my physical strength, that he is deserving of, and which would be applauded by any right thinking person. There has been made, not a personal attack upon any member of this body, but there has been made, by a cruel, calculating person, knowing well the laws of libel, knowing well the penalty that follows it, an unwarranted and infamous attack on the body itself; he has not singled out me, or any one else in the Senate and libeled him, but has attacked this representative body, elected by the people of this State, to the Senate of California—has attacked them collectively, in a brutal, infamous, and villainous manner. This man Livernash, who this morning sat there at that desk, which by the courtesy of this Senate had been assigned to him for his use, at any time that he wished to enter those portals—this man Livernash sat there this morning, but left after this resolution was introduced; but where is he now? He has ascended to the gallery, where he now sits, back in the farthest corner, where I can not look him in the face, unless I turn my back to the presiding officer of this body. This person, Mr. President, has seen fit, after we have given him this courtesy, to say that this Senate is vulgar. Mr. President, that is a lie, and he knows it. He says that this Senate is base. Mr. President, that also is a lie, and he knows it. He says that this Senate is degraded; that also is a lie, and he knows it. He says that we willfully, brutally, and clumsily glory in our degradation. Mr. President, that is an abominable lie, all of which are the imaginings of a rotten, diseased brain. This person has been extended the courtesy of a seat in this Senate Chamber, a courtesy that is denied to those honorable citizens of the State of California, who have no particular business in here, and accorded the privilege to mingle with gentlemen—honest, law-abiding gentlemen, of the State of California—allowed to mingle with us, and come in contact with us, and touch our clothing perhaps, and possibly shake our hands, and he has seen fit to go out, after a twelve-hour sojourn with us in this city, fresh from the City of Denver, where he had been ejected from one of the largest newspapers in the West, and say that this Senate is vulgar, base, degraded, and many, many other infinitely contemptible things, which, if true, would brand us all as worse than the criminals who are breaking rock eighteen miles from here. Not only that, but he has seen fit, at a time when our cheeks were still wet with tears, at a time when our breasts were filled with emotion at the loss of a distinguished colleague, to say that this body of Senators and Assemblymen adjourned and went to Oakland, and stood around the grave of that lovable and loved Assemblyman, John J. Burke, for the purpose of giving the leaders and the manipulators and the mechanists of this Legislature, the time and a chance to prepare a program on petty politics. By so doing, Mr. President, he has not only insulted the honorable emotions of honorable men in this body, and in the Assembly, but he has defamed, in the eyes of the world, the reputation of that dead boy. That boy's reputation, his standing, and his association, and his known record, were such that all of us, old acquaintances and new, spontaneously agreed to go to his funeral as a token of the high regard and the great respect and the great love that we all held for him as a man. This man has seen fit to insult that emotion. He has seen fit to injure and cruelly wound the feelings of every one of that boy's relatives and friends. Coupled with the announcement of this marked token of respect, in the daily press, which this body paid to that Assemblyman—was the scurrilous, mean, and contemptible mouthings of this individual, Livernash—an

insult that will live as long as the memory of that dead boy lives in the minds of those to whom he was most dear. Now, Mr. President, those things can not be tolerated. When gentlemen extend courtesies to others, they expect to be treated as gentlemen. If there is any difference of opinion as to the merits of any proposed action, resolution, or legislation, none of us is afraid of criticism of it. I, myself, have taken pains to invite the criticism of the entire press of my district on all measures that I have introduced here, and I stand ready to be guided and governed and informed by the opinions that come through the press. I respect the press. I respect and will fight for the liberty of the press, but when a man so far forgets the value of his services on this earth, when he forgets to remember the commands of God Almighty, and particularly the Golden Rule, and not only abuses the privileges that are given him, but insults and seeks to degrade those who give him such privileges, I say the time has come, Mr. President, when he should be told that this place is no place for him, that this is a place accorded to the occupation of gentlemen, and not thugs of personal character. In the resolution you will find a copy of the attack published by this person on the 18th of January. By the irony of fate the head lines and the name of this person, attached to that article, stand exactly opposite to the portraits of Siemson and Dalmer, the gas-pipe thugs of San Francisco, now standing in the shadow of the gallows. I state, Mr. President, that it was the irony of fate that put the name of Livernash, and this article, adjacent to those pictures, and I say to you, fellow Senators, and I say to the world, which is the better, the gas-pipe thug, or the character thug—as far as I am concerned, I am not afraid of any gas-pipe thug. My physical manhood is such, my intelligence is such, and my experience is such, that I believe that I am safely guarded against the dangers of any gas-pipe thug. If perchance I should fall a victim to them, it will not be my fault, it will be my misfortune; but as against the thuggery of a man who is accorded the right to use the columns of a daily newspaper, what protection, Mr. President, have we? None, none. We can only stand up and resent it. As a man I resent those false statements, those unjust, cowardly criticisms, which are not criticisms. Could I go home, my fellow Senators, could I, after all of these attacks have been written about me, because I am one of you—could I go home and look my wife in the face and answer her when she said to me, "Why did you stand it?" Could I look into the faces of the men of my district, who have known me all my life, because I was born there, I was raised there, I have lived there nearly all of my life—could I look them in the face, knowing that they know me to be an honest man, and a man who will not permit any man to call me a thief, base or vulgar, without resentment? How could I answer them, when they say to me, "Willis, why did you let Livernash say that about you and not challenge him?"

Mr. President, fifty years ago, my father was one of the associate editors of the sheet in which this man publishes his articles. My father at that time wrote many communications to that paper, and for it, and in those days that paper did a world of good? Could I be true to the memory I have of my father, of his persistent and constant integrity and efforts for the good, and permit the same paper, which he at one time graced, to insult me through this person, using the same columns, to say that I am base, degraded and vulgar? No, I won't permit it to go unresented. My inclination is to take him out and thrash him, but, Mr. President, there is nothing in that, there is no satisfaction in that: I do not want to see him; I do not want to see him in this room, because I am not in the habit of associating with that kind of cattle, and I know that all of my fellow Senators feel that he is not worthy of association with us, because our purpose here is to do good, our purposes are to be right, to be fair; and I trust that I have demonstrated in my argument, and in my statement in this resolution, that I am trying to be fair to this man, in spite of the treatment he has accorded us. Gentlemen always act as gentlemen, and no excitement of the moment, no excitement of passion or feelings, ought to be permitted on the floor of this distinguished Senate Chamber, so I have tried to couch that resolution in gentlemanly language, and to make the result to be the result that gentlemen indulge in, namely: that we simply say to this person, "You can not soil the carpets of this chamber with your feet any longer; you can not contaminate these men here with your presence any more; go out and stay out as long as this thirty-seventh session continues." I think in view of what I have said, and in view of what he has done, that it is no more than decent, it is no more than honorable and manly on our part to say to this person, who does not know how to treat gentlemen as gentlemen, "You can not any longer abide with us. Go hence, and mend your ways, if you can." It is my hope and prayer that he can; it is my conviction that he can not.

MOTION.

On motion of Senator McCartney, it was ordered that one thousand copies of the Report of the Commission on Revenue and Taxation be printed.

ADJOURNMENT.

At eleven o'clock and fifteen minutes A. M., on motion of Senator Wolfe, the Senate was adjourned until Monday, January 28, 1907.

IN SENATE.

SENATE CHAMBER,

Monday, January 28, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVE OF ABSENCE.

Senator Lukens was, on motion of Senator Leavitt, granted leave of absence until Monday, February 4, 1907.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 25, 1907, the further reading was dispensed with, on motion of Senator Price.

PETITION.

The following petition was presented by Senator Mattos, and ordered printed in the Journal:

To the Honorable the Legislature of California:

The undersigned grape-growers of California respectfully petition suitable appropriation be made for the continuance of the work in Viticultural Research by the University of California during the two years commencing July 1, 1907:

C. H. Wentz, J. V. Rolph, H. B. Wagoner, James Concannon, Daniel Inman, Thomas Lawlar, Ruby Hill Vineyard Co., E. Schween, D. McNairy, A. H. Hall, Louis Mel, Patrick Connolly, John J. Callaghan, J. E. Callaghan, D. M. Peeter, Jas. Miller, Wm. Schluter.
LIVERMORE, CAL., January 26, 1907.

RESOLUTION.

The following resolution was offered:

By Senator Leavitt:

Resolved, That the sum of eight hundred and thirty-six dollars and seventy cents (\$836.70) be and the same is hereby appropriated out of the Contingent Fund of the Senate to pay the following bills:

John Breuner Co., for furnishing Lieutenant-Governor's room.....	\$773 45
Scott, Stack & Lyman, for electric fixtures, etc.....	63 25

The Controller is hereby authorized and directed to draw his warrants in favor of the above-named persons or corporations, and the State Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 28, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 447—An Act providing for the cancellation of bonds given to secure the performance of the conditions of franchises or privileges, the exoneration of the sureties of such bonds and the filing and acceptance of new bonds in lieu thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LEAVITT, Acting Chairman

Senate Bill No. 447 ordered on file for second reading.

ON FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, January 25, 1907.

MR. PRESIDENT: Your Committee on Fruit and Vine Interests, to whom was referred Senate Bill No. 7—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive to the purchaser of a fruit or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecution under this may be commenced—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

RAMBO, Chairman.

Senate Bill No. 7 ordered on file for second reading.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, January 25, 1907.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 105—An Act to prevent the waste of water from artesian wells, and prescribing penalties therefor, and defining artesian wells and waste—have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

WILLIS, Chairman.

Senate Bill No. 105 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, January 24, 1907.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 20—An Act to add a new section to the Political Code, to be numbered 2524a, relating to the powers of the Board of State Harbor Commissioners.

Also: Senate Bill No. 193—An Act to amend Section 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing a compensation of the members thereof, etc.

Also: Senate Bill No. 194—An Act to amend Section 2567 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

ROLLEY, Chairman.

Senate Bills Nos. 20, 193, and 194, ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 25, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 165—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths.

Also: Senate Bill No. 93—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

McKEE, Chairman.

Senate Bills Nos. 165 and 93 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 28, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 51—An Act to amend an Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or balloting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903.

Also: Senate Bill No. 118—An Act to amend Section 3051 and Section 3052 of the Civil Code of California, relating to the lien on personal property for services performed thereon, and providing a method of enforcing said lien for the amount secured thereby.

Also: Senate Bill No. 81—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the creation of a "Law Library Fund."

Also: Senate Bill No. 12—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said court and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys and a stenographer, and providing for their appointment.

Also: Senate Bill No. 52—An Act to amend Section 1202 of the Political Code of the State of California, relating to the appointment of election officers.

Also: Senate Bill No. 164—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants, and their compensation.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 51, 118, 81, 12, 52, and 164 ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 24, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Concurrent Resolution No. 6—Relative to instructing the Attorney-General of the State to appear in the Japanese cases—have had the same under consideration, and respectfully report committee substitute therefor, and recommend that the substitute do pass.

WOLFE, Chairman

MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, January 25, 1907.

MR. PRESIDENT: The undersigned members of the Judiciary Committee, to which committee was referred Senate Concurrent Resolution No. 6—Relative to instructing the Attorney-General of the State to appear in the Japanese cases—do hereby dissent from the opinion and report of the majority of said committee on said resolution, and do hereby recommend the adoption of the resolution hereto annexed as a substitute for said Senate Concurrent Resolution No. 6.

MILLER,
CAMINETTI,
CURTIN.

Minority Members of said Judiciary Committee.

MINORITY COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 6.

WHEREAS, The President of the United States is attempting to interfere with the management and control of the public schools of the State of California, in San Francisco, by demanding the admission of children of Japanese parents into the same public schools in said city provided for the children of white parents; and

WHEREAS, At the time of said interference it was a matter of public record that equal opportunities for the education of children of Japanese parents with those accorded the children of white parents for years past has been and is now provided for at public expense by the State of California; and

WHEREAS, Such interference is in violation of the sovereign rights of the State California; therefore, be it

Resolved by the Senate, the Assembly concurring. That the State of California does protest against the said unauthorized interference with its rights as a sovereign State, and the Governor and Attorney-General of the State of California are hereby requested to do all things necessary in the premises to assert the sovereign rights of the State of California as reserved to it in the Constitution of the United States.

Senate Concurrent Resolution No. 6 and minority committee substitute ordered on file.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 28, 1907.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 388—An Act to declare the highway commencing at Pine Grove, etc.—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw.

Also: Senate Bill No. 427—An Act to declare the highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's place, etc.—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

MATTOS, Chairman.

Senate Bills Nos. 388 and 427 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Caminetti asked for and was granted unanimous consent to withdraw Senate Bill No. 388.

Senate Bill No. 388 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 28, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred:

Resolved, That the Sergeant-at-Arms of the Senate be and is hereby instructed to procure, for the use of outside Senate committee rooms, two dozen chairs, at a cost not to exceed \$4 apiece, and the State Controller is hereby directed to draw his warrant to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be amended by striking out "\$4" and inserting "\$3." and then adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

Senator Carter moved to strike out the figure "\$3" and insert in lieu thereof the figure "\$1."

Senator Wolfe asked for and was granted unanimous consent to withdraw the report of the committee.

APPOINTMENT OF SPECIAL COMMITTEE.

On motion of Senator Wolfe, Senator Carter was appointed a committee of one to purchase two dozen chairs at \$1 each.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Broughton :

Resolved, That the Sergeant-at-Arms provide for the use of the Press Mailing Clerks \$100 worth of postage stamps, the same payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant for and the Treasurer to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

By Senator Welch: Senate Bill No. 457—An Act to provide for the regulation of the business of watchmen, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

By Senator Walker: Senate Bill No. 458—An Act to amend Section 655 of the Civil Code, relating to the things in which property may exist.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caminetti: Senate Bill No. 459—An Act to amend Section 200 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the exemptions from jury duty.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 460—An Act to amend Section 1662 of the Political Code, fixing the age at which children may be admitted to primary schools.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, seawall, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 1, of Article XVI thereof, relating to State indebtedness.

Senate Constitutional Amendment referred to Committee on Finance.

By Senator Carter: Senate Bill No. 462—An Act amending an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," approved February 25, 1901, by amending Sections 2, 5, and 9 thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 463—An Act authorizing any incorporated city, town, or municipal corporation to lease, acquire by purchase, condemnation, or otherwise, and hold and use, lands and other necessary property, for the purpose of constructing, equipping, using, maintaining, and operating, and to construct, equip, use, maintain, and operate, any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the purpose of preparing, manufacturing, handling, or transporting materials or supplies required in the construction or completion of any public work, improvement, or utility, or for the purpose of maintaining or operating any such work, improvement, or utility.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 464—An Act to amend the Political Code of the State of California, by adding eight new sections thereto to be numbered 338, 338a, 338b, 339, 339a, 339b, 340, and 340a, under a new article to be numbered thirteen (XIII), to be added to chapter two (2), title one (1), part three (3) of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

Bill read first time, and referred to Committee on Judiciary.

By Senator Miller (by request): Senate Bill No. 465—An Act to amend Section 39 of an Act entitled "An act to provide for the organization and government of irrigating districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 466—An Act to amend Section 2024 of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions out of the State.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 467—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, by amending Section 1 thereof, and providing for the sale of drugs, and compound medicines, by storekeepers in unincorporated towns and cities.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to Section 1 of Article VI of the Constitution of the State of California, relating to the judicial power of the State and creating a court of impeachment.

Senate Constitutional Amendment referred to Committee on Judiciary.

Also: Senate Bill No. 468—An Act to amend Section 2032 of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 469—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 857, relating to the purposes for which express trusts may be created.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bell: Senate Bill No. 470—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipalities and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 471—An Act to amend Section 631 of the Code of Civil Procedure, relating to the trial of actions.

Bill read first time, and referred to Committee on Judiciary.

By Senator McCartney (by request): Senate Bill No. 472—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to towns or cities, or subdivisions of lands into small lots or tracts, for the purpose of sale, and providing a penalty for the selling or offering for sale any lots, or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded."

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 473—An Act to add a new section to the Code of Civil Procedure, the said section to be designated eleven hundred and sixty-six *a* (1166*a*), relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, the form and amount of the undertaking, and the form of the writ of ejectment, and the manner of executing and serving the writ.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rolley: Senate Bill No. 474—An Act to appropriate money for the purpose of constructing object-lesson oiled roads in different sections of the State.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 475—An Act to amend Section 209 of the County Government Act, relating to the compensation of the various county officers in counties of the fifty-second class.

Bill read first time, and referred to Committee on County Government.

By Senator Belshaw: Senate Bill No. 476—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating, and improving the Governor's residence.

Bill read first time, and referred to Committee on Finance.

RUSH ORDER TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for printing Senate Bill No. 476.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Belshaw: Senate Bill No. 477—An Act to amend Section 109 of the Penal Code, relating to assisting prisoners, paroled prisoners, and escapes to escape.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Rambo (by request): Senate Bill No. 478—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 298, relating to the cremation of the dead bodies of human beings.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Reilly: Senate Bill No. 479—An Act regulating hours of labor of women, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

Also: Senate Bill No. 480—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

By Senator Curtin: Senate Bill No. 481—An Act to amend Section 1881 of the Code of Civil Procedure, relating to parties prohibited from testifying in certain cases.

Bill read first time, and referred to Committee on Judiciary.

By Senator Willis (by request of Code Commission): Senate Bill No. 482—An Act to add a new section to the Political Code, to be numbered Section 3766, relating to the manner of making publication of delinquent taxes.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 483—An Act to amend Section 3902 of the Political Code, relating to the division of the State into counties.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 484—An Act to repeal Section 3977 of the Political Code, to add a new section thereto, to be known as Section 3975*b*, and to amend Sections 3976, 3981, and 3985 thereof, all relating to county seats and proceedings for the change thereof.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 485—An Act to repeal Section 3366 of the Political Code, relating to the imposition of license taxes.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 486—An Act to amend Section 7 of the Civil Code, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 487—An Act to add a new section to the Political Code, to be numbered and known as Section 757*a*, relating to the office hours of the Clerk of the Supreme Court.

Bill read first time, and referred to Committee on Judiciary.

SENATOR LEAVITT IN THE CHAIR.

At ten o'clock and forty-five minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 69—An Act to amend Section 1093 of the Penal Code relating to the order of trial.

On motion of Senator McCartney, Senate Bill No. 69 was passed on file.

Senate Bill No. 51—An Act to amend an Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or balloting machines for receiving and registering the vote in one or more precincts of any county, city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such election; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903.

On motion of Senator Leavitt, Senate Bill No. 51 was passed on file.

Senate Bill No. 52—An Act to amend Section 1202 of the Political Code of the State of California, relating to the appointment of election officers.

On motion of Senator Leavitt, Senate Bill No. 52 was passed on file.

Senate Bill No. 12—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one-half class,

to fix their jurisdiction, and provide for officers of said court, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys and a stenographer, and providing for their appointment.

On motion of Senator Broughton, Senate Bill No. 12 was passed on file.

Senate Bill No. 118—An Act to amend Section 3051 and Section 3052 of the Civil Code of California, relating to the lien on personal property for services performed thereon, and providing a method of enforcing said lien for the amount secured thereby.

On motion of Senator Curtin, Senate Bill No. 118 was passed on file.

Senate Bill No. 81—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the creation of a "Law Library Fund."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 81 passed by the following vote:

Ayes—Senators Anthony, Bates, Bell, Bolshaw, Bovee, Broughton, Caminetti, Carter, Greenwell, Keane, Leavitt, Lyndon, Mackay, Martin, McCartney, McKee, Mueller, Price, Rambo, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

Noes—None.

Title read and approved.

Senate Bill No. 81 ordered transmitted to the Assembly.

Senate Bill No. 164—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants and their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 164 passed by the following vote:

Ayes—Senators Anthony, Bates, Bell, Bovee, Broughton, Caminetti, Carter, Greenwell, Price, Keane, Keating, Leavitt, Lyndon, Mackay, Martin, McCartney, McKee, Nelson, Price, Rambo, Rolley, Rolley Bush, Sanford, Walker, Weed, Welch, Willis, and Wright—31.

Noes—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1191 thereof, relating to liens upon real property and the improvements thereon.

On motion of Senator Bolshaw, Senate Bill No. 100 was passed on file, to retain its place.

Senate Bill No. 187—An Act to amend Section 1249 of the Code of Civil Procedure of the State of California.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 12 of printed bill, insert after the word "any" the word "final."

Amendment adopted.

Also:

On page 1, Section 1, line 13, strike out the words "and to be final and conclusive."

Amendment adopted.

Also:

On page 1, after the enacting clause, add the word and figure "Section 1."

Amendment adopted.

Also:

On page 1, in title, strike out the period after the word "California," and insert in lieu thereof the following: "relating to damages in cases of eminent domain."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 116—An Act declaring that no contract entered into during the holidays from and including the 19th day of April, 1906, to and including the 3d day of June, 1906, shall be held invalid by reason of being entered into on any such holidays, nor by reason of having been entered into prematurely on account of such holidays, and ratifying and confirming contracts so entered into.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 177—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 199—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 200—An Act to repeal Section 645 of the Penal Code, relating to harboring deserting seamen.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 128—An Act to amend Section 487 of the Penal Code of California, defining grand larceny.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 129—An Act to repeal Section 491 of the Penal Code of the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 130—An Act to add a new section to the Penal Code of California, to be numbered 490a, providing therein for the punishment of the larceny of bicycles, jacks, jennies, and dogs.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill, No. 332—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending

Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 64—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

On motion of Senator Wright, Senate Bill No. 64 was referred to Committee on Hospitals and Asylums.

Senate Bill No. 197—An Act making appropriation for the erection of an additional wing to the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, California.

On motion of Senator Walker, Senate Bill No. 197 was passed on file.

Senate Bill No. 47—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 56—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 101—An Act to amend Section 2981 of the Political Code of the State of California, relating to the meetings of the State Board of Health.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 142—An Act to amend Section 2979a of the Political Code of the State of California, relating to the preservation of the public health.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 263—An Act to add a new section to the Penal Code of the State of California, to be numbered 374a, providing for safeguards against the pollution of waters used for domestic purposes.

Bill read second time, considered engrossed, and ordered on file for third reading.

BILL RECALLED FROM PRINT.

Senator Wolfe moved that Senate Bill No. 183—An Act to amend Section 1249 of the Code of Civil Procedure of the State of California—be recalled from print for purpose of reconsidering the vote whereby the following amendments were this day adopted:

On page 1, Section 1, line 12 of printed bill, insert after the word "any" the word "final."

Also: On page 1, Section 1, line 13, strike out the words "and to be final and conclusive."

Also: On page 1, after the enacting clause, add the word and figure "Section 1."

Also: On page 1, in title, strike out the period after the word "California," and insert in lieu thereof the following, ", relating to damages in cases of eminent domain."

Motion carried.

Bill having been recalled from print, Senator Wolfe moved that the vote whereby the above amendments had been adopted this day be now reconsidered.

Motion carried.

Thereupon the acting President declared the vote reconsidered, and the question of the adoption of the amendments now before the Senate.

Senator Wolfe moved that the bill retain its place on the second-reading file, and be passed on file.

Motion carried.

SPECIAL ORDER RESET.

On motion of Senator Caminetti, the special order set for this day, at eleven o'clock A. M., being the consideration of Senate Concurrent Resolution No. 6, was postponed and made a special order for Tuesday, January 29 1907, at eleven o'clock A. M.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 355—An Act to amend Section 595 of the Political Code, relating to the general duties of insurance commissioners.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 208—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil action.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 7, strike out the comma after the word "notified" and before the word "and."

Amendment adopted.

Also:

On page 2, Section 2, line 13, strike out the words "suitable age and discretion," and insert in lieu thereof the following: "not less than eighteen years of age."

Amendment adopted.

Also:

On page 2, Section 2, line 17, strike out the words "suitable age and discretion," and insert in lieu thereof the following: "not less than eighteen years of age."

Amendment adopted.

Also:

On page 2, Section 2, lines 25 and 26, strike out the words "suitable age and discretion," and insert in lieu thereof the following: "not less than eighteen years of age."

Amendment adopted.

Also:

On page 3, Section 4, line 8, insert after the word "except" and before the word "of" the following word: "service."

Amendment adopted.

Also:

On page 3, Section 4, line 9, strike out the word "of" before the word "writs" and the word "of" before the word "papers."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 203—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, line 3, strike out the words "either be," and insert in lieu thereof the following words: "be either."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 209—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, strike out the word "the" at the end of line 4, the whole of line 5, and the words "their offices," at the beginning of line 6, and insert in lieu thereof the following words: "at least one of the attorneys of each party has his office."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 201—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110a, requiring notice to be given to the real parties in interest in certain proceedings.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 202—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 204—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 205—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 207—An Act to amend Sections 1025 and 1031, both relating to costs in civil action.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 211—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 215—An Act to repeal Section 749 of the Code of Civil Procedure, as approved March 31, 1891, relating to service of summons by publication in actions relating to real property in this State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 216—An Act to amend Section 740 of the Code of Civil Procedure, relating to actions for the recovery of property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 217—An Act to amend Section 728 of the Code of Civil Procedure, relating to sales in actions to foreclose mortgages.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 218—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 362—An Act to repeal Section 599 of the Penal Code, as approved March 18, 1905, and to add a new section thereto, to be known as Section 599f, both relating to the killing of any elk within the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 361—An Act to repeal Section 526 of the Penal Code, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public places of amusement for more than the original price thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

ADJOURNMENT.

At eleven o'clock and ten minutes A. M., on motion of Senator Wolfe, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, January 29, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

Quorum present.

PRAYER.

Prayer by the Rev. W. M. Healey.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 28, 1907, the further reading was dispensed with, on motion of Senator Mattos.

LEAVES OF ABSENCE.

Senator Miller was, on motion of Senator Sanford, granted leave of absence for this day.

Senator Anderson was, on motion of Senator McCartney, granted leave of absence for this day.

PETITION.

The following petition was presented by Senator Mattos, and ordered printed in the Journal:

To the Senators and Assemblymen of the Commonwealth of California—

HONORABLE GENTLEMEN: We beg your interested attention to the following essential elements of a just and valid statute which are not incorporated in the present statute for regulating the practice of osteopathy in California, and in the name of justice and in order to render the statute valid and effective and thereby elevate to standard of osteopathic attainment and practice in the State, we respectfully petition you to support a bill for an amendment or for a new law incorporating these elements:

(1) A State-conducted examination in subjects named by the Legislature. (Essential to justice, validity, and uniformity of certification.)

(2) A State-appointed Board of Examiners, chosen by the Governor, from qualified practitioners, residents of different Congressional districts.

(3) Disqualifying from membership of the Board of Examiners, stockholders, professors, and others beneficially interested in any osteopathic college. (A safeguard of fairness, recognized as vital by some states.)

S. F. Kelly, State Cent. Com., San Bernardino County; Frank W. Nutton, Patton, Calif.; N. S. Boggs, California State Bank; Howard Young, H. H. Ham, 812 E. St., San Bernardino, Calif.; A. M. Ham, 9th and F. Sts.; Fred. C. Drew, Asst. Cash. Farmers Exchange Bank; J. L. Oakey, Cal. State Bank; P. N. Harbison, Pub. Sun; Jeff McElvaine; M. L. Parsons, D. O., San Bernardino.

RESOLUTIONS.

The following resolutions were offered:

By Senator Lynch:

Resolved, That the State Controller be and he is hereby authorized and directed to draw his warrant in the sum of \$25 against the contingent fund of the Senate, in favor of Smith, Emery & Company in payment of their claim for expenses incurred in inspection of Red Men's Hall, where this body is now meeting, as per bill hereto annexed, and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.
Also:

Resolved, That the State Controller be and he is hereby authorized and directed to draw his warrant in favor of the Secretary of the Senate for the sum of (\$900) nine hundred dollars, in payment of the bills hereto attached, and the Treasurer is directed to pay the same.

H. S. Crocker & Co. \$900 00

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Welch:

WHEREAS, The use of the ballot is the most sacred right of American citizenship; and WHEREAS, Voting or ballot machines have been authorized to be used in the State of California, and have been generally used at and in the City and County of San Francisco; and

WHEREAS, It has been commonly reported that voting or ballot machines can be manipulated so as to defeat the will and choice of the voter; be it therefore

Resolved, That the Senate Committee on Elections and Election Laws be authorized and empowered to act as a committee or commission to investigate the voting or ballot machines now in use or authorized to be used for the purpose of ascertaining whether or not said voting or ballot machine can be manipulated so as to defeat the will and choice of the voter, or perpetrate any fraud and that said committee be and is hereby authorized, empowered, and directed to inspect any and all machines now in use or which are authorized to be used and to employ expert, or experts, to examine said machines, and the working thereof, to take testimony and gather necessary information and issue subpoenas to compel the attendance of witnesses, and to reduce to writing such testimony as it may deem proper in the premises, that such committee render its report with all possible dispatch to the Senate.

Resolution read, and referred to Committee on Election and Election Laws.

By Senator Anthony:

Resolved, That the President of the Senate shall appoint a select committee of three Senators, who shall inspect and investigate State institutions and enterprises, and report and recommend thereon to the Senate, not later than the fiftieth day of the session.

Resolution read, and referred to Committee on Rules, and, on motion of Senator Anthony, the committee was requested to report the same back to-morrow.

By Senator McCartney:

Resolved, That the Controller of the State be and he is hereby authorized and directed to draw his warrant in favor of D. G. Holt for services rendered this Senate under the direction of the Secretary of the Senate in the sum of \$132, being pay for twenty-two days at \$6 per day; the same shall be payable out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Price:

Resolved, That the chairman of the committees on Hospitals and Asylums, Prisons and Reformatories, and Public Buildings and Grounds be and they are hereby authorized to appoint two members of each of said committees, as a sub-committee, and that such sub-committee constitute a committee to visit such public institutions as they may deem necessary, in order that they may inquire into and report upon, as to the financial needs of such institutions, and that they be allowed only their actual expenses while so engaged, and that they be granted the necessary leaves of absence.

Resolution read and adopted.

By Senator Muentzer:

Resolved, That the Sergeant-at-Arms be and he is hereby granted a leave of absence to accompany the sub-committee visiting the public institutions, and that he be allowed only his necessary expenses on such trip, payable out of the contingent expenses of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 28, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 84—An Act authorizing the Governor to set apart one day in each year to be designated Bird and Arbor Day, and to request its observance—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 125—An Act to amend Section 69 of the Civil Code of California, relating to marriage licenses.

Also: Senate Bill No. 110—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Also: Senate Bill No. 289—An Act to amend Section 70 of the Civil Code, and declaring that marriage may be solemnized by a justice of a District Court of Appeal.

Also: Senate Bill No. 44—An Act to amend Section 5 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors and marines, and to provide for the government thereof by the State," as amended by an Act approved March 20, 1905, omitting the provision for an adjutant.

Also: Senate Bill No. 287—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 29—An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor—(for an opinion concerning the word "food," as used in such bill) have had the same under consideration, and respectfully report the same back, as legal in form, together with the opinions of committee on the use of said word "food," hereto attached, and recommend that it be re-referred to the Committee on Finance.

WOLFE, Chairman.

On motion of Senator McCartney, the following was ordered printed in the Journal:

Mr. Chairman and members of the Senate Judiciary Committee:

Your sub-committee appointed to report on the legality of the definition of the word "food," in Senate Bill No. 29—have had the same under consideration and beg leave to report the same as being legal in all respects, and recommend that your committee report the bill to the Senate that it do pass.

McCARTNEY,
CAMINETTI,
BOYNTON,
Sub-Committee.

We herewith submit authorities in support of our report:

Webster's definition of food:

"Food—what is fed upon, that which goes to support life by being received within and assimilated by the organism of an animal or plant. Anything that instructs the intellect, excites the feelings, or molds habits of character; that which nourishes."

"Liquor—to be liquid, any liquid substance, as water, milk, blood, sap, juice, or the like. Specifically, alcoholic or spirituous fluid, either distilled or fermented, as brandy, wine, whisky, beer, etc."

Also the following from "Legal Definitions of Words and Phrases":

"The term food includes all articles used for food or drink by man, whether simple, mixed, or compound.

"The term food as used in an Act relating to the adulteration or sale of adulterated foods and drugs includes every article used for food and drink by man.

"The term food as used in certain provisions of the article relating to the inspection of flour, etc., shall include every article used for food, or drug by man, including all candies, teas, coffees, and spirituous, fermented, and malted liquors."

"Words used in a statute are to be given their general and unrestricted meaning, unless the context or the apparent scope and purpose of the statute indicate a limited meaning." (106 Cal. 355.)

"A construction should not be given a statute, if it can be avoided, which will lead to absurd results or to a conclusion plainly not contemplated by the Legislature." (103 Cal. 641.)

"When there is nothing in a statute to indicate that a word is used in a peculiar sense, it must be taken in its ordinary and popular meaning." (21 Cal. 392; 76 Cal. 269.)

"When a term not technical is used in a statute it must, unless the Legislature have affixed to it a special definition, be taken in its ordinary and general sense." (21 Cal. 392.)

"In the interpretation of a statute the court must look at the context, and the result that would follow, in order to arrive at the legislative intent." (134 Cal. 647.)

"A State Legislature has the same unlimited power of legislation which resides in the British Parliament, except when restrained or limited either by express words of the constitution, or the necessary implication therefrom, and its power can not be restrained by any unnecessary implication." (117 Cal. 520.)

"An Act of the Legislature should not be declared unconstitutional by the courts, unless it is clearly inconsistent with the fundamental law, and when there is a reasonable doubt as to its validity, its constitutionality should be affirmed." (140 Cal. 476.)

Senate Bills Nos. 84, 125, 110, 289, 44, 287, and 29 ordered on file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, January 29, 1907.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 32—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

McCARTNEY, Chairman.

Senate Bill No. 32 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 29, 1907.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 239—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1873, by amending Section 465, relating to the powers of railroad corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BROUGHTON, Chairman.

Senate Bill No. 239 ordered on file for second reading.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, January 29, 1907.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 236—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Also: Senate Bill No. 456—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor," approved March 18, 1905, and to change and re-direct the manner of the expenditure thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 235—An Act to amend Sections 2153a and 2154 of the Political Code of the State of California, relating to the appointment of a dentist in State Hospitals for the care and treatment of the insane—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 24—An Act to promote the public welfare, by providing for the conveyance, holding and protection of property, and the creation of trusts for the founding, endowment, erection and maintenance within this State of hospitals for the relief of the sick and for training schools for nurses—have had the same under consideration, and respectfully report the same back, and recommend that the same be referred to Judiciary Committee.

MUEENTER, Chairman.

Senate Bills Nos. 236, 456, and 235 ordered on file for second reading.
Senate Bill No. 24 referred to Committee on Judiciary.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, January 29, 1907.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 401—An Act providing for the extermination of the *Boophilus annulatus* tick, defining certain crimes, and providing for certain civil and criminal actions.

Also: Senate Bill No. 413—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and as amended March 20, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

RUSH, Chairman.

Senate Bills Nos. 401 and 413 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 29, 1907.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 2—Relative to the remission of duties on building materials used for the reconstruction and rehabilitation of California cities that were wrecked and burned by earthquake and fire on April 18, 1906—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

BLACK, Chairman.

Senate Joint Resolution No. 2 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 29, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 476—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating, and improving the Governor's residence—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

ROLLEY, Chairman.

Senate Bill No. 476 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Senate Bill No. 476 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring

that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Muentzer, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 476—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating, and improving the Governor's residence.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 476 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Muentzer, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 29, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Concurrent Resolution No. 2—Approving the charter of the City of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 18th day of July, 1906.

Also: Senate Bill No. 85—An Act to amend Section 595 of the Political Code relating to the general duties of an insurance commissioner.

Also: Senate Bill No. 288—An Act to repeal Chapters III, IV, V, and VI of Title IV of the Political Code, as said chapters existed on the 17th day of March, 1905, relating to the State Militia.

Also: Senate Bill No. 252—An Act to amend Sections 1925 and 1933 of the Political Code, all relating to the National Guard and troops of cavalry therein.

Also: Senate Bill No. 30—An Act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled, or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Concurrent Resolution No. 2 ordered on file.

Senate Bills Nos. 85, 288, 252, and 30 ordered on file for third reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 29, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred: *Resolved*, That the sum of eight hundred and thirty-six dollars and seventy cents (\$836.70) be and the same is hereby appropriated out of the Contingent Fund of the Senate to pay the following bills:

John Breuner Co., for furnishing Lieutenant-Governor's room.....	\$773 45
Scott, Stack & Lyman, for electric fixtures, etc.....	63 25

The Controller is hereby authorized and directed to draw his warrants in favor of the above-named persons or corporations, and the State Treasurer is hereby directed to pay the same.

Also:

Resolved, That the Sergeant-at-Arms provide for the use of the Press Mailing Clerks \$100 worth of postage stamps, the same payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant for and the Treasurer to pay the same.

Have had the same under consideration, and respectfully report the same back and recommend that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Muenter, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

ON RULES.

SENATE CHAMBER, SACRAMENTO, January 29, 1907.

MR. PRESIDENT: Your Committee on Rules beg leave to report the following as the Standing Rules of the Senate for the thirty-seventh session, and respectfully recommend their adoption:

1. *Time of Meeting of Senate.*

The sessions of the Senate shall be daily (Sundays excepted), beginning at ten o'clock A. M., and after Tuesday, January 29, 1907, a recess shall be taken at twelve o'clock and thirty minutes P. M. to two o'clock P. M., unless otherwise ordered by vote of the Senate.

2. *Calling to Order.*

The President, the President pro tem., or the senior member present, shall call the Senate to order at the hour stated, and if a quorum be present proceed with the order of business.

3. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal of the preceding day.
4. Presentation of Petitions.
5. Messages from the Assembly.
6. Messages from the Governor.
7. Reports of Standing Committees.
8. Reports of Select Committees.
9. Motions, Resolutions, and Notices.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.

Reports from the Committee on Enrolled and Engrossed Bills shall at all times be in order; *provided*, that the messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

4. *President—His Powers and Prerogatives.*

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

5. *President May Order Lobbies Cleared.*

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same cleared.

6. *President May Call Senators to the Chair.*

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

7. *Appointment of Committees.*

All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

8. *Standing Committees.*

The following standing committees shall be appointed by the President of the Senate:

1. Agriculture and Dairying, seven members.
2. Banking, seven members.
3. Commerce and Navigation, nine members.
4. Contingent Expenses, three members.
5. Corporations, eleven members.
6. County Government, nine members.
7. Drainage, Swamp and Overflowed Lands, nine members.
8. Election and Election Laws, nine members.
9. Education, eleven members.
10. Engrossment and Enrollment, three members.
11. Executive Communications, five members.
12. Federal Relations, three members.
13. Finance, fifteen members.
14. Fish and Game, nine members.
15. Forestry and Water Preservation, nine members.
16. Fruit and Vine Interests, nine members.
17. Hospitals and Asylums, eleven members.
18. Insurance and Insurance Laws, nine members.
19. Irrigation, nine members.
20. Judiciary, twenty members.
21. Labor, Capital, and Immigration, nine members.
22. Manufactures and Oil Industry, nine members.
23. Military Affairs, five members.
24. Mines and Mining, seven members.
25. Municipal Corporations, seven members.
26. Printing, three members.
27. Prisons and Reformatories, nine members.
28. Public Buildings and Grounds, nine members.
29. Public Health and Quarantine, five members.
30. Public Morals, five members.
31. Roads and Highways, nine members.
32. Rules, five members.
33. Revenue and Taxation, nine members.

9. *President pro tem.—His Powers and Privileges.*

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

10. *The Duties of Secretary.*

1. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.
2. To superintend all copying and work to be done for the Senate. To have supervision over all attachés and employés of the Senate. To certify to, and transmit to the Assembly all bills, resolutions, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.
3. To keep a correct journal of the proceedings of the Senate.
4. To notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.
5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.
6. To assign, reassign or transfer all attachés and employés to their respective duties.

11. *No Records or Papers to be Taken from Desk.*

The Secretary of the Senate shall not suffer any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment and Enrollment, and take their receipt therefor.

12. *Sergeant-at-Arms.*

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's custody and releasement, and the traveling expense for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required to do so, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator, or person to whom check is made), and pay over the same to the Senator or person entitled thereto.

13. Printed Bills, etc., Must be Placed on Desks.

The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, and constitutional amendments, when printed, on the desks of Senators at least one hour previous to the opening of session.

14. Doorkeeper.

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such reporters as have seats assigned to them by the President, from coming within the bar of the Senate, unless upon written invitation of the President or a Senator; *provided*, that no visitor shall be allowed upon the floor of the Senate during a session. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate.

15. Attendance, Duties, and Obligations of Senators.

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate, or less than a quorum thereof, shall have the power to issue process directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

16. Senators Must Address the President.

1. When a Senator desires to address the Senate he shall rise in his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not be entitled again to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

3. No Senator shall be interrupted when speaking, and no questions shall be asked him, except those directed through the presiding officer.

4. The author of a bill, motion, or resolution shall have the privilege of closing the debate.

17. The Senator Entitled to Floor.

When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

18. Senator, When Called to Order, Must Sit Down.

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing.

19. Voting.

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call, and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

20. Printing.

Seven hundred and fifty copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator at his desk, and the balance shall be distributed according to law.

21. Number of Copies to be Printed.

Five hundred copies shall be printed of each document or other matter ordered, unless the Senate especially directs a different number.

22. Number of Copies to be Printed of Journal.

The Superintendent of State Printing shall print five hundred copies of the Journal of each day's proceedings of the Senate, and one copy of the same shall be placed upon each Senator's desk, and a sufficient number sent to the Assembly to supply each Assemblyman with one copy; he shall also print a sufficient number of copies, properly paged, to bind in book form as the Journal of the Senate, at the end of the session, as required by law.

23. What Shall be Printed in the Journal.

Messages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments shall be printed in the Journal in full.

24. Petitions.

Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered in the Journal.

25. When Not in Committee of the Whole, Proceedings Must be Entered in Journal.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

26. Printing for the Senate.

The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary. The Secretary may, when necessity requires, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under a specially prepared written order, to be known as a "Rush Order."

27. Introduction and Reading of Bills.

1. Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized shall present the same; and the title shall be announced from the Secretary's desk, shall be read the first time, when it shall be referred to a standing committee. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two thirds of the Senate shall by vote of ayes and noes, dispense with this provision), and the last reading shall be at length. The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator object to such reading). Joint and concurrent resolutions shall be treated the same as bills, *provided* they shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

2. The titles of all bills, when introduced, shall be inserted in the Journal.

28. Order of Engrossing and Enrolling Bills.

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk. And all Senate bills shall, after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt in writing of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

29. Engrossed Bills to be Examined and Reported.

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossment and Enrollment; the engrossed copy to be transmitted to the Assembly with proper indorsements, and the original retained by the Senate.

30. Assembly Bills to be Read First Time.

All Assembly bills shall be read the first time when taken up in Assembly messages, and then referred to the proper committee; *provided, however*, that when an Assembly bill is received, the provisions of which are identical with those of a Senate bill which has already been considered and reported by a committee of the Senate, such Assembly bill shall be substituted for the Senate bill (the latter being considered withdrawn), shall take a place upon a special file, and be considered as having received the same recommendation of the Senate committee; *provided*, that the fact that the bills are identical shall be entered in the Journal.

31. Reference of Bills to Finance Committee.

All bills or resolutions appropriating money from any fund within the control of the State shall be referred to the Committee on Finance before being read the second time.

32. Committees—When to Report.

All committees shall act upon all bills as soon as practicable, and when acted upon, shall be reported back to the Senate forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the Senate may at any time order a bill reported back from any committee by a majority vote.

33. *Standing Committees, Quorum of—What Constitutes.*

Each standing committee shall determine its own quorum; *provided*, that not less than one third of the number of members constituting such committee shall in any case constitute such quorum.

34. *Leave of Absence to Committee.*

When leave of absence shall be granted to any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by two-thirds vote, and no expense or mileage of attachés shall be allowed.

35. *Claims on Contingent Fund Must Go to Committee on Contingent Expenses.*

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

36. *Executive Communications and Nominations to Committee.*

When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications, unless otherwise ordered by the Senate, which motion shall be determined without debate.

37. *San Francisco Delegation.*

The members of the Senate from the City and County of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation.

38. *The General File: Its Hours—Special Order of Bills on File.*

The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration.

39. *Bills "Passed on File," Placed at Foot of File.*

When bills have been "passed on file" for the second time they must be placed at the foot of the file in their regular order, unless otherwise ordered by the Senate.

40. *Engrossed Bills Have Preference.*

All bills, after the second reading, if the same be not committed, then upon being reported, shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

41. *Order of Questions on Motion to Refer.*

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee

42. *Order of Questions Under Debate.*

When a question is under debate no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

43. *Motion Not to be Debated Until Seconded and Announced.*

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary, before the same shall be debated.

44. *Reading of a Paper, if Objected to, Determined Without Debate.*

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate.

45. *Amendments and Substitutes—When in Order.*

Substitutes may be offered at any time when a bill or resolution is open to amendment previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

46. *Amendments and Substitutes Must be Germane.*

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

47. *Least Sum and Shortest Time in Filling Blanks.*

In filling up blanks, the least sum or number and the shortest time shall be put first.

48. *Short of Final Question, Two-thirds Vote Not Requisite on Propositions to Amend Constitution.*

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extend to the merits, being short of the final question.

49. *Notice of Reconsideration.*

On the day succeeding that on which the final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution has been passed or defeated, and twenty-seven votes to carry any motion to reconsider the vote by which any constitutional amendment has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session.

There shall be but one reconsideration, even though the action of the Senate after reconsideration is the opposite of the action of the Senate before reconsideration.

50. *Reconsideration of Bills Sent to Assembly.*

When a bill, resolution, amendment, order, or message upon which a vote has been taken shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last-named motion shall be acted upon immediately and without debate, and if determined in the negative, shall be a final disposition of the motion to reconsider.

51. *Secretary, Upon Notice of Reconsideration, Not to Report Bill to Assembly.*

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill, concurrent or joint resolution, or constitutional amendment, to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been transmitted to the Assembly.

52. *Motion to Reconsider May be Debated.*

A Senator, after a notice of motion to reconsider is given, as provided in Rule 49, may, at the reconsideration thereof, present the main question in his argument thereon, and the same may be debated by the Senate, provided that the subject-matter is debatable.

53. *Amendments to Original Question.*

1. An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

2. If the question in debate contains several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. And motions to amend the part to be stricken out shall have precedence.

54. *Final Question on Second Reading of Bill—No Amendment on Third Reading, but May Commit.*

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed?" And no amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions to amend.

55. *Special Orders.*

Any subject may, by vote of two thirds of the Senators present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

56. *Form of Previous Question—Call of Senate.*

The previous question shall be put in this form: "Shall the question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate and bring the Senate to a vote on the subject under discussion. On a motion for the previous question, and prior to a vote being taken by the Senate, a call of the Senate shall be in order.

57. Ayes and Noes: Members Must Answer—No Vote after Announcement of Vote.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

58. Rules in Senate and Committee of the Whole.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times a Senator may speak, and except that the ayes and noes shall not be taken.

59. Suspending and Changing Rules.

No standing rule or order of the Senate shall be rescinded or changed without a vote of two thirds of the members-elect, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two thirds of the Senators-elect, except that portion of Rule 27, relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules, without debate.

60. Executive Session.

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of Senate, Secretary, Sergeant-at-Arms, and Doorkeeper to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

61. Messengers—When Introduced.

Messengers may be introduced at any stage of business, except while a question is being put, while the ayes and noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

62. Smoking.

No smoking shall be allowed within the Senate Chamber.

63. Cases Not Provided for, Cushing to Govern.

In all cases not provided for by these rules, the Senate shall be governed by the laws and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

Respectfully,

GREENWELL,
Chairman Committee on Rules.

SPECIAL ORDER SET.

Senator Leavitt moved that the report of the Committee on Rules be printed in the Journal, and that the consideration of the same be made a special order for Wednesday, January 30, 1907, at ten o'clock and thirty minutes A. M.

Motion carried.

BILLS DROPPED FROM THE FILE.

On motion of Senator Belshaw, the following bills, having been referred from Committee on Military Affairs to the Committee on Finance, were ordered temporarily dropped from the file.

Senate Bill No. 41—An Act to encourage the enlistment of Californians in the regular army, navy, and marine corps of the United States, and appropriating the sum of \$5,000 therefor.

Senate Bill No. 2—An Act to provide for training high school boys of the State of California in marksmanship, with automatic or self-loading rifles, and appropriating the sum of \$5,000 therefor.

Senate Bill No. 1—An Act to encourage the introduction into the State of California of automatic or self-loading rifles, and appropriating \$5,000 therefor.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Keane: Senate Bill No. 488—An Act to provide for the establishment, maintenance, and control of a sanitarium for the treatment of curable cases of tuberculosis, and making appropriation therefor.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 489—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3½, providing for a petition of remonstrance and written objection, hearings thereon, and the determination thereof by the City Council.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 490—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Leavitt: Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads and regulating the hours of employment thereof.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

By Senator Curtin: Senate Bill No. 492—An Act to amend Sections 1171 and 1174 of the Penal Code of California, relating to the preparation and settlement of bills of exception in criminal cases.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright (by request): Senate Bill No. 493—An Act to define, prohibit, and punish the desecration, mutilation, or improper use of the flag of the United States of America, and to repeal an Act entitled "An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor," approved March 2, 1889.

Bill read first time, and referred to Committee on Judiciary.

By Senator McKee: Senate Bill No. 494—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 495—An Act appropriating money for advertising and exploiting the State Fair.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 496—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by amending Section 5 thereof, in relation to practicing without a certificate.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 497—An Act to provide for taking down the Agricultural Pavilion now located in Capitol Park, in the City of Sacra-

mento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said park from said material and such additional material as may be necessary, two exhibition buildings to be known as Agricultural Pavilion and Manufacturers Pavilion, respectively, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 498—An Act authorizing the payment of a claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Weed: Senate Bill No. 499—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers, to Hoopa Valley, Humboldt County, and also from a point along said route of the Salmon River to Black Bear.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Wolfe: Senate Bill No. 500—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 501—An Act to amend Section 1771 of the Political Code, relating to the power of county boards of education.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rolley: Senate Bill No. 502—An Act to appropriate \$20,000 out of any money in the State Treasury not otherwise appropriated to permanently drain Lake Earl, in Del Norte County.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 503—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof relating to the salaries of county and township officers in counties of the eleventh class and repealing all conflicting Acts.

Bill read first time, and referred to Committee on County Government.

By Senator Willis: Senate Bill No. 504—An Act to amend Section 11 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the use of books in such libraries.

Bill read first time, and referred to Committee on Judiciary.

By Senator Irish: Senate Bill No. 505—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of a lost or destroyed will.

Bill read first time, and referred to Committee on Judiciary.

By Senator Walker: Senate Bill No. 506—An Act to amend Sections 1115, 1118, and 1135 of the Code of Civil Procedure, relating to contesting certain elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Rush: Senate Bill No. 507—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts, and condemnation of property therefor.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator McCartney: Senate Concurrent Resolution No. 7—Approving four certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein on the fourth day of December, 1906.

Senate Concurrent Resolution referred to Committee on Municipal Corporations.

RUSH ORDER TO PRINTER.

On motion of Senator McCartney, the Secretary was directed to issue a rush order for the printing of Senate Concurrent Resolution No. 7.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of Senate Concurrent Resolution No. 6, the same was taken up.

MOTION.

Senator Wolfe moved that the majority and minority reports be read, and that the minority report be first considered.

Motion carried.

MAJORITY REPORT.

SENATE CHAMBER, SACRAMENTO, January 24, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Concurrent Resolution No. 6—Relative to instructing the Attorney-General of the State to appear in the Japanese cases—have had the same under consideration, and respectfully report committee substitute therefor, and recommend that the substitute do pass.

WOLFE, Chairman.

MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, January 25, 1907.

MR. PRESIDENT: The undersigned members of the Judiciary Committee, to which committee was referred Senate Concurrent Resolution No. 6—Relative to instructing the Attorney-General of the State to appear in the Japanese cases—do hereby dissent from the opinion and report of the majority of said committee on said resolution, and do hereby recommend the adoption of the resolution hereto annexed as a substitute for said Senate Concurrent Resolution No. 6.

MILLER,
CAMINETTI,
CURTIN,

Minority Members of said Judiciary Committee.

MINORITY COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 6.

WHEREAS, The President of the United States is attempting to interfere with the management and control of the public schools of the State of California, in San Francisco, by demanding the admission of children of Japanese parents into the same public schools in said city provided for the children of white parents; and

WHEREAS, At the time of said interference it was a matter of public record that equal opportunities for the education of children of Japanese parents with those accorded the children of white parents for years past has been and is now provided for at public expense by the State of California; and

WHEREAS, Such interference is in violation of the sovereign rights of the State of California; therefore, be it

Resolved by the Senate, the Assembly concurring. That the State of California does protest against the said unauthorized interference with its rights as a sovereign State, and the Governor and Attorney-General of the State of California are hereby requested to do all things necessary in the premises to assert the sovereign rights of the State of California as reserved to it in the Constitution of the United States.

Reports read.

The question being on the adoption of the minority report.

Senator Curtin addressed the Senate as follows:

MR. PRESIDENT: The "Japanese Question," now agitating the American people from one end of this continent to the other, is a serious one.

While it is to be hoped that it will not cause friction between two hitherto friendly nations, it will have served a useful purpose by calling attention to the

desire of our "strenuous President" to override the Constitution of the United States, in order to carry into effect an unwarranted assumption of power. The facts which have given rise to this subject may be summarized as follows:

Prior to the April fire which destroyed a large part of San Francisco, the children of white parents and no rule separating them or providing separate schools children of Japanese parents attended the same schools in said city as did the for said children had been made, but subsequent to said fire the Board of Education of San Francisco believed it wise to provide schools for the children of Japanese parents other than those attended by children of white parents, and accordingly on October 11, 1906, a rule was made by said board providing for such separation and requiring the children of Japanese parents to attend the separate school provided for them. This rule the Japanese resented and made complaint to the Japanese Minister at Washington, and subsequently the Secretary of Commerce and Labor visited San Francisco to obtain data and views on the situation thus presented, and in his report to the President, under date of November 26, 1906, it appears that on October 11, 1906, when the rule complained of was made, there were ninety-three Japanese children who attended the various public schools of San Francisco, twenty-five of whom were born in the United States and the remaining number were born elsewhere. Subsequent to the making of that report by the Secretary of Commerce and Labor, the President, under date of December 6, 1906, in his message to Congress, among other things, says:

"But here and there a most unworthy feeling has manifested itself toward the Japanese—the feeling that has been shown in shutting them out from the common schools in San Francisco, and in mutterings against them in one or two other places, because of their efficiency as workers. To shut them out from the public schools is a wicked absurdity, when there are no first-class colleges in the land, including the universities and colleges of California, which do not gladly welcome Japanese students and on which Japanese students do not reflect credit. We have as much to learn from Japan as Japan has to learn from us; and no nation is fit to teach unless it is willing to learn. * * *

"It is only a very small body of our citizens that act badly. Where the Federal Government has power it will deal summarily with any such. Where the several states have power, I earnestly ask that they also deal wisely and promptly with such conduct, or else this small body of wrongdoers may bring shame upon the great mass of their innocent and right-thinking fellows—that is, upon our nation as a whole. * * *

"I recommend to the Congress that an act be passed specifically providing for the naturalization of Japanese who come here intending to become American citizens. One of the great embarrassments attending the performance of our international obligations is the fact that the statutes of the United States are entirely inadequate. They fail to give the National Government sufficiently ample power, through United States courts and by the use of the army and navy, to protect aliens in the rights secured to them under solemn treaties which are the law of the land. I therefore earnestly recommend that the criminal and civil statutes of the United States be so amended and added to as to enable the President, acting for the United States Government, which is responsible in our international relations, to enforce the rights of aliens under treaties. Even as the law now is, something can be done by the Federal Government toward this end, and in the matter now before me affecting the Japanese, everything that it is in my power to do will be done, and all of the forces, military and civil, of the United States which I may lawfully employ will be so employed."

After transmitting this most extraordinary message to Congress we find the United States District Attorney for this district called to the seat of the Federal Government to consult upon devising means to carry into effect the desire of the President as manifested in his message to Congress, and on January —, 1907, application on behalf of a Japanese child was made to the Supreme Court of this State for a writ of mandate to compel the admission of said Japanese child into the same school with white children and on the same day a bill in equity was filed in the United States Circuit Court in San Francisco to enjoin said Board of Education from enforcing the rule referred to, to restrain said board from preventing said Japanese child from attending said school, and it is to the law bearing upon these two proceedings that my remarks will be directed.

A construction of four provisions of the Federal Constitution is necessary in order to arrive at a proper understanding and decision of the questions involved, and those provisions are as follows:

Article VI of said Constitution provides that:

"This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding."

Article X, otherwise called the "Tenth Amendment," provides:

"The powers not delegated to the United States, by the Constitution, nor prohibited by it to the states, are reserved to the states, respectively, or to the people."

Article II of said Constitution provides that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

The fourth provision is contained in the Fourteenth Amendment to said Constitution, which provides that:

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

In order to arrive at a proper understanding and appreciation of the legal propositions involved in this controversy, it is necessary that we review the historical conditions of our country, which led to the adoption of the Federal Constitution, so that we may interpret them in accordance with the intention of its framers.

In 1776, when war with England was imminent, when the Colonists realized that the form of government over them as prescribed by that country was becoming each month and each year, more onerous, drastic, tyrannical, nay—almost brutal, it was never doubted that a God of Justice would awaken to their prayers and grant deliverance of those people from that form of government, and that with help in God and a consciousness of the rectitude of their purpose, victory was sure to follow from their struggles; but freedom from England was not the all-important question then agitating the mind of the Colonists, for, unless, when freed from England's rule, a form of government could be established by which the rights enjoyed by the Colonists could be preserved, then there would be no blessings flow from the sacrifices to be made to secure that freedom. It must be borne in mind, that at that time, South Carolina had her slave laws, which were not granted to other colonies. Maryland had a charter guaranteeing religious freedom, Massachusetts had her own laws different from the other colonies, and so one with every other colony of the Original Thirteen. Not one colony could interfere with laws or rights enjoyed by any other colony, and while all desired freedom from the yoke of British rule, yet none were agreeable to part with the rights otherwise enjoyed, and with a view to the preservation of those rights, it was, in a Congress assembled in Philadelphia on October 19, 1774, for the purpose of issuing an address to the King asking an amelioration of the conditions under which the Colonists were then enduring:

"Resolved, 6. That they are entitled to the benefit of such of the English statutes, as existed at the time of their colonization, and which they have, by experience, respectively found to be applicable to their *several local* and other circumstances."

"Resolved, 7. That these, His Majesty's Colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charters, or secured by their *several codes* of provincial laws."

When those petitions for amelioration and redress were unheeded and unanswered, or were answered by more severe and other impositions, then did those Colonists assemble at Philadelphia with a view of securing that freedom of thought and of action "and equal station to which the laws of nature and of nature's God entitled them," and when secured, to have preserved to them, that independence of each other, which they hitherto enjoyed, and desired to continue to enjoy, they drafted the Declaration of Independence, the concluding words of which are "that these united colonies are, and of right ought to be, free and independent states."

On June 11, 1776, and before the Colonists would agree to the final adoption by Congress of that Declaration of Independence, it was resolved that a committee be appointed to draft "a form of confederation to be entered into between the Colonies," and that committee was appointed and the work of drafting those articles of confederation began, and so apprehensive were the people of the several colonies, that that INDEPENDENCE OF EACH OTHER AND OF THE GENERAL GOVERNMENT might not be thoroughly and absolutely preserved, that it was not until July 9, 1778, that a satisfactory draft was finally completed and New Hampshire was the first Colony to subscribe to the Articles, which was done by her on August 8, 1778. Delaware never agreed to the Articles until February 1, 1779, and Maryland not until January 20, 1781, and the complete ratification by all the Colonies could not be announced by Congress until March 1, 1781, so, according to the history of our country, we find that in its very formation, the sovereignty and independence of each state was one of the pillars upon which the foundation of this government rests, for, as said the United States Supreme Court in *Ware vs. Hylton*, 3 Dallas, 224—

"The Declaration of Independence was of the independence of EACH STATE, and NOT the states COLLECTIVELY."

And it was upon that declaration in the second Article of Confederation expressly provided that—

"Each state RETAINS ITS SOVEREIGNTY, FREEDOM AND INDEPENDENCE, AND EVERY POWER, JURISDICTION AND RIGHT, which is not by this confederation expressly delegated to the United States, in Congress assembled."

Now the above article has an all-important bearing on the question under consideration because it was the organic "law of the land" for ten years thereafter, to wit, until 1789. The necessity for further revision of these Articles of Confederation and for a complete and adequate Constitution for the Union arose principally out of the commerce conducted by George Washington upon the Ohio River, for

while carrying on that commerce each state through which his commerce was carried on demanded the right to levy a tax upon that commerce and as such a condition was not contemplated by the framers of the Articles of Confederation, and general dissatisfaction arose from the right of the different states or colonies to levy such tax; on February 21, 1787, Congress adopted a resolution in favor of a convention "to take into consideration the situation of the United States; to devise such further provision as should appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union," and, as a result of the adoption of that resolution the Federal Constitution was prepared and adopted and in the original draft there was omitted from the Constitution the RETENTION OF STATE SOVEREIGNTY, but the same was submitted and reserved in the tenth amendment to the Constitution and adopted by the First Congress on September 25, 1789, in and by which tenth amendment it was and is expressly provided that—"The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

We, therefore, turn to the question of what is the meaning and proper definition of a "state" as used in the Articles of Confederation and in the Federal Constitution. We find the answer to that question given by the United States Supreme Court in the case of *Texas vs. White*, reported in the 71 U. S. Reporter, at page 721, wherein that court said:

"A state, in the ordinary sense of the Constitution, is a political community of free citizens occupying a territory of defined boundaries, and organized under a government sanctioned and limited by a written constitution and established by the consent of the governed. It is the union of such states, under a common constitution, which forms the distinct and greater political unit, which that Constitution designates as the United States, and makes the people and states which compose it one people and one country."

And as said by the same court, in *Ableman vs. Booth*, 62 U. S. 523, that we have in this country—

"A complex character of government, and the existence of two distinct and separate sovereignties, within the same territorial space, each of them restricted in its power and each within its sphere of action prescribed by the Constitution of the United States, independent of each other."

On September 9, 1850, California was admitted into the "Union upon an equal footing with the original thirteen states in all respects whatever," and any power or right reserved to any of the original thirteen states is reserved to California. (114 U. S. 328.)

Now, then, in order to comprehend the full scope and extent of the powers of each government, we must turn to their organic law, which, when in the light furnished in the Declaration of Independence, in the Articles of Confederation, and in the Federal Constitution, we find as said by the Supreme Court of the United States, in the case of *Ohio Life Insurance Co. vs. DeBolt*, 16 Howard, 428—

"That it will be admitted by all hands, that, with the exception of the powers surrendered by the Constitution of the United States, the people of the several states are absolutely and unconditionally sovereign within their own respective territories."

In the case of *Collector vs. Day*, 78 (Wal) U. S. 124, it is said:

"It is a familiar rule of construction of the Constitution of the Union that the sovereign powers vested in the state government by their respective constitutions, remained unaltered and unimpaired, except so far as they were granted to the Government of the United States. That the intention of the framers of the Constitution in this respect might not be misunderstood, this rule of interpretation is expressly declared in the tenth article of the amendments, namely: 'The powers not delegated to the United States are reserved to the States respectively or to the people.' The Government of the United States, therefore, can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given, or given by necessary implication."

"The general government, and the states, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other within their respective spheres. The former in its appropriate sphere is supreme, but the states within the limits of their powers are granted, or, in the language of the tenth amendment, 'reserved,' are as independent of the general government as that government within its sphere is independent of the states."

We now turn to the all important question of WHAT POWERS WERE RESERVED TO THE STATES in the second Article of Confederation while it remained in force, and which were reserved to the states in the tenth amendment to the Federal Constitution.

It seems now beyond question that the "police power" is one of the powers expressly reserved in the Articles of Confederation and in the tenth amendment to the Constitution of the United States.

The Supreme Court of the United States, in the case of *United States vs. DeWitt*, 76 U. S. page 43, held squarely that by the reservation to the states

contained in the Federal Constitution, Congress has no power to make or enforce any rule or law which is in its nature a POLICE REGULATION, the operation of which is confined to one state, as the police power when confined to a state, BELONGS SOLELY TO THE STATE.

Again, in the case of *Patterson vs. Kentucky*, reported in the 97 U. S. Reporter, 503, affirming the doctrine laid down in the case just cited, the court said:

"In the American constitutional system," says Mr. Cooley, "the power to establish ordinary regulations of police has been left with the individual states, and can not be assumed by the National Government." Cooley Const. Lim. 574.

It is confessedly difficult to mark the precise boundaries of that power, or to indicate, by any general rule, the exact limitations which the states must observe in its exercise; the existence of such a power in the states has been uniformly recognized in this court. (Citing many cases.) It embraced what Mr. Chief Justice Marshall in *Gibbons vs. Ogden*, calls that "immense mass of legislation" which can be most advantageously exercised by the states, and over which our national authorities cannot assume supervision or control, and as said by the United States Supreme Court in *Prigg vs. Pennsylvania*, 16 Peters, 625:

"To guard, however, against any possible misconception of our views, it is proper to state that we are by no means to be understood in any manner whatsoever to doubt or to interfere with the police power belonging to the states in virtue of their sovereignty, that police power extends over all subjects within the territorial limits of the states, and has never been conceded to the United States."

This question arose again in the case of *Groves vs. Slaughter*, 15 Peters, 499, and upon it the Supreme Court of the United States again said:

"The genius and character of the whole government seem to be that its action is to be applied to all the external concerns of the nation, and to those internal affairs which affect the states generally, but not to those which are completely within a particular state."

The United States Supreme Court, in the case of the *United States vs. Knight*, 156 U. S. 13, said:

"It is vital that the independence of the commercial power and of the police power and the delimitation between them, however sometimes perplexing, should always be recognized and observed. For while the one furnishes the strongest bond of union, the other is essential to the preservation of the autonomy of the states as required by our dual form of government. Acknowledged evils, however grave and urgent they may appear to be, had better be borne than the risk be run in the effort to suppress them of more serious consequence by resort to expedients of even doubtful constitutionality. * * * * * The regulation of commerce applies to the subjects of commerce, and not to matters of internal police."

In the *Dartmouth College case*, 4 Wheaton 628, Chief Justice Marshall said:

"The framers of the Constitution did not intend to restrain the states in the regulation of their civil institutions, adopted for their internal government, and the instrument they have given us is not to be so construed."

Having satisfied ourselves that the "police power" was never surrendered by the states to the Federal Government, we now turn to the question as to whether or not the education of the youth of our land falls within the police power, and if so, had the Legislature of California the right to enact section 1662, Political Code, as follows?:

"1662. Every school, unless otherwise provided by law, must be open for the admission of all children between six and twenty-one years of age residing in the district, and the board of school trustees, or city board of education, have power to admit adults and children not residing in the district, whenever good reasons exist therefor. Trustees shall have the power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Mongolian or Chinese descent. When such separate schools are established, Indian, Chinese or Mongolian children must not be admitted into any other school; *provided*, that in cities and towns in which the kindergarten has been adopted or may hereafter be adopted as part of the public primary schools, children may be admitted to such kindergarten classes at the age of four years; and *provided further*, that in cities or school districts in which separate classes have been or may hereafter be established, for the instruction of the deaf, children may be admitted to such classes at the age of three years."

The right of the Legislature to pass the law contained in Section 1662, Political Code, which provides for the separation of children of different blood, is settled by decisions upon that point rendered by every court having occasion to pass upon this question. When this question first arose it came before the Supreme Court of Massachusetts in 1849, in the case of *Roberts vs. The City of Boston*, reported in 5 Cushing Reports, page 198, the court there said:

"The great principle advanced by the learned and eloquent advocate of the plaintiff," said the Chief Justice, "is that by the constitution and laws of Massachusetts all persons, without distinction of age or sex, birth or color, origin or condition, are equal before the law. This, as a broad general principle, such as ought to appear in a declaration of rights, is perfectly sound. It is not only expressed in terms, but pervades and animates the whole spirit of our constitution of free government. But when this great principle comes to be applied to the actual and various conditions of persons in society it will not warrant the assertion that men and women are legally clothed with the same civil and political powers, and that children and adults are legally to have the same functions and be subject to the same treatment; but only that the rights of all, as they are settled and regulated by law, are equally entitled to the paternal consideration and protection of the law for their maintenance and security. What those rights are to which individuals, in the infinite variety of circumstances by which they are surrounded in society, are entitled, must depend on laws adapted to their respective relations and conditions. Conceding, therefore, in the fullest manner, that colored persons, the descendants of Africans, are entitled by law, in this commonwealth, to equal rights, constitutional and political, civil and social, the question then arises whether the regulation in question, which provides separate schools for colored children, is a violation of any of these rights. * * * The power of general superintendence vests a plenary authority in the committee to arrange, classify and distribute pupils in such a manner as they think best adapted to their general proficiency and welfare. If it is thought expedient to provide for very young children, it may be that such schools may be kept exclusively by female teachers, quite adequate to their instruction, and yet whose services may be obtained at a cost much lower than that of more highly-qualified male instructors. So if they should judge it expedient to have a grade of schools for children from seven to ten, and another for those from ten to fourteen, it would seem to be within their authority to establish such schools. So to separate male and female pupils into different schools. It has been found necessary—that is to say, highly expedient—at times to establish special schools for poor and neglected children, who have passed the age of seven, and have become too old to attend the primary school, and yet have not acquired the rudiments of learning to enable them to enter the ordinary schools. If a class of youth of one or both sexes is found in that condition, it seems to be within the power of the superintending committee to provide for the organization of such special schools. * * * The committee, apparently upon great deliberation, have come to the conclusion that the good of both classes of schools will be best promoted by maintaining the separate primary schools for colored and for white children, and we can perceive no ground to doubt that this is the honest result of their experience and judgment. It is urged that this maintenance of separate schools tends to deepen and perpetuate the odious distinctions of caste, founded in a deep-rooted prejudice in public opinion. This prejudice, if it exists, is not created by law, and probably cannot be changed by law. Whether this distinction and prejudice, existing in the opinion and feelings of the community, would not be as effectually fostered by compelling colored and white children to associate together in the same schools may well be doubted. At all events, it is a fair and proper question for the committee to consider and decide upon, having in view the best interests of both classes of children placed under their superintendence, and we cannot say that their decision upon it is not founded upon just grounds of reason and experience and is the result of a discriminating and honest judgment."

That there may be good and sufficient reasons for the segregation of children of different blood from those of the American children, is well answered by the Supreme Court of Pennsylvania in the case of *Westchester Railroad Company vs. Miles*, in the 93d American Decision, 747, wherein the court said:

"The danger to the peace endangered by the feeling of aversion between individuals of the different races cannot be denied. If a negro takes his seat beside a white man or his wife or daughter, the law cannot repress the anger or conquer the feeling of aversion which some will feel. However unwise it may be to indulge the feeling, human infirmity is not always proof against it. It is much wiser to avert the consequence of this repulsion of race by separation than to punish afterwards the breach of the peace it may have caused. * * * The question is one of difference, not of superiority, or inferiority. Why the Creator made one black and the other white, we know not; but the fact is apparent, and the races distinct, each producing its own kind, and following the peculiar law of its constitution. Conceding equality, with natures as perfect and rights as sacred, yet God has made them dissimilar, with those natural instincts and feelings which He always imparts to His creatures when He intends that they shall not overstep the natural boundaries he has assigned to them. The natural law which forbids their intermarriage, and that social amalgamation which leads to a corruption of the races, is as clearly divine as that which imparted to them different natures. The tendency of intimate social intermixture is to amalgamation, contrary to the law of races. The separation of white and black races upon the surface of the globe is a fact equally

apparent. Why this is so, it is not necessary to speculate; but the fact of a distribution of men by race and color is as visible in the providential arrangement of the earth as that of heat and cold. The natural separation of the races is therefore an undeniable fact, and all social organizations which lead to their amalgamation are antagonistic to the law of nature. From sound organization it is but a step to illicit intercourse, and but another to intermarriage. But to assert separateness is not to declare inferiority in either, it is not to declare one a slave and the other a freeman—that would be to draw the illogical sequence of inferiority from difference only. It is simply to say that following the order of Divine Providence, human authority ought not to compel these widely separated races to intermingle. The right of such to be free from social contact is as clear as to be free from intermarriage. The former may be less repulsive as a condition, but not less entitled to protection as a right.

"When, therefore, we declare a right to maintain separate relations, so far as is reasonably practicable, but in a spirit of kindness and charity, and with due regard to equality of rights, it is not antagonistic, *per se*, to the rights of any kind, but simply to suffer men to follow the law of races established by the Creator himself, and not to compel them to intermingle contrary to their instincts."

In the case of *United States vs. Bantin*, reported in 10 Fed. Rep. 730, a case of criminal prosecution against a school teacher for depriving the complaining witness of civil rights brought in the United States District Court for Southern District of Ohio in February, 1882, the facts of which were as stated in the opinion being as follows:

"It is charged that one John Bantin deprived James H. Vines and other children of Jacob H. Vines of a right secured by the constitution and law of the United States, to wit: the right to attend the *same* public school situated in a certain district in Washington township, Clermont County, Ohio; said children being colored children of African descent, under cover of a statute of Ohio providing that the school boards of two or more adjoining districts may unite in establishing a separate school for colored children, and under color of regulation excluding colored children. The testimony showed that there was no school for colored children in the sub-district in which the prosecuting witness resided; the school for white children was situated about three miles from his house. The township board of education had established a separate school for the colored children of the township, under the provisions of Section 4008 of the Revised Statutes of Ohio which is as follows:

"When, in the judgment of the board, it will be for the advantage of the district so to do, it may create separate schools for colored children. The boards of two or more adjoining districts may unite in a separate school for colored children, each board to bear its proportionate share of the expense of such school, which shall be under the control of the board of education of the district in which the school is situated."

The court charged the jury as follows: "The negro, under the national constitution and laws, is invested with precisely the same rights that are possessed by the white race, and subject to the same duties, obligations and liabilities. The school which defendant was teaching was a public school, established and maintained with public money, to which every child, whether white or black, of that school district, had the right to go for instruction, unless some other school of substantially equal merit had been provided for them. It is, however, insisted that such provision had been made for the prosecuting witness. That there was such a school in that district for the education of the colored children is contended. The Supreme Court of the State has held that such a classification of the two races is within the constitutional discretion of the legislature, and that the separate education of the whites and blacks in accordance with the terms of the law is no wrong to either. "I concur and adopt this decision as a correct exposition of the constitution."

The case occurred to be the learned Judge and referred to in the opinion is that of *The State ex rel. Gaines vs. McCann et al.*, 21 Ohio, 210, and in which the Ohio statute enacted was because the court and was assailed as being in conflict with the fourteenth amendment to the Federal Constitution, in so denying the colored parents the "equal protection of the laws" and to which contention the court said:

"For, conceding that the fourteenth amendment not only provides equal securities for all, but guarantees equality of rights to the citizens of a state, as one of the privileges of citizens of the United States, it remains to be seen whether this privilege has been abridged in the case before us. The law in question surely does not attempt to deprive colored persons of any rights. On the contrary it recognizes their right, under the Constitution of the State, to equal common school advantages, and agrees to them their equal proportion of the school fund. It only regulates the mode and manner in which this right shall be enjoyed by all classes of persons. The regulation of this right arises from the necessity of the case.

"* * * The question, therefore, under consideration is the same that has, as we have seen, been heretofore determined in this State, that a classification of the youth of the State for school purposes, upon any basis which does not exclude either class from equal school advantages, is no infringement of the equal rights of her citizens secured by the constitution of the state."

In the case of *Bertinomy vs. The Board of Directors of City Schools et al.*, decided by the United States Circuit Court in New Orleans in November, 1878, and

reported in Vol. 3, Woods' Reports, 177, and which was an action in equity to obtain a decree restraining the board of directors of the city schools in New Orleans from enforcing a resolution adopted by that board requiring the separation of children of Africans from those of the whites in the attendance on the public schools and providing a separate school for the children of African descent and for a mandatory injunction compelling the admission of the colored children into the same schools with the children of white parents, the court said:

"The grievance, and the sole grievance set out in the bill is that complainant's children, being of African descent, are not allowed to attend the same public schools as those in which children of white parents are educated.

"Is this a deprivation of a right granted by the Constitution of the United States? The complainant says that the action of the defendants deprives him and his children of the equal protection of the laws; and therefore impairs a right granted to him and them by the fourteenth amendment to the Constitution of the United States, and the act of Congress passed to secure the same.

"Is there any denial of equal rights in the resolution of the board of directors of the city schools, or in the action of the subordinate officers of the schools, as set out in the bill? Both races are treated precisely alike. White children and colored children are compelled to attend different schools. That is all. The state, while conceding equal privileges and advantages to both races, has the right to manage its schools in the manner which in its judgment, will best promote the interest of all.

"The state may be of opinion that it is better to educate the sexes separately and therefore establishes schools in which the children of different sexes are educated apart. By such a policy can it be said that the equal rights of either sex are invaded? Equality of right does not involve the necessity of educating children of both sexes, or children without regard to their attainments or age in the same school. Any classification which preserves substantially equal school advantages does not impair any rights, and is not prohibited by the Constitution of the United States. Equality of rights does not necessarily imply identity of rights.

"These views have been held by the Supreme Court of Ohio, in respect to a law under which colored children were not admitted as a matter of right into the school for white children."

When in May, 1896, the laws of Louisiana which provided that negroes should ride in separate coaches on cars from those occupied by white persons and an application was made to the State Supreme Court for a writ prohibiting the trial court from punishing petitioner, upon a charge of refusing by violence to comply with the law of Louisiana requiring colored persons to ride in cars provided for them and which are other than those in which white persons were riding in, the state court denied the relief sought and the matter came before the United States Supreme Court on writ of error, 16 U. S. Rep. 1140, and in affirming the action of the court below, said in reference to the fourteenth amendment to the Federal Constitution:

"The object of the amendment was undoubtedly to enforce the absolute equality of the two races before the law, but, in the nature of things, it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation, in places where they are liable to be brought into conflict, do not necessarily imply the inferiority of either race to the other, and have been generally if not universally, recognized as within the competency of the state legislatures in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children, which have been held to be a valid exercise of the legislative power even by courts of states where the political rights of the colored race have been longest and most earnestly enforced.

"One of the earliest of these cases is that of *Roberts vs. City of Boston*, 5 Cush. 198, in which the supreme judicial court of Massachusetts held that the general school committee of Boston had power to make provision for the instruction of colored children in separate schools established exclusively for them, and to prohibit their attendance upon the other schools. 'The great principle,' said Chief Justice Shaw, 'advanced by the learned and eloquent advocate for the plaintiff (Mr. Charles Sumner), is that, by the constitution and laws of Massachusetts, all persons, without distinction of age or sex, birth or color, origin or condition, are equal before the law.

"But, when this great principle comes to be applied to the actual and various conditions of persons in society, it will not warrant the assertion that men and women are legally clothed with the same civil and political powers, and that children and adults are legally to have the same functions and be subject to the same treatment; but only that the rights of all, as they are settled and regulated by law, are equally entitled to the paternal consideration and protection of the law for their maintenance and security.

"It was held that the powers of the committee extended to the establishment of separate schools for children of different ages, sexes and colors, and that they might also establish special schools for poor and neglected children, who have become too old to attend the primary school, and yet have not acquired the rudiments of learning, to enable them to enter the ordinary schools. Similar laws have been enacted by Congress under its general power of legislation over the District of Columbia (sections 281-283, 310-319, Rev. St. D. C.) as well as by the legislatures of many of the states, and have been generally, if not uniformly, sustained by the courts.

"*State vs. McCann*, 21 Ohio St. 210; *Lohr vs. Brumwell* (Mo. Sup.), 15 S. W. 765; *Ward vs. Flood*, 48 Cal. 36; *Bertoni vs. Directors of City Schools*, 3 Woods, 117, Fed. Cas. No. 1, 361; *People vs. Gallagher*, 93 N. Y. 438; *Coom vs. Carter*, 48 Ind. 337; *Danson vs. Lee*, 83 Ky. 49.

"Laws forbidding the intermarriage of the two races may be said in a technical sense to interfere with the freedom of contract, and yet have been universally recognized as within the police power of the state": *State vs. Gobson*, 36 Ind. 389.

The same question again arose in the case of *People ex rel. Cisco vs. The School Board of Borough of Queens*, in New York City, and reported in 161 N. Y., page 598, decided in February, 1900, and it was again held that:

"If the Legislature determined that it was wise for one class of pupils to be educated by themselves, there is nothing in the Constitution to deprive it of the right to so provide. It was the facilities for and the advantages of an education that it was required to furnish to all the children, and not that it should provide for them a particular class of associates, while such education was being obtained."

The order of the court below denying relief was affirmed.

Referring to the case just cited, the following article from the pen of C. C. Carlton, taken from the San Francisco "Call" of date January 27, 1907, may be of interest:

"In connection with the President's interference with San Francisco's School Board, residents of New York City and State, and particularly of Long Island, recall the attitude of Roosevelt when he was Governor of New York and of the Republican state organization, which compelled the public schools to receive negro children as well as whites. The exclusion of negro pupils from the public schools set aside for white children had long been a source of irritation to the negroes, especially in Queens County, where the proportion of negroes to the population was larger than in most counties.

"Under the authority of the old law the local school boards had established separate schools for white children and refused to admit negroes. At the time that Roosevelt became Governor the matter had been in the courts for three years. A colored woman named Cisco, in Jamaica, Queens County, Long Island, supported by an association of negroes, contested the right of the school board to exclude her child from the white school. In order to secure the rights which the negroes demanded, State Senator Elsberg, with the encouragement of Governor Roosevelt, introduced in the Legislature a bill repealing the act which permitted school trustees to set aside separate schools for white and black pupils. The bill was bitterly contested by residents of Queens County, who objected to mixed schools.

"Governor Roosevelt, however, said at that time: 'My own child occupied a seat next to a negro pupil in the public school in Oyster Bay, and I saw nothing objectionable in it.' The bill introduced by Senator Elsberg became a law and was signed by Governor Roosevelt on March 29, 1900, and it is now enforced in this state."

In 1874 this same question came before the Supreme Court of California (*Ward vs. Hood*, 48 Cal. 417), and in which case applicant was a colored child of a colored citizen of the United States and the court denied the writ of mandate, and quoted from the Massachusetts case at length and added:

"In the circumstances that the races are separated in the public schools there is certainly to be found no violation of the constitutional rights of the one race more than the other, and we see none of either, for each, though separated from the other, is to be educated upon equal terms with that other, and both at the common public expense."

Again in December, 1902, this question was presented in San Francisco when the child of a Chinese parent named Wong Him sought admission into the Clement Grammar School of that city, and upon being refused sought an injunction in the Federal Court restraining the principal of the school from denying him admission into the school. Judge DeHaven, before whom the proceedings were pending, in denying the order asked for, said:

"The bill alleges that all children, irrespective of age and nationality, are permitted to attend said grammar school, with the exception of children of Chinese descent, and that the defendant excludes the complainant from the right to attend this school upon the sole ground that he is of Chinese descent, and claim the right to do so under the provisions of Section 1662 of the Political Code of the State of California, which gives to the trustees of school districts the power to establish separate schools for children of Mongolian or Chinese descent, and further provides that 'when such separate schools are established, Chinese or Mongolian children must not be admitted into any other schools.'

"It is further alleged that this statute is in conflict with the fourteenth amendment to the Constitution of the United States, in that it deprives the complainant of the equal protection of the laws of California relative to his right to admission as a pupil into the public schools of the State. As I construe the allegations of the bill, there has been established in the City and County of San Francisco a separate school exclusively for Chinese children and children of Chinese descent, which the complainant can attend. It is not alleged that such school does not afford the same advantages in the matter of acquiring an education as is given to children of schools to which Chinese are not admitted. The sole ground of complaint is that the maintenance of separate schools for children of Chinese descent is a discrimination 'is arbitrary,' and the result of hatred for the Chinese race.

"The validity of the statute referred to does not depend upon the motive which may in fact have actuated the members of the Legislature in voting for its enactment. Upon such an inquiry the courts have no right to enter. If the law does not conflict with some constitutional limitation of the powers of the State Legislature it can not be declared invalid. Concerning the authority of the State over matters pertaining to public schools within its limits, and the validity of legislation of the character of that under consideration, it is well settled that the State has the right to provide separate schools for the children of different races, and such action is not forbidden by the fourteenth amendment to the Constitution, provided the schools so established make no discrimination in the educational facilities which they afford. When the schools are conducted under the same general rules, and the course of study is the same in one school as in the other, it cannot be said that pupils in either are deprived of the equal protection of the law in the matter of receiving an education": 119 Fed. Rep. 381.

In the late case of *Cummings vs. The Board of Education*, decided in October, 1899, and reported in 175 U. S. 545, the Supreme Court of the United States, speaking through Mr. Justice Harlan, said:

"We may add that while all admit that the benefits and burdens of public taxation must be shared by citizens without discrimination against any class on account of their race, the education of the people in schools maintained by state taxation is a matter belonging to the respective states, and any interference on the part of the Federal authority with the management of such schools cannot be justified except in the case of a clear and unmistakable disregard of the rights secured by the supreme law of the land."

The action of the School Board of the State of Georgia requiring the education of children of colored parents in different schools from those provided for the children of white parents was sustained.

It must be assumed, therefore, that it is now settled that the "police power" of the states were never surrendered by the states to the Federal Government; that the education of the youth of our land falls within the "police power" reserved to the states; that in the exercise of that "police power" each state has a constitutional right to classify the children of all ages and sexes, color, and race, and may provide separate schools for the children born of white parents and for children born of colored, Mongolian, or Japanese parents; we, therefore, turn to the question of whether or not Section 1662 of the Political Code, if in conflict with any treaty of any country, will fall, and the treaty prevail?

This question, we think, has been adjudicated more than once by the highest court in our land.

The three cases known as the "License Cases," and which arose in the States of Massachusetts, Rhode Island, and New Hampshire, and were severally decided by the United States Supreme Court in one case, and resulted from the sale of liquors in each state in violation of the laws of such state, and where it was contended that the treaty obligations with foreign countries permitted the importation of the liquors mentioned in the laws of those states, and that the laws of those states imposing certain conditions on the sale of those liquors were in violation of certain treaty obligations, Mr. Justice Daniels used the following language:

"This provision of the Constitution, it is feared, is sometimes expounded without these qualifications, which the character of the parties to this instrument, and its adaption to the purposes for which it was created, necessarily imply. Every power delegated to the Federal Government must be expounded in coincidence with a perfect right in the states to all that they have not delegated; in coincidence, too, with the possession of every power and right necessary for their existence and preservation; for it is impossible to believe that these were ever, either in intention or in fact, ceded to the General Government. Laws of the United States in order to be binding must be within the legitimate powers vested by the Constitution. Treaties in order to be valid must be made within the scope of the same power, for there can be no authority of the United States, save what is derived immediately or unimmediately and regularly, and legitimately from the Constitution. A treaty no more than an ordinary statute can arbitrarily cede away one right of a state or of any citizen of a state,": 5 Howard, 613.

Again in the case of *People ex rel. Attorney-General vs. Naglee*, decided in December, 1850, reported in 1 Cal. 233, which was an action wherein the complaint alleged that defendant had acted as a collector of license fees from foreign miners, and had exacted sums of money from different individuals who were foreigners, for the privilege of working gold mines in this State, and in which action was drawn into question the treaty between the United States and Mexico, and the court in a very learned and able opinion held that:

"First, as to treaties generally. Perhaps the most satisfactory mode of testing the validity of the law, under this point, will be to take the treaty with that power to whose subject as extensive privileges are granted by our country as to those of any other nation. We will, therefore, consider the case as if it involved our treaty relations with Great Britain, and under the supposition that a subject of the Queen of Great Britain was the person from whom the sum of twenty dollars had been exacted.

"By the fourteenth article of the treaty of 1794 (known as Jay's Treaty), which was substantially renewed by Article I of the treaty of 1815, the subjects of the

King of Great Britain, coming from his Majesty's territories in Europe, had granted to them liberty freely and securely, and without hindrance of molestation, to come with their ships and cargoes, to the lands, countries, cities, ports, places, and rivers within our territories, and enter the same, to resort there, to remain and reside there, without limitation of time; and reciprocal liberty was granted to the people of the United States in His Majesty's European territories; * * * but subject always, as respects this article, to the laws and statutes of the two countries, respectively. By his treaty our inhabitants whilst in the British dominions were to abide by the laws of Great Britain; and the subjects and inhabitants of that country, when in our territories, were to abide by the laws of the United States and by the laws of the respective states where they might be. The only question, then, under this treaty is whether the act of the legislature falls within the scope of the powers of a sovereign nation, and at the same time, is not included in the category of powers granted by the states to the general government; for, if it falls within the former, and is excluded from the latter, then it is one of the laws which the treaty itself makes obligatory upon British subjects. But we have seen that the power of taxation, and the power of prescribing the conditions upon which aliens shall be permitted to reside in a state, are attributes of a sovereign nation, which have not, except in certain specific cases, of which the present is not one, been given up to the Federal Government. Our statute, then, is one of the laws or statutes to which the treaty by its own terms provides that the subjects of Great Britain shall be subject. * * * The act, then, is not repugnant to that treaty. But even if the provisions of the statute did clash with the stipulations of that or of any other treaty, the conclusion is not deducible that the treaty must therefore stand and the state law give way. The question in such case would not be solely what is provided for by the treaty, but whether the state retained the power to enact the contested law or had given up that power to the General Government.

"If the state retains the power, then the President and Senate cannot take it away by a treaty. A treaty is supreme only when it is made in pursuance of that authority which has been conferred upon the treaty-making department, and in relation to those subjects the jurisdiction over which has been exclusively intrusted to Congress. When it transcends these limits, like an act of Congress which transcends the constitutional authority of that body, it can not supersede a state law which enforces or exercises any power of the state not granted away by the Constitution."

In further support of the constitutional right of our state to enforce its laws if the same conflict with a treaty where any of the provisions of the latter are beyond the legitimate province of the treaty-making power to adjust, we turn to the question of whether or not treaties "are the law of the land" when stated as broadly as is contained in the message of the President hereinbefore quoted from.

In 1881, Mr. Blaine, when Secretary of State, wrote the Chinese Minister at Washington that a treaty—

"Must be made in conformity with the Constitution and where a provision in either a treaty or a law is found to contravene the principles of the Constitution, such provision must give way to the superior force of the Constitution which is the organic law of the Republic, binding alike on the government and the nation": See Foreign Relations U. S. 1881, page 337.

In 1886, Mr. Bayard, then Secretary of State, said:

"A treaty is, it is true, the supreme law of the land, but it is nevertheless only a law imposed by the Federal Government, and subject to all the limitations imposed by the same authority. While internationally binding the United States to the other contracting party, it may be municipally inoperative because it deals with matters in the states as to which the Federal Government has no power to deal": See Moore's Digest, Int. Law, Sec. 728.

With reference to the Sixth Article of the Federal Constitution, George Tishner Curtis, author of Constitutional History of the United States (second page, 544, cited in Butler's Treaty-Making Power of the United States, Section 2647) says:

"It is a remarkable circumstance that this provision was originally proposed by a very earnest advocate of the rights of the states—Luther Martin. His design, however, was to supply a substitute for a power over state legislation, which had been embraced in the Virginia plan, and which was to be exercised through a negative by the national legislature upon all laws of the states contravening, in their opinion, the Articles of Union or the treaties subsisting under the authority of the Union. The purpose of the substitute was to change a legislative into a judicial power by transferring from the national legislature to the judiciary the right of determining whether a state law supposed to be in conflict with the Constitution, laws, or treaties of the Union should be improper or void. By extending the obligation to regard the requirements of the national Constitution and laws to the judges of the state tribunals, their supremacy in all the judicatures of the country was secured."

In the case of *Whitney vs. Robertson*, decided in 1887, reported in the 124 U. S. Reporter, page 190, wherein was drawn into question the treaty of February 8, 1867, between the United States and the Dominican Republic (San Domingo Island), it was contended, that, inasmuch as the treaty between the United States and the King of the Hawaiian Islands, made January 30, 1875, provides for the free importa-

tion into the United States of sugar and certain other articles, the product of those islands, that as the San Domingo Treaty which provides that no higher duty shall be charged for the importation into the United States "than are or shall be payable on the like articles, the growth, produce or manufacture of any other foreign country or its fishery" the United States should admit free of duty, sugar made in the San Domingo Islands; in other words, that under the "most favored nation" clause or words to the same effect, sugar should come into the United States, from San Domingo Islands, free of duty, but the Supreme Court in deciding the case said:

"But, independently of considerations of this nature, there is another and complete answer to the pretensions of plaintiff. The Act of Congress under which the duties were collected authorized their exaction. It is of general application, making no exception in favor of goods of any country. It was passed after the treaty with the Dominican Republic, and, if there be any conflict between the stipulations of the treaty and the requirements of the law, the latter must control. * * * Congress may modify such provisions or supersede them altogether. By the Constitution a treaty is placed on the same footing, and made of like obligation with an act of legislation. Both are declared by that instrument to be the supreme law of the land, and no superior efficacy is given to either over the other."

It ought, therefore, to be apparent that if Congress can, by a later act, supersede a treaty altogether, yet at the same time can not pass any act, interfering with the exercise by a state of its police power, that treaties are not always, and in all cases, the "law of the land."

Having satisfied ourselves that the states reserve to themselves the "police power," and that the education of the youth is within that "police power," that the states within the proper exercise of that power may classify the scholars, determine the age during which they may attend, and provide separate schools for white children, and children of Chinese and Mongolian parents, provided each school affords *equal opportunity* of education for the children who attend them, and so do without violating any provisions of the Federal Constitution the question then remaining is, do the provisions of the said Section 1662 of the Political Code which provides for such separate schools, violate any of the provisions of the treaty between the United States and Japan, negotiated and concluded on March 21, 1895, the first and second articles of which are as follows:

"The citizens or subjects of each of the two high contracting parties shall have full liberty to enter, travel, or reside in any part of the territories of the other contracting party, and shall enjoy full and perfect protection for their persons and property.

"They shall have free access to the courts of justice in pursuit and defense of their rights; they shall be at liberty equally with native citizens or subjects to choose and employ lawyers, advocates, and representatives to pursue and defend their rights before such courts and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native citizens or subjects.

"In whatever relates to rights of residence and travel, to the possession of goods and effects of any kinds, to the succession to personal estate, by will or otherwise, and the disposal of property of any sort and in any manner whatsoever which they may lawfully acquire, the citizens or subjects of each contracting party shall enjoy in the territories of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native citizens or subjects, or citizens and subjects of the most favored nation. The citizens or subjects of each of the contracting parties shall enjoy in the territories of the other entire liberty of the conscience, and, subject to the laws, ordinances, and regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen, according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

"They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be paid by native citizens or subjects, or citizens or subjects of the most favored nation.

"The citizens or subjects of either of the contracting parties residing in the territories of the other shall be exempt from all compulsory military service whatsoever, whether in the army, navy, national guard, or militia: from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions.

"Art. 11. There shall be reciprocal freedom of commerce and navigation between the territories of the two high contracting parties.

"The citizens or subjects of each of the high contracting parties may trade in any part of the territories of the other by wholesale or retail, in all kinds of produce, manufactures, and merchandise of lawful commerce, either in person or by agents, singly or in partnership with foreign or native citizens or subjects, and they may there own or hire and occupy houses, manufactories, warehouses, shops, and premises which may be necessary for them, and *lease* land for residential and commercial purposes, conforming themselves to the laws, police and customs regulations of the country like native citizens or subjects.

"They shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other, which are or may be opened to foreign commerce, and shall enjoy, respectively, the same treatment in matters of commerce and navigation as native citizens or subjects, or citizens or subjects of the most favored nation, without having to pay taxes, imposts, duties of whatever nature or under whatever denomination levied in the name or for the profit of the government, public functionaries, private individuals, corporations, or establishments of any kind other or greater than those paid by native citizens or subjects, or citizens or subjects of the most favored nation.

"It is, however, understood that the stipulations contained in this and the preceding articles do not in any way affect the laws, ordinances and regulations with regard to trade, the immigration of laborers, police, and public security which are in force or which may hereafter be enacted in either of the two countries."

Now, when, in the "Japanese Treaty," it was expressly provided, that the subjects "conforming themselves to the laws, police, and customs regulations of the country like native citizens or subjects," it must be assumed that the representatives of both high contracting parties KNEW THE SETTLED LAWS OF EACH COUNTRY. That so far as the United States was concerned, it is provided in Section 1, Subdivision 17 of Article I of the Federal Constitution that Congress shall have power "To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cessions of particular states, and the acceptance of Congress, become the seat of government of the United States; and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other naval public buildings," and that, by virtue of the above article, the "laws, police and customs regulations" of the Federal Government WERE LIMITED TO THE DISTRICT OF COLUMBIA and over such other places as might be ceded BY THE SEVERAL STATES TO THE FEDERAL GOVERNMENT, as provided for in that article; for such has been the uniform decisions of the Supreme Court of the United States, many of which are cited in *Law vs. Port Poonamath*, R. R. 114 U. S. 528, and the places thus ceded to the Federal Government for uses of the Federal Government, not being open to settlement or occupation by any one citizen or alien, it must be assumed that the covenants in the treaty to the effect that the citizens or subjects of each country "conforming themselves to the laws, police, and customs regulations of the country, like native citizens or subjects," shall have certain rights, were intended by the high contracting parties to be the "laws, police, and customs regulations," prescribed by the several states under their several constitutions, for no one would for a moment contend that it was then contemplated that all or any of the Japanese who would migrate to this country would settle in the District of Columbia or in such other places over which jurisdiction might be ceded to the Federal Government. Such places were not then open to settlement by any one. Therefore, it would seem clear, that if "Japanese" are included within the race known as the "Mongolian," it does not come with good grace for any subject of Japan to now seek to avoid the covenants of that treaty or claim the right to have his children enter the same schools with the children of white parents, under the "most favored nation" clause; but if the "most favored nation" clause could be invoked, the Japanese could claim no greater rights than are guaranteed to American citizens and the children of American citizens are subject to all the "laws, police, and customs regulations" of the State of California. Such has been the uniform decision of the courts of this country.

The question as to whether "Japanese" are included within the race known as the "Mongolian" is a question for legislative expression and definition, and in the absence of such expression and definition the determination is one to be arrived at in the judicial proceedings in which the question arises, for as said by the United States Supreme Court in the case of *Plessy vs. Ferguson*, 16 Sup. Ct. Rep. 1138-1144:

"It is true that the question of the proportion of colored blood necessary to constitute a colored person, as distinguished from a white person, is one upon which there is a difference of opinion in the different states; some holding that any visible admixture of black blood stamps the person as belonging to the colored race. *State vs. Chaves*, 5 Jones N. C. 71. Others that it depends upon the proportion of blood. *Straus vs. State of Ohio*, 4 Ohio, 54; *Monroe vs. Collins*, 17 Ohio St. 665, and still others that the preponderance of white blood must only be in the proportion of three-fourths. *People vs. Hunt*, 14 Mich. 406; *Jones vs. Conn.* 80 Va. 544. But these are questions to be determined under the STATE LAWS, and are not properly put in issue in this case."

In conclusion it is respectfully submitted:

1. That we have in this country a dual form of government—a Federal and State Government.
2. That within the sphere of their respective powers each government is sovereign or supreme and independent of each other.
3. That while the President of the United States has "power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur," that treaty-making power can only be exercised within the constitutional authority granted by the states to the Federal Government.
4. That if a treaty in any of its provisions, conflict with the Constitution of a state, and said portions of the treaty so conflicting be not within the constitutional

authority of the treaty-making power, the provisions of the State Constitution control.

5. That the police power of each state has never been surrendered by the states to the Federal Government.

6. That as California was admitted into the Union on an "equal footing" with the original states, any power reserved to those states is reserved to California.

7. That within the police power reserved to the states, is the authority to provide for the education of children.

8. That in the proper exercise of that power, the legislature may classify the children and provide for the separation of the children of the white race from the children of Mongolian, African, Japanese, or other race; *provided*, that equal opportunities for education of each class is provided for in such separate schools.

9. That by the treaty between Japan and the United States, the contracting parties covenant to conform the subjects of Japan, while here, to all the "laws, police, and customs regulations" which may be then in force or hereafter enacted in the country where the subjects may reside.

10. That the Japanese subjects here are stopped by that treaty from in any manner complaining of the police laws of California constitutionally enacted, unless it be contended that Japanese are not "Mongolian."

11. That if the Japanese race be not included in the "Mongolian" race, then the order made by the Board of Education of San Francisco providing for separate schools for the children of the Japanese race, is a valid police regulation of said city, and made within the constitutional authority of that body and which regulation said Japanese subjects are bound, under said treaty, to obey.

12. That the fact that the Federal Government has from time to time made grants of land to California, upon no other or different basis or conditions than have been contained in grants to other states, both prior and subsequent to the adoption of the treaty with Japan, does not in itself justify the assumption of an express or implied covenant for the joint Federal and state control of the public schools, since the education of the youth of our land was not among the powers delegated by the states to the Federal Government and is not therefore the subject of Federal cognizance.

MINORITY REPORT REFUSED ADOPTION.

The ayes and noes were demanded by Senators Belshaw, Curtin, and Caminetti.

The roll was called, and the minority report refused adoption by the following vote:

AYES—Senators Caminetti, Cartwright, Curtin, Kennedy, and Sanford—5.

NOES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Greenwell, Hartman, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

CONSIDERATION OF MAJORITY REPORT.

MAJORITY COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION No. 6.

WHEREAS, The Federal Government is attempting to interfere with the management and control of the public schools of the State of California, by demanding the admission of Japanese children in the schools attended by white children in violation of an order of the Board of Education of the City and County of San Francisco, made in pursuance of the laws of the State of California, notwithstanding the fact that equal opportunities for education enjoyed by other children of Japanese residents in this State at public expense; and,

WHEREAS, In our judgment, such interference is without warrant of law and in violation of our constitutional rights as a sovereign State; therefore, be it

Resolved by the Senate, the Assembly concurring, That we, on behalf of the whole people of the State of California, do most strenuously protest against this unwarranted interference with our constitutional rights, and we respectfully request the Governor and Attorney-General to do all things necessary to protect and save the rights of the State of California in this most important matter, and we especially commend the prompt action taken by the Governor and Attorney-General to that end.

During the reading of the majority committee substitute for Senate Concurrent Resolution No. 6, the following amendment was offered by Senator Sanford:

Amend by adding:

"AND WHEREAS, The President of the United States has urged upon Congress the passage of a special Act to naturalize Japanese, a race that cannot be assimilated by the Caucasian race; and

WHEREAS, Instead of extending the elective franchise by adding a large and undesirable element to our voting population our endeavor should be to safeguard and elevate our citizenship by all reasonable restrictions; therefore, be it

Resolved, That we strenuously oppose the proposition to naturalize Japanese and extend the elective franchise to the alien-born of that race as being inimical to the welfare of the American people.

Amendment read.

POINT OF ORDER.

Senator Leavitt arose to a point of order, that the proposed amendment was not an amendment to the substitute, but a substitute itself and not germane to the subject.

The President held the point of order well taken.

MAJORITY REPORT ADOPTED.

The question being on the adoption of the majority report, the same was adopted.

Majority committee substitute for Senate Concurrent Resolution No. 6 adopted and ordered transmitted to the Assembly.

ADJOURNMENT.

At twelve o'clock and ten minutes P. M., on motion of Senator Hartman, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 30, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hariman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 29, 1907, the further reading was dispensed with, on motion of Senator Mattos.

LEAVE OF ABSENCE.

Senator Savage was, on motion of Senator Belshaw, granted leave of absence for this day.

COMMUNICATION.

The President presented the following communication, which was ordered printed in the Journal:

SACRAMENTO, January 23, 1907.

To the California State Senate in Legislature Assembled.

GENTLEMEN: The following resolution was adopted at the annual convention of the Canners' League of California, January 10 and 11, 1907:

Resolved, That the thanks of this organization of canned goods packers of California be and they are hereby extended to the University of California for the prompt and efficient assistance it is giving the horticultural interests of this State. The present investigations under the direction of Professor Smith of the University of California and Professor Waite of the United States Department of Agriculture are of incalculable value, and it is earnestly recommended that the Legislature of the State give liberal support to the Agricultural Department of the State University.

Resolved, That a copy of this resolution be sent to the Legislature.

Very respectfully,

L. F. GRAHAM, President.

H. C. ROWLEY, Secretary.

QUESTION OF PERSONAL PRIVILEGE.

Senator Irish arose to a question of personal privilege in accordance with his announcement of Wednesday, January 23, 1907, and asked for and was granted unanimous consent to have the following printed in the Journal:

MR. PRESIDENT: On the 23d day of January I gave notice that I would at some future time address the Senate, not so much to speak to a question of personal privilege as to substantiate the statement of Senator Wolfe, who called upon me for that purpose.

It is very unfortunate that any member has been called upon to address this Senate upon so delicate a subject as prayer.

It is still more unfortunate that the public press have so far forgotten the teachings of our forefathers, and its correspondents have so little respect for the teachings of their mothers, the religious feelings of others and the Supreme Being, as to seize upon such a subject to display to the public their abundant store of ridicule.

And, Mr. President, last but not least, it is still more to be regretted that the Ministerial Union, Rev. Bishop Moreland, and other ministers of renown of this city and State, should so far forget the teachings of the Gentle Man of Nazareth as to try, condemn, and execute without a hearing so far as they were capable, through the public press, our good, lovable Christian Chaplain.

Why, Mr. President, even Pilate didn't do so bad as that. Senator Wolfe has very correctly stated, as I recollect, his request to our Chaplain relative to the Chaplain's duty; but (for fear of misinterpretation, I presume,) he did not tell you Mr. Darling's reply.

I will try to give it in substance and as near verbatim as I can remember.

When Senator Wolfe made the suggestion he has told you, Mr. Darling did not tell him he would eliminate the name of our Savior, as some newspapers have represented, but he did say, as I recollect:

"Senator Wolfe, I will do my duty to the best of my ability to all the members of this Senate and to my God, according to my convictions, and if I make any mistakes the Lord will understand my prayers and know it is a mistake of the head and not the heart."

Yet, Mr. President, after all said and done, it appears to me that the tremendous hue and cry from press and pulpit about our Chaplain, even had he promised to eliminate the name of the Savior from his prayers, is rather the result of sectarian bigotry than of an injured conscience.

Every person in this State is guaranteed the right to worship God according to the dictates of his own conscience. The Chaplain of this Senate is to all intent and purpose a State officer, and as such it is his duty to lay aside all sectarianism and clothe his petitions in such language as not to offend the religious scruples of any person in this Senate who believes in a living God.

And I submit that such is the usual behavior of every Chaplain, in every Senate and Assembly in every State of this Union, and in the Congress of the United States, who does not worship his particular creed better than he does his God.

I imagine I hear some of the good ministers saying, "Did not the Savior teach us that he came to save the world, and that through Him and Him only the salvation of man would ever thereafter be accomplished?"

My answer is, yes; but I submit that the meek and lowly Savior did not set himself up as the deity to whom a petition to the throne of Grace should be addressed. On the contrary, he took up this subject and specifically taught us to address our prayers to "Our Father who art in Heaven." He did not even teach us to ask God's blessing in his

name, but closed with the words: "For Thine is the kingdom and the power and the glory forever."

What I have said, Mr. President, I wish it to be understood comes from one who believes in a Supreme Being and who does not wish for a better Christian example than the life and teachings of Jesus of Nazareth.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 3—amending Constitution relative to primary elections.

Also: Assembly Bill No. 5—An Act to amend Article IV of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions out of the State, by adding a new section thereto, to be known as Section 2029.

Also: Assembly Bill No. 11—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Also: Assembly Bill No. 139—An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines, in the Bay of San Diego, or in the entrance thereto.

Also: Assembly Bill No. 152—An Act to amend Section 753 of the Political Code, relating to disposition of fees of Clerk of the Supreme Court.

Also: Assembly Bill No. 220—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Also: Assembly Bill No. 269—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relating to the settlement of the final accounts of guardians of insane persons.

Also: Assembly Bill No. 298—An Act to add a new section to the Political Code of the State of California, to be numbered 1625, and relating to penalties of boards of trustees and city boards of education for non-fulfillment of their official duties.

Also: Assembly Bill No. 308—An Act amending Sections 1715 and 1716 of the Political Code of the State of California, relating to school libraries.

Also: Assembly Bill No. 429—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed as acting guardian at the Marshall monument, at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same (the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law).

Also: Assembly Bill No. 431—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, the expenditure of which has been approved by the State Board of Examiners.

Also: Assembly Bill No. 432—An Act appropriating money to pay the funeral expenses of the late Controller, Edward P. Colgan.

Also: Assembly Bill No. 433—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the fifty-seventh and fifty-eighth fiscal years.

Also: Assembly Bill No. 4—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Also: Assembly Bill No. 7—An Act to amend Section 534 of the Political Code.

Also: Assembly Bill No. 10—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 327, making it a misdemeanor to print, publish, or advertise lotteries or lottery drawings.

Also: Assembly Bill No. 19—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 1247, relating to the transcription of testimony taken at the trial of a criminal case.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Constitutional Amendment No. 3 referred to Committee on Election and Election Laws.

Assembly Bills Nos. 5, 11, 152, 269, 4, and 19 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 139 read first time, and referred to Committee on Fish and Game.

Assembly Bills Nos. 220, 429, 431, 432, 433, and 7 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 298 and 308 read first time, and referred to Committee on Education.

Assembly Bill No. 10 read first time, and referred to Committee on Public Morals.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, January 30, 1907.

MR. PRESIDENT: Your Committee on Printing, to whom was referred Senate Bill No. 244—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 243—An Act to repeal Sections 258 and 259 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the publication of cartoons and caricatures and the signature of newspaper articles—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Judiciary.

NELSON, Chairman.

Senate Bill No. 244 ordered on file for second reading.

Senate Bill No. 243 referred to Committee on Judiciary.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, January 29, 1907.

MR. PRESIDENT: Your Committee on Revenue and Taxation to whom was referred Senate Bill No. 27—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3695, 3699, 3700, 3702, 3738, 3897, and 3898 of the Political Code; to amend subdivision 13 of Section 3692 of the Political Code; and to repeal Section 3701 of the Political Code, as it now exists, and to reenact and amend said Section 3701, all of said sections relating to the assessment, equalization, and collection of taxes of the State and counties—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

MCCARTNEY, Chairman.

Senate Bill No. 27 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 29, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 210—An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.

Also: Senate Bill No. 127—An Act to amend Section 335 of the Code of Civil Procedure of California, relating to adverse possession of land or interest, and the payment of taxes thereon.

Also: Senate Bill No. 90—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Also: Senate Bill No. 382—An Act to amend the Political Code by adding thereto three new sections, to be numbered 749, 760, and 761, relating to fees of clerks of District Courts of Appeal, the disposition thereof and settlement thereof, by said clerks, and creating a library fund in District Courts of Appeal.

Also: Senate Bill No. 138—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Also: Senate Bill No. 91—An Act to add a new section to the Penal Code to be numbered Section 1520, relating to the holding of inquests by the coroner.

Also: Senate Bill No. 459—An Act to amend Section two hundred (200) of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to exemptions from jury duty.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 213—An Act to amend Section 803 of the Code of Civil Procedure, relating to actions for the usurpation of an office or franchise.

Also: Senate Bill No. 219—An Act to amend Section 700 of the Code of Civil Procedure and to add a new section thereto, to be numbered 700a, both relating to execution sales.

Also: Senate Bill No. 163—An Act to amend an Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901.

Also: Senate Bill No. 112—An Act to amend Section 496 of the Penal Code, relating to the buying or receiving of stolen property.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

Also: Senate Bill No. 274—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose—have had the same under consideration, and respectfully report a committee substitute therefor, and recommend that the substitute do pass.

Also: Senate Bill No. 269—An Act to amend Section 268 of the Political Code of the State of California, relating to the compensation of the officers and employees of the Legislature—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Finance.

Also: Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Article XIII thereof by striking therefrom and repealing Section 4 of said article relative to the assessment of a mortgage, deed of trust, contract, or other obligation by which a debt is secured, and to taxes due upon such assessment.

Also: Senate Bill No. 99—An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded, and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded.

Also: Senate Bill No. 135—An Act to amend Section 3817 of the Political Code of California, relative to the redemption of real estate sold for taxes.

Also: Senate Bill No. 253—An Act to amend Section 3898 of the Political Code, to make said section comply with the mandate of Section 14, Article V, of the Constitution of the State of California, in relation to grants and tax deeds.

Also: Senate Bill No. 331—An Act to provide for the correction of deeds heretofore executed in pursuance of Political Code, Section 3898, and void under the mandate of Article V, Section 14, of the Constitution of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they be re-referred to the Committee on Revenue and Taxation.

WOLFE, Chairman.

Senate Bills Nos. 210, 127, 90, 382, 138, 91, 459, 213, 219, 163, 112 and 274 ordered on file for second reading.

Senate Bill No. 269 referred to Committee on Finance.

Senate Constitutional Amendment No. 26 referred to Committee on Revenue and Taxation.

Senate Bills Nos. 99, 135, 253 and 331 referred to Committee on Revenue and Taxation.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, January 30, 1907.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 455—An Act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products, and to provide for enforcing its provisions—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 343—An Act to amend an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products and to appropriate money for enforcing its provisions," by amending Sections 2 and 12, making provisions for enforcing the above Act as amended by appropriating money therefor.

Also: Senate Bill No. 412—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State Laboratory of Plant Pathology and the appointment of a State Plant Pathologist for this purpose, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to the Committee on Finance.

RUSH, Chairman.

Senate Bill No. 455 ordered on file for second reading.

Senate Bills Nos. 343 and 412 referred to Committee on Finance.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, January 28, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 351—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must

have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CARTER, Chairman.

Senate Bill No. 351 ordered on file for second reading.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, January 30, 1907.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 64—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

Also: Senate Bill No. 65—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriation for the same.

Also: Senate Bill No. 78—An Act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern California State Hospital, and along highways adjacent thereto, for the protection of the said lands and of the buildings thereon, and to make appropriation for the same.

Also: Senate Bill No. 184—An Act to provide for the erection of a cottage on the farm of the Stockton State Hospital, for installing a heating plant in the same, and to appropriate money therefor.

Also: Senate Bill No. 185—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 188—An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 189—An Act authorizing and directing the construction and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 190—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 399—An Act authorizing and directing the board of managers of the Napa State Hospital to purchase and install a Home telephone system at the Napa State Hospital between the various wards and departments thereof, and making an appropriation therefor.

Also: Senate Bill No. 232—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.

Also: Senate Bill No. 234—An Act to provide for repairing the plumbing, installing new bath-tubs and toilets, and laying a cement flooring and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 398—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed at the Napa State Hospital and laying a pipe line from said reservoir and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.

Also: Senate Bill No. 290—An Act authorizing and directing the board of managers of the Agnews State Hospital to replace and reconstruct and equip, for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of \$800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to the Committee on Finance.

MUENTER, Chairman.

Senate Bills Nos. 64, 65, 78, 184, 185, 188, 189, 190, 399, 232, 234, 398, and 290 referred to Committee on Finance.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, January 30, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 169—An Act to amend Section 1160 of the Political Code, relating to elections and the time the polls must be opened and closed—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALKER, Chairman.

Senate Bill No. 169 ordered on file for second reading:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 29, 1907.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 7—Relative to the protest against the naturalization of Japanese—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

BLACK, Chairman.

MINORITY REPORT OF COMMITTEE ON FEDERAL RELATIONS FOR SENATE JOINT RESOLUTION No. 7.

WHEREAS, There are now in the United States 150,000 Japanese and 12,000 Koreans, an undesirable class that are prejudicial to the laboring interests of this country; and

WHEREAS, Such immigration has been increasing in alarming proportions during the past few years (14,000 Japanese immigrants having landed on this coast in 1906), and threatens to affect the body politic of the entire Nation, both economically and ethnologically; and

WHEREAS, The President of the United States has, in a recent message to Congress, strongly urged the passage of a special Act to naturalize Japanese, a race that can not be assimilated by the Caucasian race; and

WHEREAS, Instead of extending the elective franchise by adding a large and undesirable element to our voting population, our endeavor should be to thoroughly Americanize our already large foreign population and safeguard and elevate our citizenship by all reasonable restrictions; therefore, be it

Resolved, by the Senate and Assembly of the State of California, jointly, That we oppose further Japanese immigration and favor the extension of the immigration laws so as to include Japanese, Koreans, and all other Asiatic peoples, and we hereby urge our Senators and Representatives in Congress to use all honorable means to secure the passage of such a measure.

Be it further Resolved, That we most strenuously oppose the proposition to naturalize Japanese and extend the elective franchise to the alien-born of that race as being inimical to the welfare of the American people, and we hereby instruct our Senators and Representatives in Congress to use every honorable means within their power to combat such pernicious legislation.

Be it further Resolved, That a copy of these resolutions be forwarded to each of our Senators and Representatives in Congress by the Secretary of the Senate.

J. B. SANFORD.

Senate Joint Resolution No. 7 ordered on file.

BILL RE-REFERRED TO COMMITTEE.

On motion of Senator Wolfe, Senate Bill No. 183—An Act to amend Section 1249 of the Code of Civil Procedure of the State of California—was re-referred to Committee on Judiciary, the same to retain its place on file.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the consideration of the report of the Committee on Rules, the same was taken up.

ON RULES.

SENATE CHAMBER, SACRAMENTO, January 29, 1907.

MR. PRESIDENT: Your Committee on Rules beg leave to report the following as the Standing Rules of the Senate for the thirty-seventh session, and respectfully recommend their adoption:

1. *Time of Meeting of Senate.*

The sessions of the Senate shall be daily (Sundays excepted), beginning at ten o'clock A. M., and after Tuesday, January 29, 1907, a recess shall be taken at twelve o'clock and thirty minutes P. M. to two o'clock P. M., unless otherwise ordered by vote of the Senate.

2. *Calling to Order.*

The President, the President pro tem., or the senior member present, shall call the Senate to order at the hour stated, and if a quorum be present proceed with the order of business.

3. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal of the preceding day.
4. Presentation of Petitions.
5. Messages from the Assembly.
6. Messages from the Governor.
7. Reports of Standing Committees.
8. Reports of Select Committees.
9. Motions, Resolutions, and Notices.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.

Reports from the Committee on Enrolled and Engrossed Bills shall at all times be in order; *provided*, that the messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

4. *President—His Powers and Prerogatives.*

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

5. *President May Order Lobbies Cleared.*

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same cleared.

6. *President May Call Senators to the Chair.*

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

7. *Appointment of Committees.*

All standing committees of the Senate shall be named by the President of the Senate unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

8. *Standing Committees.*

The following standing committees shall be appointed by the President of the Senate:

1. Agriculture and Dairying, seven members.
2. Banking, seven members.
3. Commerce and Navigation, nine members.
4. Contingent Expenses, three members.
5. Corporations, eleven members.
6. County Government, nine members.
7. Drainage, Swamp and Overflowed Lands, nine members.
8. Election and Election Laws, nine members.
9. Education, eleven members.
10. Engrossment and Enrollment, three members.
11. Executive Communications, five members.
12. Federal Relations, three members.
13. Finance, fifteen members.
14. Fish and Game, nine members.
15. Forestry and Water Preservation, nine members.
16. Fruit and Vine Interests, nine members.
17. Hospitals and Asylums, eleven members.
18. Insurance and Insurance Laws, nine members.
19. Irrigation, nine members.
20. Judiciary, twenty members.
21. Labor, Capital, and Immigration, nine members.
22. Manufactures and Oil Industry, nine members.
23. Military Affairs, five members.
24. Mines and Mining, seven members.
25. Municipal Corporations, seven members.
26. Printing, three members.
27. Prisons and Reformatories, nine members.
28. Public Buildings and Grounds, nine members.
29. Public Health and Quarantine, five members.
30. Public Morals, five members.
31. Roads and Highways, nine members.
32. Rules, five members.
33. Revenue and Taxation, nine members.

9. *President pro tem.—His Powers and Privileges.*

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

10. *The Duties of Secretary.*

1. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.

2. To superintend all copying and work to be done for the Senate. To have supervision over all attachés and employés of the Senate. To certify to, and transmit to the Assembly all bills, resolutions, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct journal of the proceedings of the Senate.

4. To notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

6. To assign, reassign or transfer all attachés and employés to their respective duties.

11. *No Records or Papers to be Taken from Desk.*

The Secretary of the Senate shall not suffer any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Engrossment and Enrollment, and take their receipt therefor.

12. *Sergeant-at-Arms.*

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during all its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's custody and release, and the traveling expense for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required to do so, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator, or person to whom check is made), and pay over the same to the Senator or person entitled thereto.

13. *Printed Bills, etc., Must be Placed on Desks.*

The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, and constitutional amendments, when printed, on the desks of Senators at least one hour previous to the opening of session.

14. *Doorkeeper.*

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such reporters as have seats assigned to them by the President, from coming within the bar of the Senate, unless upon written invitation of the President or a Senator; *provided*, that no visitor shall be allowed upon the floor of the Senate during a session. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate.

15. *Attendance, Duties, and Obligations of Senators.*

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate, or less than a quorum thereof, shall have the power to issue process directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

16. *Senators Must Address the President.*

1. When a Senator desires to address the Senate he shall rise in his place, address the President, and when recognized he shall proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not be entitled again to the floor (except for explanation), so long as any Senator who has not spoken desires to speak.

3. No Senator shall be interrupted when speaking, and no questions shall be asked him, except those directed through the presiding officer.

4. The author of a bill, motion, or resolution shall have the privilege of closing the debate.

17. *The Senator Entitled to Floor.*

When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

18. *Senator, When Called to Order, Must Sit Down.*

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing.

19. *Voting.*

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call, and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

20. *Printing.*

Seven hundred and fifty copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator at his desk, and the balance shall be distributed according to law.

21. *Number of Copies to be Printed.*

Five hundred copies shall be printed of each document or other matter ordered, unless the Senate especially directs a different number.

22. *Number of Copies to be Printed of Journal.*

The Superintendent of State Printing shall print five hundred copies of the Journal of each day's proceedings of the Senate, and one copy of the same shall be placed upon each Senator's desk, and a sufficient number sent to the Assembly to supply each Assemblyman with one copy; he shall also print a sufficient number of copies, properly paged, to bind in book form as the Journal of the Senate, at the end of the session, as required by law.

23. *What Shall be Printed in the Journal.*

Messages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments shall be printed in the Journal in full.

24. *Petitions.*

Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered in the Journal.

25. *When Not in Committee of the Whole, Proceedings Must be Entered in Journal.*

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

26. *Printing for the Senate.*

The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary. The Secretary may, when necessity requires, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under a specially prepared written order, to be known as a "Rush Order."

27. *Introduction and Reading of Bills.*

1. Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized shall present the same; and the title shall be announced from the Secretary's desk, shall be read the first time, when it shall be referred to a standing committee. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two thirds of the Senate shall by vote of ayes and noes, dispense with this provision), and the last reading shall be at length. The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator object to such reading). Joint and concurrent resolutions shall be treated the same as bills, *provided* they shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

2. The titles of all bills, when introduced, shall be inserted in the Journal.

28. Order of Engrossing and Enrolling Bills.

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk. And all Senate bills shall, after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt in writing of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

29. Engrossed Bills to be Examined and Reported.

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossment and Enrollment; the engrossed copy to be transmitted to the Assembly with proper indorsements, and the original retained by the Senate.

30. Assembly Bills to be Read First Time.

All Assembly bills shall be read the first time when taken up in Assembly messages, and then referred to the proper committee; *provided, however*, that when an Assembly bill is received, the provisions of which are identical with those of a Senate bill which has already been considered and reported by a committee of the Senate, such Assembly bill shall be substituted for the Senate bill (the latter being considered withdrawn), shall take a place upon a special file, and be considered as having received the same recommendation of the Senate committee; *provided*, that the fact that the bills are identical shall be entered in the Journal.

31. Reference of Bills to Finance Committee.

All bills or resolutions appropriating money from any fund within the control of the State shall be referred to the Committee on Finance before being read the second time.

32. Committees—When to Report.

All committees shall act upon all bills as soon as practicable, and when acted upon, shall be reported back to the Senate forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the Senate may at any time order a bill reported back from any committee by a majority vote.

33. Standing Committees, Quorum of—What Constitutes.

Each standing committee shall determine its own quorum; *provided*, that not less than one third of the number of members constituting such committee shall in any case constitute such quorum.

34. Leave of Absence to Committee.

When leave of absence shall be granted to any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by two-thirds vote, and no expense or mileage of attachés shall be allowed.

35. Claims on Contingent Fund Must Go to Committee on Contingent Expenses.

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

36. Executive Communications and Nominations to Committee.

When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications, unless otherwise ordered by the Senate, which motion shall be determined without debate.

37. San Francisco Delegation.

The members of the Senate from the City and County of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation.

38. The General File: Its Hours—Special Order of Bills on File.

The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration.

39. Bills "Passed on File," Placed at Foot of File.

When bills have been "passed on file" for the second time they must be placed at the foot of the file in their regular order, unless otherwise ordered by the Senate.

40. Engrossed Bills Have Preference.

All bills, after the second reading, if the same be not committed, then upon being reported, shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

41. Order of Questions on Motion to Refer.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

42. Order of Questions Under Debate.

When a question is under debate no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

43. Motion Not to be Debated Until Seconded and Announced.

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary, before the same shall be debated.

44. Reading of a Paper, if Objected to, Determined Without Debate.

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate.

45. Amendments and Substitutes - When in Order.

Substitutes may be offered at any time when a bill or resolution is open to amendment previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

46. Amendments and Substitutes Must be Germane.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

47. Least Sum and Shortest Time in Filling Blanks.

In filling up blanks, the least sum or number and the shortest time shall be put first.

48. Short of Final Question, Two-thirds Vote Not Requisite on Propositions to Amend Constitution.

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extend to the merits, being short of the final question.

49. Notice of Reconsideration.

On the day succeeding that on which the final vote on any bill, concurrent or joint resolution, or constitutional amendment has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the prevailing side; and it shall not be in order to reconsider on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill, concurrent or joint resolution has been passed or defeated, and twenty-seven votes to carry any motion to reconsider the vote by which any constitutional amendment has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session.

There shall be but one reconsideration, even though the action of the Senate after reconsideration is the opposite of the action of the Senate before reconsideration.

50. Reconsideration of Bills Sent to Assembly.

When a bill, resolution, amendment, order, or message upon which a vote has been taken shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be preceded by a motion to request the Assembly to return the same, which last-named motion shall be acted upon immediately and without debate, and if determined in the negative, shall be a final disposition of the motion to reconsider.

51. Secretary, Upon Notice of Reconsideration, Not to Report Bill to Assembly.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill, concurrent or joint resolution, or constitutional amendment, to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been transmitted to the Assembly.

52. Motion to Reconsider May be Debated.

A Senator, after a notice of motion to reconsider is given, as provided in Rule 49, may, at the reconsideration thereof, present the main question in his argument thereon, and the same may be debated by the Senate, provided that the subject-matter is debatable.

53. *Amendments to Original Question.*

1. An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

2. If the question in debate contains several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. And motions to amend the part to be stricken out shall have precedence.

54. *Final Question on Second Reading of Bill—No Amendment on Third Reading, but May Commit.*

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed?" And no amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions to amend.

55. *Special Orders.*

Any subject may, by vote of two thirds of the Senators present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

56. *Form of Previous Question—Call of Senate.*

The previous question shall be put in this form: "Shall the question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate and bring the Senate to a vote on the subject under discussion. On a motion for the previous question, and prior to a vote being taken by the Senate, a call of the Senate shall be in order.

57. *Ayes and Noes: Members Must Answer—No Vote after Announcement of Vote.*

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the announcement of the vote by the presiding officer.

58. *Rules in Senate and Committee of the Whole.*

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times a Senator may speak, and except that the ayes and noes shall not be taken.

59. *Suspending and Changing Rules.*

No standing rule or order of the Senate shall be rescinded or changed without a vote of two thirds of the members-elect, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two thirds of the Senators-elect, except that portion of Rule 27, relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules, without debate.

60. *Executive Session.*

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of Senate, Secretary, Sergeant-at-Arms, and Doorkeeper to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

61. *Messengers—When Introduced.*

Messengers may be introduced at any stage of business, except while a question is being put, while the ayes and noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

62. *Smoking.*

No smoking shall be allowed within the Senate Chamber.

63. *Cases Not Provided for, Cushing to Govern.*

In all cases not provided for by these rules, the Senate shall be governed by the laws and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

Respectfully,

GREENWELL,
Chairman Committee on Rules.

Report and proposed Standing Rules of the Senate were read.

The question being on the adoption of the report and the Rules as proposed.

The roll was called, and the report and Rules adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McArthurney, McKee, Miller, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 30, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 111—An Act to repeal an Act entitled "An Act to incorporate the town of Yuba City," approved March 30, 1878.

Also: Senate Bill No. 119—An Act to amend the Political Code of California by adding four new sections thereto, to be numbered Section 597a, Section 597b, Section 597c, and Section 597d, relating to docking of horses' tails, and providing a punishment therefor.

Also: Committee Substitute for Senate Bill No. 42—An Act to amend an Act entitled an Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State; (Approved March 10, 1887. Stats. 1887, 82); by including the badge or button of the United Spanish War Veterans within the provisions of said Act.

Also: Senate Bill No. 116—An Act declaring that no contract entered into during the holidays from and including the 19th day of April, 1906, to and including the 3rd day of June, 1906, shall be held invalid by reason of being entered into on any of such holidays nor by reason of having been entered into prematurely on account of such holidays, and ratifying and confirming contracts so entered into.

Also: Senate Bill No. 177—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

Also: Senate Bill No. 199—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert.

Also: Senate Bill No. 200—An Act to repeal Section 645 of the Penal Code, relating to harboring deserting seamen.

Also: Committee Substitute for Senate Bill No. 88—An Act to amend the Penal Code by adding two new sections thereto, to be numbered 270a and 270b, relating to the neglect and abandonment of wives by husbands, and providing the punishment therefor.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 111, 119, 116, 177, 199, and 200, ordered on file for third reading.

Committee Substitutes for Senate Bills Nos. 42 and 88 ordered on file for third reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 30, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the Controller of the State be and he is hereby authorized and directed to draw his warrant in favor of D. G. Holt for services rendered this Senate under the direction of the Secretary of the Senate in the sum of \$132, being pay for twenty-two days at \$6 per day; the same shall be payable out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Also: *Resolved*, That the State Controller be and he is hereby authorized and directed to draw his warrant in the sum of \$25 against the Contingent Fund of the Senate, in favor of Smith, Emery & Company in payment of their claim for expenses incurred in inspection of Red Men's Hall, where this body is now meeting, as per bill hereto annexed, and the State Treasurer is hereby authorized and directed to pay the same.

Also: *Resolved*, That the State Controller be and he is hereby authorized and directed to draw his warrant in favor of the Secretary of the Senate for the sum of (\$900) nine hundred dollars, in payment of the bills hereto attached, and the Treasurer is directed to pay the same.

H. S. Crocker & Co.:.....\$900 00

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

WOLFE, Chairman.

Resolutions read.

The question being on the adoption of the resolutions.

The roll was called, and the resolutions adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Cartwright, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—Senator Caminetti—1.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

REPORT OF COMMITTEE TO PURCHASE CHAIRS.

MR. PRESIDENT: Your committee of one, appointed to purchase two dozen chairs at one dollar each, respectfully reports:

That there can be purchased from Breuner & Co., at the City of Sacramento, two dozen or more good, durable chairs suitable for use in outside Senate committee rooms at the price of one dollar each.

CARTER, Chairman.

Report read and adopted.

MOTION.

Senator Carter moved that the Sergeant-at-Arms be and is hereby authorized to purchase two dozen chairs in accordance with the report of the special committee.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—36.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills were introduced:

By Senator Belshaw: Senate Bill No. 508—An Act to amend Section 1216 of the Penal Code of the State of California by providing for the filing and preservation of a transcript of the evidence of the prosecuting witness and the transcript of the evidence of the person convicted, or the signed statement of such person, if any such were made and such person did not testify.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 509—An Act to amend Section 1202 of the Penal Code of the State of California by providing for the furnishing of a transcript of the evidence of the prosecuting witness and a transcript of the evidence of the person convicted, or the signed statement of such person, if any such were made and such person did not testify.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hartman: Senate Bill No. 510—An Act to add a new section to the Civil Code to be known as Section 2758, to compel insurance companies to pay the full amount of the loss sustained upon property covered by policies of insurance up to the amount expressed in the policies notwithstanding any stipulation in such policies to the contrary.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 511—An Act to add a new section to the Civil Code to be known as Section 2759, relating to fire insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 512—An Act to add a new section to the Civil

Code of the State of California to be known and numbered as Section 633, relating to corporations that furnish light and power for public use.

Bill read first time, and referred to Committee on Corporations.

By Senator Curtin: Senate Bill No. 513—An Act to authorize municipal corporations, organized under the Act of the Legislature entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, or the Acts of which the same are amendatory of, or any Act amendatory thereof, to commence and prosecute an action or actions to recover real or personal property within the limits of such municipal corporation, acquired or held by the Board of Fire Commissioners, created by an Act of the Legislature entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, and to provide for the procedure in such action or actions.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 514—An Act to amend Section 2955 of the Civil Code of California, relating to what personal property may be mortgaged, by adding a new subdivision thereto, providing that saw-milling machinery and outfits used therewith may be mortgaged.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 515—An Act to amend Section 995 of the Penal Code of the State of California, relative to setting aside an indictment or information upon motion of defendant.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 516—An Act entitled "An Act to provide the manner of selecting grand and petit jurors in the State of California, and providing for the compensation of persons appointed as commissioners to select the names of persons to serve as such jurors."

Bill read first time, and referred to Committee on Judiciary.

By Senator McKee: Senate Bill No. 517—An Act providing for an appropriation of six hundred dollars (\$600) for the purpose of putting a new roof and floor to the "Distillery" at Sutter's Fort.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 518—An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of such gardener.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 519—An Act providing for an appropriation of three thousand dollars (\$3,000) for the purpose of improving the grounds of Sutter's Fort.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 520—An Act providing for an appropriation of one thousand dollars (\$1,000) for the purpose of constructing cement curbing and gutters around the grounds of Sutter's Fort.

Bill read first time, and referred to Committee on Finance.

By Senator Leavitt: Senate Bill No. 521—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Concurrent Resolution No. 8—Relative to Joint Rules. Referred to Committee on Rules.

By Senator Wolfe: Senate Bill No. 522—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulations," approved March 10, 1903, by amending Sections 1, 12, 14, 16, and 17, and by adding a new section thereto.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anderson: Senate Bill No. 523—An Act to amend Section 637*a* of the Penal Code of the State of California, relating to game and fish.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 524—An Act appropriating \$40,000 for carrying out the purposes of an Act approved March 18, 1905, and entitled "An Act providing for the establishment and maintenance of a pathological laboratory for the investigation of tree and plant diseases and pests, and branch agricultural experiment stations, and making an appropriation therefor."

Bill read first time, and referred to Committee on Finance.

By Senator Miller: Senate Bill No. 525—An Act to amend Section 3732, 3746, 3750, 3751, 3756, and to repeal Section 3758 of the Political Code, relating to taxation.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Bates (by request): Senate Bill No. 526—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Sections 8 and 14 thereof and adding a new section thereto, to be numbered and designated Section 9½.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Caminetti: Senate Bill No. 527—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1779, relating to grammar grade post-graduate courses of instruction in public schools.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 528—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1681, relating to post-graduate courses of study in high schools.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 529—An Act to amend Section 737 of the Political Code, relating to salaries of Judges of the Superior Court.

Bill read first time, and referred to Committee on Finance.

By Senator Lynch: Senate Bill No. 530—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 230, relating to the adoption of children.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 531—An Act to provide for the improvement of the public highways, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Willis: Senate Bill No. 532—An Act to amend Section 340 of the Penal Code of the State of California, relating to pawnbrokers.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rolley: Senate Bill No. 533—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof relating to the salaries of county and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts.

Bill read first time, and referred to Committee on County Government.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Concurrent Resolution No. 4—Approving the charter of the City of Santa Monica, in Los Angeles County, California, which was voted for by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter on the 28th day of March, 1906.

Senate Concurrent Resolution No. 4 was temporarily passed on file in the absence of author.

Senate Bill No. 69—An Act to amend Section 1093 of the Penal Code, relating to the order of trial.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 69 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Greenwell, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—Senators Curtin, Mattos, and Miller—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 51—An Act to amend an Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or balloting machines for receiving and registering the vote in one or more precincts of any county, city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such election; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 51 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 52—An Act to amend Section 1202 of the Political Code of the State of California, relating to the appointment of election officers.

On motion of Senator Leavitt, Senate Bill No. 52 was temporarily passed on file, to retain its place.

Senate Bill No. 12—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said court, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys and a stenographer, and providing for their appointment.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 12 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 118—An Act to amend Section 3051 and Section 3052 of the Civil Code of California, relating to the lien on personal property for services performed thereon, and providing a method of enforcing said lien for the amount secured thereby.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Belshaw as a special committee of one to amend as follows:

By striking out of Section 2, line 5, the word "ten," and inserting in lieu thereof the following: "twenty."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 30, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 118, with instructions to amend, respectfully report the same back, amended as per instructions.

BELSHAW, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Committee Substitute for Senate Bill No. 42—An Act to amend an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887, by including within the provisions of said Act the badge or button of the United Spanish War Veterans of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 42 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Price, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 85—An Act to amend Section 595 of the Political Code, relating to the general duties of an insurance commissioner.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 85 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reilly, Rolley, Sanford, Walker, Weed, Willis, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 288 - An Act to repeal Chapters III, IV, V, and VI, of Title IV, of the Political Code, as said chapters existed on the 17th day of March, 1905, relating to the State militia.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 288 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reilly, Sanford, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 252—An Act to amend Sections 1925 and 1933 of the Political Code, all relating to the National Guard and the troops of cavalry therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 252 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reilly, Sanford, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and thirty-five minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

Senate Bill No. 30—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof.

On motion of Senator McCartney, Senate Bill No. 30 was temporarily passed on file, to retain its place.

Committee Substitute for Senate Bill No. 88—An Act to amend the Penal Code, by adding two new sections thereto to be numbered 270a and 270b, relating to the neglect and abandonment of wives by husbands, and providing the punishment therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 88 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, Miller, Price, Rambo, Reily, Rolley, Sanford, Weed, Willis, Wolfe, and Wright—29.

NOES—Senators Markey, Nelson, and Walker—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 111—An Act to repeal an Act entitled "An Act to incorporate the Town of Yuba City," approved March 30, 1878.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 111 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Nelson, Rambo, Reily, Rolley, Sanford, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 119—An Act to amend the Penal Code of California by adding four new sections thereto, to be numbered Section 597*a*, Section 597*b*, Section 597*c*, and Section 597*d*, relating to docking of horses' tails, and providing a punishment therefor.

Read third time.

Senator Curtin moved to refer to Senator Weed as a special committee of one, to amend as follows:

By striking out of Section 2, page 2, of printed bill, after the last word in said section, the period, and in lieu thereof insert a comma, and the following: "and the clerk shall thereupon issue to such person so registering such horse or horses a certificate containing the facts recited in this section which upon demand shall be exhibited to any peace officer, and the same shall be conclusive evidence of a compliance with the provisions of Section 597*a* of this Code."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 30, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 119, with instructions to amend, respectfully report the same back, amended as per instructions.

WEED, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 116—An Act declaring that no contract entered into during the holidays from and including the 19th day of April, 1906, to and including the 3d day of June, 1906, shall be held invalid by reason of being entered into on any such holidays nor by reason of having been entered into prematurely on account of such holidays, and ratifying and confirming contracts so entered into.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 116 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Reily, Rolley, Sanford, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—Senator Mattos—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 177—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 177 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Reily, Rolley, Sanford, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 199—An Act to repeal Section 644 of the Penal Code relating to enticing seamen to desert.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 199 passed by the following vote:

AYES—Senators Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—Senators Anderson, Bell, and Carter—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 200—An Act to repeal Section 645 of the Penal Code, relating to harboring deserting seamen.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 200 passed by the following vote:

AYES—Senators Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—Senators Anderson, Bell, and Carter—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

On motion of Senator Curtin, Senate Bill No. 100 was temporarily passed on file, to retain its place.

Senate Bill No. 197—An Act making an appropriation for the erection of an additional wing to the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, California.

On motion of Senator Walker, Senate Bill No. 197 referred to Committee on Finance.

Senate Bill No. 447—An Act providing for the cancellation of bonds given to secure the performance of the conditions of franchises or privileges, the exoneration of the sureties of such bonds and the filing and acceptance of new bonds in lieu thereof.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 2 of the title, after the word "the," insert the following: "terms and."

Amendment adopted.

Also:

On page 1, line 2 of the title, after the word "privileges," strike out the "comma" (,) and insert the following: "granted by the legislative or other governing body of counties or municipalities."

Amendment adopted.

By Senator Broughton:

On page 2, Section 2, lines 7 and 8, strike out the words "and fully exonerated from any liability on said old bond or bonds,"

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 7—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive to the purchaser of a fruit or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecutions under this may be commenced.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 105—An Act to prevent the waste of water from artesian wells, and prescribing penalties therefor, and defining artesian wells and waste.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 165—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification and reporting of births, marriages and deaths.

During second reading of bill, the following amendments were submitted by committee:

Amend the title, page 1, by striking out of lines 1 and 2 the following words: "Three thousand and eighty."

Amendment adopted.

Also:

On pages 2 and 3 of the printed bill, strike out all of Section 2 and Section 3080.

Amendment adopted.

Also:

On page 3, line 1 of the printed bill, strike out the figure "three" after the word "Sec." and insert in lieu thereof the figure "two."

Amendment adopted.

Also:

On page 4, Sec. 4, line 1 of the printed bill, strike out the figure "four" after the word "Sec." and insert in lieu thereof the figure "three."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

LEAVE OF ABSENCE.

The members of the Committee on Fish and Game were, on motion of Senator Belshaw, granted leave of absence for this afternoon.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Curtin, the Acting President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 93—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

During second reading of bill, the following amendments were submitted by committee:

On page 1 insert in the enacting clause after the word "assembly" a comma.

Amendment adopted.

Also:

On page 7, Section 13, line 69, strike out the words "including attending physicians."

Amendment adopted.

Also:

On page 8, Section 13, line 98, insert after the word "of" the words "the county where."

Amendment adopted.

Also:

On page 8, Section 13, line 89, after the word "distributor," and before the word "a" insert the following: "lives."

Amendment adopted.

Also:

On page 8, Section 13, line 105, after the word "officer" and before the period insert the following: "and physician."

Amendment adopted.

Also:

On page 9, Section 18, line 2, strike out the words "the secretary of."

Amendment adopted.

Also:

On page 10, Section 20, line 19, after the figures "19" and before the word "The" insert the following: "Rule 2."

Amendment adopted.

Also:

On page 13 of the printed bill renumber Section 20 to Section 21.

Amendment adopted.

Also:

On page 14, of the printed bill, renumber Section 21 to Section 22.

Amendment adopted.

Also:

On page 14, of the printed bill, renumber Section 22 to Section 23.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 20—An Act to add a new section to the Political Code, to be numbered 2524a, relating to the powers of the Board of State Harbor Commissioners.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 193—An Act to amend Section 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing a compensation of the members thereof, etc.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 194—An Act to amend Section 2567 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 427—An Act to declare the highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road, a State highway.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 84—An Act authorizing the Governor to set apart one day each year to be designated "Bird and Arbor Day," and to request its observance.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 125—An Act to amend Section 69 of the Civil Code of California, relating to marriage licenses.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, line 30, insert after the word "peace," "or notary public."

Amendment adopted.

Also:

On page 2, Section 1, line 34, insert after the word "peace," "or notary public."

Amendment adopted.

Also:

On page 2, Section 1, line 35, insert after the word "justice," "or notary public."

Amendment adopted.

Also:

On page 2, Section 1, line 39, insert after the third word in the line, "parties," the following words: "in person."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 110—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, line 21, insert after the word "action," "for divorce or."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 289—An Act to amend Section 70 of the Civil Code, and declaring that marriage may be solemnized by a Justice of a District Court of Appeal.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 1, after the word and figure "Section 1," insert the following: "Section seventy of the Civil Code is hereby amended to read as follows: 70."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 44—An Act to amend Section 5 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of and to vest the title in the State of California to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," as amended by an Act approved March 20, 1905, omitting the provision for an adjutant of the board of directors.

During second reading of bill, the following amendment was submitted by committee:

On page 1, title, after the word "adjutant," strike out the words "of the board of directors."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 287—An Act to amend Sections 330 and 340 of the Code of Civil Procedure, relating to the time of commencing actions.

During second reading of bill, the following amendment was submitted by committee:

On page 1 add the letter "s" to the word "section" in the first line of title.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 32—An act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, in line 38, after the word "sale," take out the period (.), and insert a semicolon (;), and after the semicolon insert the following: *Provided, further,* that in all cases where land has been heretofore sold for delinquent taxes to purchasers other than the State of California, the deed therefor must be made within one year after this Act takes effect, and unless so made the purchaser shall be deemed to have relinquished all his rights under such sale.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 236—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 456—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor," approved March 18, 1905, and to change and redirect the manner of the expenditure thereof.

Senator Price asked for and was granted unanimous consent to have Senate Bill No. 456 referred to Committee on Finance, the same to retain its place on file.

Senate Bill No. 235—An Act to amend Sections 2153*a* and 2154 of the Political Code of the State of California, relating to the appointment of the dentists in State Hospitals for the care and treatment of the insane.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 2½, strike out all of Section 2½, consisting of lines 18 to 24 inclusive.

Amendment adopted.

Also:

Amend by striking out of line 98, in Section 1, on page 4 of printed bill, the word "fifteenth," and inserting in lieu thereof the word "first."

Amendment adopted.

Also:

Amend by striking out of Section 2, on page 5 of printed bill, all of lines 7, 8, 9, 10, and 11, commencing with the word "The," after word "dollars," and ending with the word "fession," on line 11, before the word "All."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 401—An Act providing for the extermination of the *Boophilus annulatus* tick, defining certain crimes, and providing for certain civil and criminal actions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 413—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and amended March 20, 1905.

Bill read second time, considered engrossed, and ordered on file for third reading.

SENATE JOINT RESOLUTION NO. 2.

Relative to the remission of duties on building materials used for the reconstruction and rehabilitation of California cities that were wrecked and burned by earthquake and fire on April 18, 1906.

WHEREAS, Both of the two great political parties of this State have advocated in their platforms the remission of the duties on all building materials used for the construction and rehabilitation of the cities of California that were wrecked and burned by earthquake and fire on April 18, 1906; therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That we demand that our representatives in Congress immediately introduce and use all honorable means to secure the passage of a measure providing for the remission or rebate of said duties for a period of five years.

Resolved, That a copy of these resolutions be forwarded to our Senators and Representatives in Congress by the Secretary of the Senate.

Senate Joint Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 2 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Kennedy, Leavitt, Markey, Mattos, McCartney, Miller, Muentner, Price, Rambo, Rolley, Rush, Sanford, Savage, Walker, and Wolfe—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 239—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1873, by amending Section 465, relating to the powers of railroad corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That Tuesday, February 12th, at eight o'clock P. M., be and is hereby set aside as the hour for the consideration of the special Code revision bills that are at that time on third reading.

Resolution read and adopted.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Rolley: Senate Concurrent Resolution No. 9—Approving two certain amendments to the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka, at a general municipal election held therein on the 19th day of June, 1905.

Senate Concurrent Resolution referred to Committee on Municipal Corporations.

By Senator McKee: Senate Bill No. 534—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensations of such officers and providing for the creating, division and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, A. D. 1905.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

ADJOURNMENT.

At two o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, January 31, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 30, 1907, the further reading was dispensed with, on motion of Senator Bates.

APPROVAL OF JOURNALS.

The Journals of Wednesday, January 23, 1907, Thursday, January 24, 1907, and Friday, January 25, 1907, were read and corrected, and approved as corrected.

MESSAGE FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Wolfe, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 30, 1907.

To the Senate of the State of California:

I have this day received the following telegraphic dispatch from the honorable Senators and Representatives from California in the Congress of the United States:

"WASHINGTON, D. C., January 30.

"Hon. J. N. GILLET,

"Governor, Sacramento, California.

"Delegation has just had important conference with President and Secretary of State. At their request we have wired Superintendent of Schools and President of Board of Education of San Francisco to come here immediately for conference. Entire delegation joins in request that you send for leaders in both houses in Legislature, and ask that all legislative action concerning Japanese matters be deferred for a short time. We consider this most important.

"GEORGE C. PERKINS.

"FRANK P. FLINT.

"W. F. ENGLEBRIGHT.

"D. E. MCKINLAY.

"JOSEPH R. KNOWLAND.

"JULIUS KAHN.

"E. A. HAYES.

"J. C. NEEDHAM.

"S. C. SMITH."

In view of the apparent importance of this proposed conference and the great interest California has in the result of the same, I would respectfully recommend to your honorable body that the request of the California delegation in Congress be granted, and ask that all legislative action concerning Japanese matters be deferred for the present.

J. N. GILLET,
Governor of the State of California.

RE-REFERENCE OF JOINT RESOLUTION.

On motion of Senator Belshaw, Senate Joint Resolution No. 7, relative to the protest against the naturalization of Japanese, was re-referred to Committee on Federal Relations.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Caminetti:

Resolved, That in the opinion of the Senate the State of California should be represented in the conference between the President of the United States and the school authorities of San Francisco, relating to the Japanese school question; therefore, be it

Resolved, That the Attorney-General be and is hereby instructed to attend said conference to represent the State of California in such conference.

SUSPENSION OF RULES.

Senator Wolfe moved that the rules be suspended and that the above resolution be taken up for immediate consideration.

Motion carried.

Resolution read and, on motion of Senator Belshaw, referred to Committee on Federal Relations.

PETITION.

The following petition was presented by Senator Wright and ordered printed in the Journal:

To the Senate and Assembly of the State of California:

We, the undersigned qualified voters of the State of California, hereby respectfully petition your honorable body to submit to the voters of the State of California at the next general State election, for their approval or rejection, the proposed amendment to the Constitution of this State set forth on the reverse side hereof.

Town: Chula Vista, San Diego County, California.

Byron Gillett, A. Barbee, J. P. Calkins, Geo. F. Rhoads, Thos. McGraw, J. Henry Wengert, A. C. Crockett, James B. Davis, H. Phelps, Chas. Mohnike, Geo. A. Wengert, L. E. Randall, W. J. S. Browne, E. W. Dyer, A. E. Tracy, B. H. Robinson, John T. Judkins, Valois Butleo, J. C. Johnson.

Copy of reverse side of said petition:

PROPOSED AMENDMENT TO ARTICLE XX OF THE CONSTITUTION OF THE STATE OF CALIFORNIA, ADDING SECTION 21.

SECTION 21. The necessity of encouraging and fostering the observance of one day in seven as a day of rest is hereby recognized as essential to the welfare of the State and to that end is hereby provided:

(1) That the keeping open of bars, saloons, race courses, and coursing grounds on the first day of the week is prohibited; and the Legislature shall provide penalties for violation of this provision, and for the proper enforcement of the same.

(2) That the Legislature may provide that stores, workshops, banking-houses, and other places of business, of any class or calling, shall not keep open on the first day of the week, and shall provide penalties for the violation thereof.

(3) That the legislative body of any city, city and county, or county, may provide by ordinance that stores, workshops, banking-houses, and other places of business, of any class or calling, shall not keep open on the first day of the week, and shall provide penalties for the violation thereof; *provided*, that such ordinance may enlarge, but cannot restrict or limit, the scope or penalties of any provision enacted by the Legislature on the same subject; *provided, further*, that whenever a petition is presented to the legislative body of any city, city and county, or county, signed by ten per cent of the voters thereof, asking that any ordinance authorized under this subdivision to be passed by such legislative body set forth in said petitions, be submitted to the qualified voters of said city, city and county, or county, for their approval or rejection, the said legislative body must submit the same to the voters of said city, city and county, or county, for their approval or rejection at the next general election held therein, or at a special election called by such legislative body for that purpose. At least two weeks' notice shall be given of such election, by publication in some newspaper published in such city, city and county, or county. If approved by a majority vote of the voters voting thereon, the same is thereby adopted and becomes binding as a valid ordinance of said city, city

and county, or county, as the case may be, and supersedes any ordinance in conflict therewith, and can only be modified or repealed by a majority vote of the voters of said city, city and county, or county, voting upon the question of the modification or repeal thereof.

(4) *Provided, however,* that any law or ordinance passed or adopted under the second or third subdivision of this section shall not apply to persons who conscientiously believe that the seventh day of the week should be observed as the Sabbath and who actually refrain from opening their place of business on that day.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read :

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 476—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating, and improving the Governor's residence.

Also: Senate Concurrent Resolution No. 2—Approving the Charter of the City of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 18th day of July, 1906.

Also: Senate Bill No. 59—An Act authorizing the City of San Diego and the authorities thereof to convey a portion of La Jolla Park, in said city, to the Regents of the University of California for the purposes of a biological station.

Also: Assembly Bill No. 92—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance and repairs of levees therein," approved March 27, 1878.

Also: Assembly Bill No. 94—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.

Also: Assembly Bill No. 95—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a reclamation district, to be called 'Reclamation District Number Seventy,' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

Also: Assembly Bill No. 93—An Act to repeal an Act entitled "An Act to incorporate the Town of Yuba City," approved March 30, 1878.

Also: Assembly Bill No. 111—An Act relating to senior rights of members of paid police departments of counties, cities and counties, cities or towns.

Also: Assembly Bill No. 263—An Act entitled "An Act to amend Section 1669 of the Political Code," relating to the establishment of high schools.

Also: Assembly Bill No. 479—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Controller's office, for the fifty-eighth fiscal year.

Also: Assembly Bill No. 481—An Act appropriating money to pay the rental, cost of moving and other necessary expenses incurred and to be incurred by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.

Also: Assembly Bill No. 482—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof," approved March 22, 1905.

Also: Assembly Bill No. 131—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in such channels, and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.

Also: Assembly Bill No. 476—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

Also: Assembly Bill No. 83—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school building.

Also: Assembly Bill No. 483—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-seventh and fifty-eighth fiscal years.

Also: Assembly Bill No. 307—An Act amending Section 1665 of the Political Code of the State of California, relative to studies to be taught in the primary and grammar schools.

Also: Assembly Bill No. 134—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in justices' courts.

CLIO LLOYD, Chief Clerk.
By T. G. WALKER, Assistant.

Senate Bills Nos. 476 and 59 ordered to enrollment.

Senate Concurrent Resolution No. 2 ordered to enrollment.

Assembly Bills Nos. 92, 94, 95, and 131 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bills Nos. 93 and 134 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 111 read first time, and referred to Committee on Municipal Corporations.

Assembly Bills Nos. 263, 33, and 307 read first time, and referred to Committee on Education.

Assembly Bills Nos. 479, 481, 482, 476, and 433 read first time, and referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 31, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 361—An Act to repeal Section 526 of the Penal Code, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public place of amusement for more than the original price thereof.

Also: Senate Bill No. 217—An Act to amend Section 723 of the Code of Civil Procedure, relating to sales in actions to foreclose mortgages.

Also: Senate Bill No. 218—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution.

Also: Senate Bill No. 362—An Act to repeal Section 599 of the Penal Code, as approved March 18, 1905, and to add a new section thereto, to be known as Section 599f, both relating to the killing of any elk within the State of California.

Also: Senate Bill No. 211—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise.

Also: Senate Bill No. 215—An Act to repeal Section 749 of the Code of Civil Procedure, as approved March 31, 1891, relating to service of summonses by publication in actions relating to real property in this State.

Also: Senate Bill No. 216—An Act to amend Section 740 of the Code of Civil Procedure, relating to actions for the recovery of property.

Also: Senate Bill No. 201—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110a, requiring notice to be given to the real parties in interest in certain proceedings.

Also: Senate Bill No. 202—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.

Also: Senate Bill No. 204—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.

Also: Senate Bill No. 205—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties.

Also: Senate Bill No. 207—An Act to amend Sections 1025 and 1026, both relating to costs in civil actions.

Also: Senate Bill No. 263—An Act to add a new section to the Penal Code of the State of California, to be numbered 374a, providing for safeguards against the pollution of waters used for domestic purposes.

Also: Senate Bill No. 355—An Act to amend Section 595 of the Political Code, relating to the general duties of insurance commissioners.

Also: Senate Bill No. 128—An Act to amend Section 487 of the Penal Code, defining grand larceny.

Also: Senate Bill No. 129—An Act to repeal Section 491 of the Penal Code of the State of California.

Also: Senate Bill No. 130—An Act to add a new section to the Penal Code of California, to be numbered 490a, providing therein for the punishment of the larceny of bicycles, jacks, jennies, and dogs.

Also: Senate Bill No. 332—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.

Also: Senate Bill No. 47—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,'" approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm water drains within municipalities.

Also: Senate Bill No. 56—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

Also: Senate Bill No. 101—An Act to amend Section 2981 of the Political Code of the State of California, relating to meetings of the State Board of Health.

Also: Senate Bill No. 142—An Act to amend Section 2979a of the Political Code of the State of California, relating to the preservation of the public health.

Also: Senate Bill No. 208—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil actions.

Also: Senate Bill No. 203—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.

Also: Senate Bill No. 209—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.

Also: Senate Bill No. 7—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive to the purchaser of a fruit tree or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecutions under this Act may be commenced.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 361, 217, 218, 362, 211, 215, 216, 201, 202, 204, 205, 207, 263, 355, 128, 129, 130, 332, 47, 56, 101, 142, 208, 203, 209, and 7 ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 30, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 295—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor-General.

Also: Senate Bill No. 38—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.

Also: Senate Bill No. 463—An Act authorizing any incorporated city, town or municipal corporation to lease, acquire by purchase, condemnation, or otherwise, and hold and use, lands and other necessary property for the purpose of constructing, equipping, using, maintaining, and operating, and to construct, equip, use, maintain, and operate, any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the purpose of preparing, manufacturing, handling, or transporting materials or supplies required in the construction or completion of any public work, improvement or utility, or for the purpose of maintaining or operating any such work, improvement, or utility.

Also: Senate Bill No. 392—An Act to add a new section to the Code of Civil Procedure, to be known as Section 2039, relative to taking depositions.

Also: Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, seawall and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 367—An Act to repeal an Act entitled "An Act to increase the number of Judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judges," approved March 20, 1905—have had the same under consideration, and respectfully report the same back and recommend that it do pass, as amended.

WOLFE, Chairman.

Senate Bills Nos. 295, 38, 463, 392, 461, and 367 ordered on file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, January 30, 1907.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Constitutional Amendment No. 22—Relative to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support and maintenance of minor orphans, or half orphans or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof

Also: Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Article XIII thereof by striking therefrom and repealing Section 4 of said article, relative to the assessment of a mortgage, deed of trust, contract, or other obligation by which a debt is secured and to taxes due upon such assessment.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

Also: Senate Bill No. 87—An Act to add a new section to the Political Code, to be numbered Section 3804a, relating to the cancellation of erroneous assessments—have had the same under consideration, and respectfully report the same back, with a committee substitute therefor, and recommend that the committee substitute do pass.

Also: Senate Bill No. 174—An Act to amend Section 3415 of the Political Code, relating to actions to determine the right to purchase State lands—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McCARTNEY, Chairman.

Senate Constitutional Amendments Nos. 22 and 26 ordered on file.

Senate Bills Nos. 87 and 174 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 31, 1907.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 16—An Act to authorize and empower the Board of Trustees of the State Normal School of Los Angeles to sell and convey the lands and buildings of said school and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, and apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings.

Also: Assembly Bill No. 308—An Act amending Sections 1715 and 1716 of the Political Code of the State of California, relating to school libraries.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

ANDERSON, Chairman.

Senate Bill No. 16 ordered on file for second reading.

Assembly Bill No. 303 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 31, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 7—Relative to approving four certain amendments to the Charter of the City of Los Angeles, ratified by the electors of said city, at an election held December 4, 1906—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LEAVITT, Acting Chairman.

Senate Concurrent Resolution No. 7 ordered on file.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 31, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 262—An Act to add a new section to the Political Code of the State of California, relating to the duties of the State Board of Health.

Also: Senate Bill No. 431—An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

McKEE, Chairman.

Senate Bills Nos. 262 and 431 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 31, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 63—An Act to appropriate \$10,000 for the establishment of a school of forestry at the University of California.

Also: Senate Bill No. 66—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Also: Senate Bill No. 73—An Act making an appropriation to pay the claim of Chas. J. Mof against the State of California.

Also: Senate Bill No. 92—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Also: Senate Bill No. 95—An act to appropriate the sum of fifty thousand (\$50,000) dollars for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California, in Alameda County, by the Board of Directors thereof, and provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Senate Bill No. 378—An Act making an appropriation to pay the deficiency in the contingent appropriation for the Governor's office for the fifty-seventh and fifty-eighth fiscal years.

Also: Senate Bill No. 379—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Controller's office, for the fifty-eighth fiscal year.

Also: Senate Bill No. 35—An Act to increase the fixed annual appropriation for the Veteran's Home of California, located at Yountville, Napa County, State of California, from \$65,000 per annum to \$75,000 per annum for the fifty-ninth fiscal year and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled "An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association, approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901,' by providing for a fixed annual appropriation of \$65,000 in the place and stead of \$75 per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home."

Also: Senate Bill No. 54—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigations.

Also: Senate Bill No. 141—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, photographic reporter, and stenographers in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and prohibiting the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

Also: Senate Bill No. 153—An Act making an appropriation to pay the claim of Solinsky & Wehe against the State of California.

Also: Senate Bill No. 223—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Also: Senate Bill No. 224—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Also: Senate Bill No. 225—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Also: Senate Bill No. 226—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Also: Senate Bill No. 229—An Act to provide for the location, survey, and construction of a State highway in Trinity County, connecting the present county road systems of Trinity and Humboldt counties, and making an appropriation therefor.

Also: Senate Bill No. 261—An Act making an appropriation to carry out the provisions of Section 2979a of the Political Code of the State of California.

Also: Senate Bill No. 363—An Act authorizing the transfer of moneys from the salary fund of the State Normal School at San Francisco to the printing fund of said school.

Also: Senate Bill No. 364—An Act appropriating \$13,500 to complete the buildings, equipment, and furnishing of the State Normal School at San Francisco.

Also: Senate Bill No. 368—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed as acting guardian at the Marshall monument, at Coloma, from October 20, 1905 to February 6, 1906 during which period there was no regularly appointed guardian, and no salary paid for the same (the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law).

Also: Senate Bill No. 370—An Act appropriating money to pay the rental, cost of moving, and other necessary expenses incurred and to be incurred by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.

Also: Senate Bill No. 371—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, the expenditure of which has been approved by the State Board of Examiners.

Also: Senate Bill No. 372—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Also: Senate Bill No. 373—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof," approved March 22, 1905.

Also: Senate Bill No. 374—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh years.

Also: Senate Bill No. 375—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Also: Senate Bill No. 376—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

Also: Senate Bill No. 10—An Act appropriating the sum of \$8,000 for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school.

Also: Senate Bill No. 50—An Act to provide for the examination, tearing down, and removal of certain buildings of the San José State Normal School, injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for the erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds for the use of said Normal School, and making an appropriation therefor.

Also: Senate Bill No. 67—An Act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.

Also: Senate Bill No. 222—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Also: Senate Bill No. 281—An Act making an appropriation of \$3,500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting at said school a building for manual training and equipping the same.

Also: Senate Bill No. 282—An Act making an appropriation of \$1,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

BELSHAW, Chairman.

Senate Bills Nos. 63, 66, 73, 92, 95, 378, 379, 35, 58, 141, 153, 223, 224, 225, 226, 229, 261, 363, 364, 368, 370, 371, 372, 373, 374, 375, 376, 10, 50, 67, 222, 281, and 282 ordered on file for second reading.

ON RULES.

SENATE CHAMBER, SACRAMENTO, January 31, 1907.

MR. PRESIDENT: Your Committee on Rules, to whom was referred Senate Concurrent Resolution No. 8—Relative to Joint Rules—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

GREENWELL, Chairman.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 8 taken up for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 8.

Resolved by the Senate, the Assembly concurring. That a committee of three from each house be appointed by the President of the Senate and the Speaker of the House respectively, for the purpose of submitting a set of joint rules for both houses.

Concurrent resolution read, adopted, and ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, January 31, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 264—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small

lots or tracts for the purpose of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

CARTER, Chairman.

Senate Bill No. 264 ordered on file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, January 30, 1907.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 121—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District No. 70, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

Also: Senate Bill No. 122—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a Reclamation District, to be called 'Reclamation District No. 70,' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 294—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

PRICE, Chairman.

Senate Bills Nos. 121, 122, and 294 ordered on file for second reading.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, January 31, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Constitutional Amendment No. 3—Resolution to amend Section 2½ of Article II of the Constitution—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WALKER, Chairman.

Assembly Constitutional Amendment No. 3 ordered on file.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 31, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 433—An Act to amend the title and Sections 7, 9, 12, 13, 4, 15, 16, and 17, of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905—have had the same under consideration, and respectfully report the same back, and recommend that committee substitute do pass.

McKEE, Chairman.

Senate Bill No. 433 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Sanford: Senate Bill No. 535—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Wright: Senate Joint Resolution No. 9—Relative to reorganizing and increasing the efficiency of the artillery of the United States Army.

Referred to Committee on Military Affairs.

Also: Senate Bill No. 536—An Act to amend an Act entitled "An Act to insure the better education of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for

the violation hereof, and to repeal an Act now in force relating to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 16 thereof, defining the practice of dentistry.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 537—An Act to amend Section 2024 of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions out of the State.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 538—An Act to amend Section 2032 of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 539—An Act making an appropriation of \$915 to pay the claim of Southern Construction Company for the grading of Campus Avenue at the State Normal School, San Diego, California.

Bill read first time, and referred to Committee on Finance.

By Senator Kennedy: Senate Bill No. 540—An Act to regulate the practice of horseshoeing in the State of California, and to provide for the examination and registration of persons engaged in such pursuit.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Bill No. 541—An Act to amend An Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1918 thereof, and by adding a new section immediately after Section 1918, to be numbered as Section 1918a, relating to rate of interest that may be agreed upon in written instruments.

Bill read first time, and referred to Committee on Judiciary.

By Senator Mattos: Senate Bill No. 542—An Act to amend Section 1490 of the Code of Civil Procedure of the State of California, relating to notice to creditors.

Bill read first time, and referred to Committee on Judiciary.

By Senator Savage: Senate Bill No. 543—An Act to amend Section 4460 of the Political Code, defining what is a newspaper of general circulation.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 544—An Act to validate the organization and incorporation of municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Cartwright: Senate Bill No. 545—An Act to provide for the acquisition, equipment, and use of a railway car for the purpose of distributing live fish and stocking the waters of this State with fish, and making an appropriation therefor.

Bill read first time, and referred to Committee on Fish and Game.

By Senator McCartney: Senate Bill No. 546—An Act to amend Section 16 of an Act entitled "An Act to amend an Act entitled 'An Act defining and providing for the control, protection, and treatment of dependent delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the sepa-

ration of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903," approved March 22, 1905.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 547—An Act providing for the appointment of police justices in municipalities having a freeholders' charter, wherein provision is made for a police court judge that no provision is made for the appointment or election of such police judge.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 548—An Act to provide for the consolidation of municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to the extension of the terms of existence of corporations.

Senate Constitutional Amendment referred to Committee on Corporations.

By Senator Keene: Senate Bill No. 549—An Act to amend an Act entitled "An Act to regulate the working hours of employes engaged in selling at retail drugs and medicines and compounding physicians' prescriptions, and providing a penalty for the violation thereof," approved February 28, 1905.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

By Senator Boynton: Senate Bill No. 550—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Concurrent Resolution No. 4—Approving the charter of the City of Santa Monica, in Los Angeles County, California, which was voted for by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter on the 28th day of March, 1906.

WITHDRAWAL OF BILL.

Senator Savage asked for and was granted unanimous consent to withdraw Senate Concurrent Resolution No. 4.

Senate Concurrent Resolution No. 4 withdrawn, and ordered stricken from the file.

Senate Bill No. 52—An Act to amend Section 1202 of the Political Code of the State of California, relating to the appointment of election officers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 52 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Carter, Hartman, Irish, Keane, Leavitt, Lynch, Mattos, McCartney, Miller, Nelson, Price, Rambo, Reily, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—Senator Boynton—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 30—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof.

On motion of Senator McCartney, Senate Bill No. 30 was temporarily passed on file, to retain its place.

Senate Bill No. 128—An Act to amend Section 487 of the Penal Code of California, defining grand larceny.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 128 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 129—An Act to repeal Section 491 of the Penal Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 129 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 130—An Act to add a new section to the Penal Code of California, to be numbered 490a, providing therein for the punishment of the larceny of bicycles, jacks, jennies, and dogs.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 130 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 332—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 332 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, Muentner, Nelson, Rambo, Reily, Sanford, Savage, Walker, Weed, Welch, Willis, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 47—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks and for the construction of sewers within municipalities,' approved March 18, 1835," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Savage, as a special committee of one, to amend as follows:

1. Inserting after the word "order," in line 19, page 2, Section 2, printed bill, the following words: "storm water ditches and channels."
2. And by striking out of Section 2, line 30, page 2, printed bill, the word "whatever," and inserting in lieu thereof the following: "whenever."
3. And by striking out of the last section in line 1, page 2, printed bill, the figure "2" and inserting in the lieu thereof the figure "3."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 31, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 47, with instructions to amend, respectfully report the same back, amended as per instructions.

SAVAGE, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 56—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

Bill read third time, and re-referred to Committee on Judiciary, to retain its place on file.

Senate Bill No. 101—An Act to amend Section 2981 of the Political Code of the State of California, relating to the meetings of the State Board of Health.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 101 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Sanford, Savage, Walker, Weed, Welch, Willis, and Wolfe—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 142—An Act to amend Section 2979a of the Political Code of the State of California, relating to the preservation of the public health.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 142 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, McCartney, McKee, Miller, Muenter, Nelson, Reily, Savage, Walker, Weed, Welch, Willis, and Wolfe—28.

NOES—Senator Mattos—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

On motion of Senator Belshaw, Senate Bill No. 100 was temporarily passed on file, to retain its place.

Senate Bill No. 244—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 27—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3673, 3695, 3699, 3700, 3702, 3738, 3797, and 3898 of the Political Code; to amend Subdivision 13 of Section 3692 of the Political Code; and to repeal Section 3701 of the Political Code, as it now exists, and to reenact and amend said Section 3701, all said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

During second reading of bill, the following amendments were submitted by committee:

Amend the title to said bill as follows: Strike out all of the title after the words "An Act" and insert in lieu thereof the following:

"To amend sections three thousand six hundred twenty-seven, three thousand six hundred fifty-one, three thousand six hundred sixty-four, three thousand six hundred sixty-five, three thousand six hundred sixty-six, three thousand six hundred seventy-one, three thousand six hundred seventy-eight, three thousand six hundred ninety-two, three thousand six hundred ninety-five, three thousand six hundred ninety-nine, three thousand seven hundred, three thousand seven hundred two, three thousand seven hundred thirty-eight, three thousand eight hundred ninety-seven, and three thousand eight hundred ninety-eight of the Political Code; to repeal section three thousand seven hundred one of the Political Code, as it now exists, and to reenact said section three thousand seven hundred one, all of said sections relating to the assessment, equalization, and collection of taxes of the State and counties."

Amendment adopted.

Also:

On page 11 of printed bill, strike out all beginning with the word and figure "Sec. 8" down to and including the word "board," in line 6, and insert in lieu thereof the following:

Sec. 8. Section three thousand six hundred and ninety-two of the Political Code is hereby amended so as to read as follows:

3692. "The powers and duties of the State Board of Equalization are as follows:

1. To prescribe rules for its own government and for the transaction of its business.
2. To prescribe rules and regulations, not in conflict with the Constitution and laws of the State, to govern supervisors when equalizing, and assessors when assessing.

3. To make out, prepare, and enforce the use of all forms in relation to the assessment of property, collection of taxes and revenue of this State.

4. To hold regular meetings at the State Capitol, on the second Monday in each month, and such special meetings as the chairman may direct.

5. To annually assess the franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county in this State, at their actual value, on the first Monday in March, at twelve o'clock M., and to apportion such assessment to the counties, and cities and counties, in which such railroads are located, in proportion to the number of miles of railway laid in such counties, and cities and counties, in the manner provided for in section three thousand six hundred and sixty-four of said Code.

6. To equalize the assessment of each mortgage, deed of trust, contract, or other obligation by which a debt is secured, and which affects property situate in two or more counties, and to apportion the assessment thereof to each of such counties.

7. To transmit to the assessor of each county, or city and county, its apportionment of the assessment made by said board upon the franchises, roadways, roadbeds, rails, and rolling stock of railroads, and also its apportionment of the assessments made by such board upon mortgages, deeds of trust, contracts, and other obligations by which debts are secured, in the manner provided for in section three thousand six hundred and sixty-four of said Code.

8. To meet at the State Capitol on the first Monday in August, and remain in session from day to day, Sundays excepted, until the second Monday in September.

9. At such meeting to equalize the valuation of the taxable property of the several counties in this State for the purposes of taxation; and to the end, under such rules of notice to the clerk of the board of supervisors of the county affected thereby, as it may prescribe, to increase or lower the entire assessment roll so as to equalize the assessment of the property contained in said roll and make the assessment conform to the true value in money of the property assessed, and to fix the rate of State taxation, and to do the things provided in section three thousand six hundred and ninety-three of said Code; *provided*, that no board of equalization shall raise any mortgage, deed of trust, contract, or other obligation by which a debt is secured, money, or solvent credits, above its face value.

10. To visit as a board, or by the individual members thereof, whenever deemed necessary, the several counties of the State, for the purpose of inspecting the property and learning the value thereof.

11. To call before it, or any member thereof, on such visit, any officers of the county, and to require them to produce any public records in their custody.

12. To issue subpoenas for the attendance of witnesses or the production of books before the board, or any member thereof; which subpoenas must be signed by a member of the board, and may be served by any person.

13. To appoint a secretary, prescribe and enforce his duties. The secretary shall hold his office during the pleasure of the board.

14. To report to the Governor, biennially, a statement, showing:

First—The acreage of each county in the State that is assessed.

Second—The amount assessed per acre.

Third—The aggregate value of all town and city lots.

Fourth—The aggregate value of all the real estate in the State.

Fifth—The kinds of personal property in each county, and the value of each kind.

Sixth—The aggregate value of all personal property in the Senate.

Seventh—Any information relative to the assessment of property and the collection of revenue.

Eighth—Such further suggestions as it shall deem proper.

15. To keep a record of all its proceedings.

Amendment adopted.

Also:

On page 12 of printed bill, in Section 11, in line 4, after the word "Controller," insert a bracket], and after the word "board" in said line 4, take out bracket].

Amendment adopted.

Also:

On page 12 of printed bill, in Section 12, in line 3, strike out the two words "and amended."

Amendment adopted.

Also:

On page 14 of printed bill, in line 30, strike out the words "if such address be known," and insert in lieu thereof the words: "at his last known post office address."

Amendment adopted.

Also:

On page 16 of printed bill, in line 25 thereof, after the word "therein," insert the following: "within ten days after the first Monday in March of each year, the tax

collector must render a report to the assessor, giving the names of all persons to whom deeds have been made under the provisions of this section for the preceding year, together with the dates of such deeds, the consideration therein named, and the description of the property so conveyed."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 274—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 274.

An Act to add a new title to Part IV of Division First of the Civil Code, to be known as Title XXI, relating to unincorporated benevolent and fraternal societies and associations.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new title is hereby added to Part IV of Division First of the Civil Code, to be numbered Title XXI, to read as follows:

TITLE XXI.

UNINCORPORATED BENEVOLENT AND FRATERNAL SOCIETIES AND ASSOCIATIONS.

§ 653r. *Powers of Societies and Associations*.—All unincorporated benevolent and fraternal societies and associations are hereby authorized and empowered to purchase, receive, own, hold, mortgage, and manage all such real estate as may be necessary for the business and objects of the said society or association. In case any such society or association is or becomes the owner, by donation or purchase, of more lands than herein provided for, such surplus must be sold and conveyed by the said society or association within twenty years after the acquisition thereof.

§ 653s. *Selection of Trustees*.—The title to all such real estate so owned by such society or association shall be taken and held in trust by duly elected or appointed trustees of such society or association, and their successors in office, not to exceed five in number, all of whom are to be members thereof, and to be elected or appointed in such manner as their by-laws shall prescribe.

§ 653t. *Powers of Trustees*.—The said trustees shall be subject to the direction and control of such society or association in the management, sale, and disposition of such real estate, and shall have the authority and power to transfer, sell, and convey all such real estate, or any portion thereof, or mortgage the same, whenever directed to do so by a resolution of such society or association, in the manner prescribed by its by-laws, a true copy of which resolution must be incorporated in the instrument of transfer.

§ 653u. *Litigation*.—Such benevolent and fraternal societies and associations may sue and be sued, and maintain and defend, in the name of its said trustees, all actions in relation to its said real property, and any other action involving the business affairs of such society or association.

SECTION 2. This Act shall take effect and be in force immediately.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 163—An Act to amend an Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 2, line 19, strike out the words "twenty-four hours," and insert in lieu thereof the following: "five days."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 112—An Act to amend Section 496 of the Penal Code, relating to the buying and receiving of stolen property.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 10, insert after the word "officer," the words "within three months after he bought or received the same."

Amendment adopted.

Also:

On page 1, Section 1, line 10, strike out the words "his agent."

Amendment adopted.

Also:

On page 1, Section 1, line 8, insert after the word "demand" the words "in writing."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 127—An Act to amend Section 335 of the Code of Civil Procedure of California, relating to adverse possession of land or interest, and the payment of taxes thereon.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 90—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 382—An Act to amend the Political Code by adding thereto three new sections, to be numbered 759, 760, and 761, relating to fees of clerks of District Courts of Appeal, the disposition thereof and settlement therefor by said clerks, and creating a library fund in District Courts of Appeal.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 138—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 91—An Act to add a new section to the Penal Code, to be numbered Section 1520, relating to the holding of inquests by the coroner.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 459—An Act to amend Section 200 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the exemptions from jury duty.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 455—An Act to prohibit adulteration and deception in the sale of dairy products; defining adulteration in dairy products; to establish the standards of quality in dairy products, and to provide for enforcing its provision.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 351—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 169—An Act to amend Section 1160 of the Political Code, relating to elections and the time the polls must be opened and closed.

Bill read second time, considered engrossed, and ordered on file for third reading.

SECOND READING OF CODE REVISION BILLS.

Senate Bill No. 213—An Act to amend Section 803 of the Code of Civil Procedure, relating to action for the usurpation of an office or franchise.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 7, insert after the word "franchise", at end of line the following: ", or against any corporation, either de jure or de facto, which usurps, intrudes into, or unlawfully holds or exercises any franchise."

Amendment adopted.

Also:

On page 1, Section 1, line 12, strike out the words "and if it is claimed that a corporation," and all of lines 13, 14, 15, and 16.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 219—An Act to amend Section 700 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 700a, both relating to execution sales.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 2, line 5, strike out the word "and" and insert in lieu thereof the following: "are."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 210—An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.

Bill read second time, considered engrossed, and ordered on file for third reading.

APPOINTMENT OF COMMITTEE.

In accordance with Senate Concurrent Resolution No. 8, this day adopted, the President announced that he had appointed Senators Leavitt, Greenwell, and Cartwright as a committee of three from the Senate to act with a similar committee from the Assembly for the purpose of submitting a set of Joint Rules for both bodies.

ADJOURNMENT.

At twelve o'clock M., on motion of Senator Wolfe, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Friday, February 1, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVES OF ABSENCE.

Senator Greenwell was, on motion of Senator Belshaw, granted leave of absence for this day.

Senator Bates was, on motion of Senator Wright, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 31, 1907, the further reading was dispensed with, on motion of Senator Willis.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Assembly on this day concurred in Senate Concurrent Resolution No. 8—Relative to submitting a set of joint rules for both houses.

Also: Passed Assembly Bill No. 151—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.

Also: Assembly Bill No. 299—An Act to amend Section 1581 of the Political Code of the State of California, relating to the formation of new school districts.

Also: Assembly Bill No. 329—An Act to amend Section 1697 of the Political Code, defining the length of school month.

Also: Assembly Bill No. 93—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District Number One of Sutter County," approved March 20, 1874.

Also: Assembly Bill No. 319—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents so as to provide for transferring the funds of lapsed school districts to the districts into which they are merged.

Also: Assembly Bill No. 335—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by Judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

Also: Assembly Bill No. 87—An Act transferring money from the traveling expense fund of the Bureau of Building and Loan Supervision to a special fund to defray the expenses of restoring the office furniture and fixtures of said bureau, lost or destroyed by conflagration or other public calamity, and directing the State Controller and State Treasurer to make such transfer and to draw and pay warrants for the disbursement thereof.

Also: Assembly Bill No. 73—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, approved March 18, 1885,'" approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Also: Assembly Bill No. 116—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.

Also: Assembly Bill No. 118—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a, relating to the powers and duties of the county recorder respecting the registration of marriages, births, and deaths.

Also: Assembly Bill No. 176—An Act to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of hospitals for the relief of the sick and for training schools for nurses.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Concurrent Resolution No. 8 ordered to enrollment.

Assembly Bills Nos. 151, 335, and 116 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 299, 329, and 319 read first time, and referred to Committee on Education.

Assembly Bill No. 303 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 87 read first time, and referred to Committee on Finance.

Assembly Bill No. 73 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 118 read first time, and referred to Committee on County Government.

Assembly Bill No. 176 read first time, and referred to Committee on Hospitals and Asylums.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON RULES.

SENATE CHAMBER, SACRAMENTO, February 1, 1907.

MR. PRESIDENT: Your Committee on Rules, to whom was referred:

Resolved, That the President of the Senate shall appoint a select committee of three Senators, who shall inspect and investigate State institutions and enterprises, and report and recommend thereon to the Senate not later than the fiftieth day of the session.

Have had the same under consideration, and respectfully report the same back, and recommend that the author withdraw the same.

GREENWELL, Chairman.

WITHDRAWAL OF RESOLUTION.

Senator Anthony asked for and was granted unanimous consent to withdraw the following resolution:

Resolved, That the President of the Senate shall appoint a select committee of three Senators, who shall inspect and investigate State institutions and enterprises, and report and recommend thereon to the Senate not later than the fiftieth day of the session.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 1, 1907.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 390—An Act to provide for experimental work in tobacco culture in the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PRICE, Chairman.

Senate Bill No. 390 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 1, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was re-referred Senate Bill No. 55—An Act to legalize bonds to be issued and sold by municipalities whose authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

Also: Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California a constitutional amendment amending Article IV, Section 18, of the Constitution of the State of California, by including the Presiding Justices and Justices of the District Courts of Appeal in the list of state officials liable to impeachment for misdemeanor in office.

Also: Senate Bill No. 481—An Act to amend Section 1881 of the Code of Civil Procedure, relating to parties prohibited from testifying in certain cases.

Also: Senate Bill No. 303—An Act to repeal Sections 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 70, 71, 72, 73, 74, 75, 76, 77, 78, and 79 of the Code of Civil Procedure, all relating to courts of justice.

Also: Senate Bill No. 304—An Act to repeal Section 115 of the Code of Civil Procedure, relating to the criminal jurisdiction of justices' courts.

Also: Senate Bill No. 305—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

Also: Senate Bill No. 306—An Act to amend Section 139 of the Code of Civil Procedure, and to repeal Section 149 thereof, both relating to proceedings in case of absence of judge.

Also: Senate Bill No. 307—An Act to amend Section 144 of the Code of Civil Procedure, relating to places of holding courts.

Also: Senate Bill No. 308—An Act to repeal Sections 156 and 157 of the Code of Civil Procedure, both relating to the eligibility of judicial officers.

Also: Senate Bill No. 312—An Act to amend Sections 352 and 355 of the Code of Civil Procedure, both relating to the time of commencing actions.

Also: Senate Bill No. 314—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Also: Senate Bill No. 315—An Act to add two new sections to the Code of Civil Procedure, to be numbered 417 and 418, both relating to actions for libel and slander.

Also: Senate Bill No. 320—An Act to amend Sections 516 and 567 of the Code of Civil Procedure, both relating to receivers.

Also: Senate Bill No. 220—An Act to amend Sections 681, 687, 688, and 689 of the Code of Civil Procedure, all relating to executions in civil cases.

Also: Senate Bill No. 126—An Act concerning trespassing of animals upon private lands, and the recovery of damages resulting therefrom.

Also: Senate Bill No. 139—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

Also: Senate Bill No. 465—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 313—An Act to amend Sections 387, 388, and 389 of the Code of Civil Procedure, all relating to parties to civil actions.

Also: Senate Bill No. 317—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Also: Senate Bill No. 321—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court, and to repeal Section 2104 of said Code.

Also: Senate Bill No. 268—An Act to add a new section to the Penal Code of California, to be numbered 357a, relative to preserving marks, brands, description, and sex of animals slaughtered.

Also: Senate Bill No. 133—An Act to amend an Act entitled "An Act amending Sections 749 and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property," which sections were added to said Code by an Act approved March 23, 1901, as amended by an Act approved March 9, 1903.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

WOLFE, Chairman.

Senate Bills Nos. 56, 481, 303, 304, 305, 306, 307, 308, 312, 314, 315, 320, 220, 126, 139, 465, 313, 317, 321, 268, and 133 ordered on file for second reading.

Senate Constitutional Amendment No. 5 ordered on file.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 1, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 62—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto five new sections to be designated as Sections 1044, 1133, 1120, 1151 and 1121, and to repeal an Act entitled "An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled "An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution," approved March 31, 1897," approved March 1, 1899 all relating to elections, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 506—An Act to amend Sections 1145, 1118, and 1125 of the Code of Civil Procedure, relating to contesting certain elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also: Senate Bill No. 39—An Act to amend Section 1142 of the Political Code of the State of California, relating to the appointment of election officers—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn.

WALKER, Chairman.

Senate Bills Nos. 62, 506, and 39 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 39.

Senate Bill No. 39 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, January 31, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 280—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Also: Senate Bill No. 267—An Act to amend an Act entitled "An Act to create the County of San Benito to establish the boundaries thereof, and to provide for its organization, approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties, equitably chargeable to San Benito County," approved March 11, 1887, rectifying and rendering more certain the boundaries thereof.

Also: Senate Bill No. 430—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes: the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, by adding thereto a new section, to be numbered and known as Section 22½, relating to the annexation of outlying territory to sanitary districts, and the conditions of such annexation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 336—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 182 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-fifth class, approved March 20, 1905—have had the same under consideration, and respectfully report the same back, and recommend that same do pass as amended.

CARTER, Chairman.

Senate Bills Nos. 280, 267, 430, and 336 ordered on file for second reading.

LEAVE OF ABSENCE FOR SERGEANT-AT-ARMS.

On motion of Senator Price, leave of absence was granted to the Sergeant-at-Arms of the Senate, J. Louis Martin, until Wednesday, February 6, 1907.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Sanford: Senate Bill No. 551—An Act to amend Section 1197 of the Political Code, so as to require the separate marking of each candidate voted for at election.

Bill read first time, and referred to Committee on Election and Election Laws.

By Senator Curtin: Senate Bill No. 552—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the proof of lost and destroyed wills.

Bill read first time, and referred to Committee on Judiciary.

By Senator Mattos: Senate Bill No. 553—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hartman: Senate Bill No. 554—An Act to prevent the manufacture and sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight.

Bill read first time, and referred to Committee on Manufactures and Oil Industry.

Also: Senate Bill No. 555—An Act to amend Sections 336, 337, 338, 339, and 344 of the Code of Civil Procedure, all relating to the time within which certain actions must be commenced.

Bill read first time, and referred to Committee on Judiciary.

By Senator McCartney (by request): Senate Bill No. 556—An Act to amend Sections 3093, 3094, and 3095 of the Political Code, relating to dissection, enacted March 12, 1872.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Wright: Senate Bill No. 557—An Act entitled "An Act to regulate the recordation of the subscriptions to the capital stock of the Water Users' Association."

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 558—An Act entitled "An Act to grant rights of way over the public land of the State of California for ditches, tunnels, and telephone and transmission lines."

Bill read first time, and referred to Committee on Judiciary.

By Senator Anderson: Senate Bill No. 559—An Act to amend Section 396 of the Code of Civil Procedure, relating to the place of trial of civil actions.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Elections and Election Laws: Senate Bill No. 560—An Act to amend Sections 1189, 1192, 1358, 1079, 1361, 1186, and 1188 of the Political Code, relating to elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

RUSH ORDER TO PRINTER.

On motion to Senator Walker, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 560.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

The following bills were introduced:

By Senator Boynton: Senate Bill No. 561—An Act to validate the organization and incorporation of municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations.

Also (by request): Senate Bill No. 562—An Act giving a lien to persons engaged in baling hay.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 563—An Act to authorize the deposit of State money in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Banks and Banking.

Also: Senate Bill No. 564—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators, and guardians in certain cases.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 565—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof approved March 23, 1901, and the amendment thereof approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

Bill read first time, and referred to Committee on County Government.

By Senator Keane: Senate Bill No. 566—An Act for the regulation of the practice of architecture in the State of California, and for the appointment of a State Board of Architecture in the matter of said regulation, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Price (by request): Senate Bill No. 567—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Belshaw (by request): Senate Bill No. 568—An Act to regulate the building and occupancy of tenement houses in incorporated cities.

Bill read first time, and referred to Committee on Judiciary.

By Senator Leavitt: Senate Bill No. 569—An Act to amend Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Senator Walker (by request): Senate Bill No. 570—An Act to amend Section 12 of an Act entitled "An Act creating a State Commission on Voting or Balloting Machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all

elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Bill read first time, and referred to Committee on Elections and Election Laws.

ANNOUNCEMENT.

Senator McCartney asked for and was granted unanimous consent to announce that, at some future day, he will arise to a question of personal privilege and address the Senate concerning certain untrue statements circulated throughout the State in regard to his position on several bills heretofore introduced by himself.

BILL RECALLED FROM COMMITTEE.

Senator McCartney moved that Senate Bill No. 98—An Act to provide for the establishment in municipalities of the State of municipal plants, for furnishing of electricity, gas, and water to the inhabitants thereof—be recalled from Committee on Municipal Corporations and placed on file.

Motion carried.

WITHDRAWAL OF BILL.

Senator McCartney asked for and was granted unanimous consent to withdraw Senate Bill No. 98.

Senate Bill No. 98 withdrawn, and ordered stricken from the file.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 30—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

AMENDMENT No. 1.

After the word "adulterated," in line 15, page 2 of the printed bill, insert the following: "mislabeled."

AMENDMENT No. 2.

In line 9, Section 4, page 3 of the printed bill, strike out the words "quantity or," and after the word "volume," in the same line, insert the word "of" and after the comma, after the word "alcohol," in the same line, same section and page, insert the following words: "or the quantity of any."

AMENDMENT No. 3.

Strike out all of Section 15 after the word and figures "Sec. 15" and insert in lieu thereof the following: "When the examination or analysis of the Director of the State Laboratory shows that any of the provisions of this Act have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained or who executed the guaranty as provided in this Act, and a date shall be fixed by the Secretary of the Board of Health at which time said party or parties may be heard before the State Board of Health or any two members thereof, and the secretary. The hearing shall be held in the City of Sacramento and at least fifteen days' notice thereof shall be first served upon the party complained of. These hearings shall be private and confined to questions of fact. The parties interested therein may appear in person or by attorneys and may propound the interrogatories and submit oral or written evidence to show any fault or error in the findings made by the Director of the State Laboratory. If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing, after notice duly served as provided herein, the Secretary of the State Board of Health shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled, or misbranded drug was found. No publication thereof shall be made until after said hearing is concluded."

AMENDMENT No. 4.

After the word "hundred," line 4, section 19, page 6 of the printed bill, insert the following word: "dollars."

AMENDMENT No. 5.

After the word "act," line 2, Section 20, page 6 of the printed bill, strike out the following words: "and all money collected from defendants for the expense of examination and analysis of adulterated, mislabeled, or misbranded drugs at the State Laboratory."

AMENDMENT No. 6.

In line 9, Section 21, page 6 of the printed bill, strike out the following words: "the names and quantity of."

AMENDMENT No. 7.

In line 10, page 7 of the printed bill, after the word "purchase," strike out the period and insert in lieu thereof a semicolon.

AMENDMENT No. 8.

In line 15, page 7 of the printed bill, after the word "words," strike out the following words: "guaranteed that the articles sold by him are not mislabeled, adulterated, or misbranded within the meaning of this Act, designating it," and insert in lieu thereof, "guaranteed under the food and drugs Act, June 30, 1906."

AMENDMENT No. 9.

After the word and figures "Sec. 22," strike out all of Section 22, on page 7 of the printed bill, and insert in lieu thereof the following: "This Act shall be in force and effect from and after the first day of January, nineteen hundred and eight."

AMENDMENT No. 10.

Strike out all of Section 23.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 1, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 30, with instructions to amend, respectfully report the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 56—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 56 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 263—An Act to add a new section to the Penal Code of the State of California, to be numbered 374a, providing for safeguards against the pollution of waters used for domestic purposes.

On motion of Senator Leavitt, Senate Bill No. 263 was temporarily passed on file, to retain its place.

Senate Bill No. 7—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive, to the purchaser of a fruit tree or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecutions under this Act may be commenced.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 7 passed by the following vote:

Ayes—Senators Anderson, Anthony, Bell, Bolshaw, Black, Boynton, Broughton, Canfield, Carter, Keane, Kennedy, Leavitt, Lynch, Markey, Martin, McKee, Miller, Moschetti, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

Nays—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE CONSTITUTIONAL AMENDMENT No. 22.

Relative to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support and maintenance of minor orphans or half orphans or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.

A resolution to propose to the people of the State of California an amendment to Article XIII by adding a new section thereto to be known and designated as section one and three-fourths, relating to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support and maintenance of minor orphans or half orphans or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.

Resolved by the Senate the Assembly concurring. That the Legislature of the State of California at its regular session, commencing on the second of January, Anno Domini one thousand nine hundred and five, two-thirds of the members elected to each of the two Houses voting in favor thereof, hereby propose that Article XIII of the Constitution of the State of California be amended by adding a new section thereto, to be known and designated as one and three-fourths, and to read as follows:

Section 1 3/4. All buildings and so much of the real property on which they are situated as may be required for the convenience, use, and occupation of said buildings when the same are used solely and exclusively for the accommodation, support, and maintenance of minor orphans, half orphans or abandoned children, shall be free from taxation, provided that no building so used when may be rented for any of said purposes and rent received by the owner thereof shall be exempt from taxation.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 22 adopted by the following vote:

Ayes—Senators Anderson, Anthony, Bell, Bolshaw, Black, Boynton, Broughton, Canfield, Carter, Griffin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Martin, McKee, Miller, Moschetti, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

Nays—None.

Constitutional amendment ordered transmitted to the Assembly.

SENATE CONSTITUTIONAL AMENDMENT No. 26.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Article XIII thereof by striking therefrom and repealing Section 4 of said article, relative to the assessment of a mortgage, deed of trust, contract, or other obligation by which a debt is secured and to taxes due upon such assessment.

The Legislature of the State of California, at its regular session, commencing on the 7th day of January, A. D. 1907, two-thirds of all the members voting in favor thereof, hereby propose that Article XIII of the Constitution of the State of California be amended by repealing Section 4 thereof.

Article XIII of the Constitution of the State of California is hereby amended by striking therefrom and repealing Section 4 thereof, which section reads as follows:

Section 4. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi-public corporations, in case of debt so secured, the value of the property affected by such mortgage, deed of trust, contract or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the

owner of such security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and, to the extent of such payment, a full discharge thereof; *provided*, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment, and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 26 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McArthur, McKee, Miller, Muentner, Nelson, Price, Rambo, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Constitutional amendment ordered transmitted to the Assembly.

SENATE CONCURRENT RESOLUTION NO. 7.

Approving four certain amendments to the Charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein on the fourth day of December, 1906.

WHEREAS, The City of Los Angeles, in the County of Los Angeles, State of California, contains a population of over one hundred thousand (100,000) inhabitants, and has been ever since the year 1889, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California, on the 31st day of January, 1889, (Statutes of 1889, p. 455); and

WHEREAS, The city council of said City of Los Angeles, did, by Ordinance No. 13394 (New Series), adopted by said city council on the 3rd day of October, 1906, and approved by the mayor of said city on the 3rd day of October, 1906, and pursuant to Section 8 of Article XI of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles the four certain amendments hereinafter set forth to the charter of said city, to be submitted to said qualified electors at a general municipal election, to be held in said city on the 4th day of December, 1906; and

WHEREAS, Said four proposed amendments hereinafter set forth were, and each of them was, published for twenty days in a daily newspaper printed and published in said city, and of general circulation therein, to wit, "The Los Angeles Daily Journal," said publication ending on the twenty-third day of October, 1906; and

WHEREAS, Thereafter the city council of said city did, by an ordinance designated as Ordinance Number 13610 (New Series), which was duly adopted on the nineteenth day of November, 1906, order the holding of a general municipal election in said City of Los Angeles on the fourth day of December, 1906, (at least forty days after the publication of said four proposed amendments hereinafter set forth for twenty days in said daily newspaper of general circulation in said City of Los Angeles, to wit, "The Los Angeles Daily Journal"), and did provide in said ordinance for the submission of said four proposed amendments to the said charter, to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was approved by the Mayor of said city on the nineteenth day of November, 1906, and was published for at least ten days prior to the time appointed for the holding of said election, in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city; and

WHEREAS, At said election a majority of the qualified electors voting thereon, voted in favor of the ratification of, and did ratify each and all of said four proposed amendments hereinafter set forth to said charter; and

WHEREAS, The city council of said City of Los Angeles, at regular and at special meetings thereof, held within ten days after said election, duly canvassed the returns of said election, and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified each and all of the said four proposed amendments to said charter; and

WHEREAS, The Mayor and City Clerk of said City of Los Angeles did, on the 22nd day of January, 1907, duly certify to the submission to the electors of said city of said four proposed amendments to said charter and to the ratification of said four amendments, and did further certify to a copy of said four proposed amendments, authenticated by the seal of the said City of Los Angeles, which said certificate is in the words and figures following, to wit:

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES, } ss.
CITY OF LOS ANGELES.

We, the undersigned, A. C. Harper, Mayor of the City of Los Angeles, State of California, and Harry J. Lelande, City Clerk of said city, do hereby certify and declare as follows:

That the City of Los Angeles, in the County of Los Angeles, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year 1889, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of Section 8, of Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California on the 31st day of January, 1889. (Statutes of 1889, page 455);

That the City Council of the City of Los Angeles did, by Ordinance No. 13394 (New Series), adopted by said City Council on the 3rd day of October, 1906, and approved by the Mayor of said city on the 3rd day of October, 1906, and pursuant to Section 8 of Article XI, of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles four certain amendments to the charter of said city to be submitted to said qualified electors at a general municipal election to be held in said city on the 4th day of December, 1906; which said amendments were and are in the words and figures following, to wit:

AMENDMENT NUMBER ONE.

That section sixty-five of the charter be amended to read as follows:

Sec. 65. The officers of the city shall receive, in full compensation for all services of every kind whatever rendered by them, the following salaries, payable in monthly installments at the end of each calendar month:

The Mayor shall receive \$3,600 per annum.

Each Councilman shall receive \$1,200 per annum.

The City Clerk shall receive \$2,400 per annum.

The City Auditor shall receive \$3,000 per annum.

The City Assessor shall receive \$2,400 per annum.

The City Treasurer shall receive \$2,400 per annum.

The City Engineer shall receive \$5,000 per annum.

The City Attorney shall receive \$3,000 per annum.

The Chief of Police shall receive \$3,000 per annum.

The Health Officer shall receive \$3,600 per annum.

The City Tax and License Collector shall receive \$3,000 per annum.

Each member of the Board of Public Works shall receive \$3,600 per annum.

That subdivision (e) of section one hundred forty-three of the charter be amended to read as follows:

(e) The board shall appoint a secretary, not a member of the board, who shall receive an annual salary of \$2,400, payable in equal monthly installments. He shall keep a record of all its transactions, specifying therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions and notices, which the board shall order to be posted or published, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him.

That subdivision (h) of section one hundred forty-three of the charter be amended to read as follows:

(h) The Board of Public Works shall appoint and employ a civil engineer of not less than five years' professional experience, who shall be designated as the City Engineer. He shall receive a salary of \$5,000 per annum, and shall hold office at the pleasure of the board. He shall perform such civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board as said board may require. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections, and estimates and perform such other surveying or engineering work, as may be required by said board or by the city council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law, or by ordinance, upon the City Engineer. He shall devote his entire time to the duties of his office, and shall receive no compensation in addition to his salary.

AMENDMENT NUMBER TWO.

That a new section be added to the charter, to be known as section one hundred forty-six and one-half, and to read as follows:

Sec. 146½. The Board of Public Works shall have power to acquire and take by purchase, condemnation, or otherwise, in the name of the city, any and all property that may be necessary or convenient for the construction or completion of any public work or improvement, the construction or completion of which the Board of Public Works has charge, superintendence, or control, and the cost of which is to be paid from the proceeds of bonds issued and sold by said city.

That section one hundred and forty-eight of the charter be amended to read as follows:

Sec. 148. All contracts for the performance or furnishing of labor, materials, or supplies required for the execution of any service of which the Board of Public Works has

charge, superintendence, or control, or for the construction or completion of any work or improvement, of the construction or completion of which said board has charge, superintendence, or control, except public work or improvements, the cost or expenses of which are to be paid by assessment upon property in proportion to the frontage or benefits, and except as hereinafter provided, shall be let and entered into in behalf of the city by the board in the following manner:

Every such contract shall first be authorized by resolution passed by a vote of two thirds of the members of the whole council. The board shall, except in cases of urgent necessity, as hereinafter provided, upon the passage of the resolution authorizing such contract, cause a notice to be posted conspicuously in its office and published one or more times in a newspaper of general circulation printed and published in the City of Los Angeles, inviting sealed bids for the performance or furnishing of the labor, service, materials, or supplies required. Said notice shall require the bids to be filed with the board at or before a certain hour of a day to be specified in the notice, and shall contain a general description of the work, service, materials, or supplies to be performed or furnished, and the amount of the bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the Board for full details and description of said work, service, materials, or supplies.

Said notice shall require each bid to be accompanied by a check certified by a responsible bank, payable to the order of the president of the board, for an amount not less than five per cent of the aggregate sum of the bid, or by a satisfactory bond for the said amount and so payable, as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and the form and manner of making bids may, in all other respects, be prescribed in said notice, and no bid shall be considered unless the same is accompanied by said check or bond and is made in the prescribed form and manner. On the day and at the hour specified in the notice inviting bids the board shall meet and in open session examine and publicly declare the bids received. The board shall award the contract to the lowest regular, responsible bidder, or shall reject all bids. The board shall reject the bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city, and shall reject all bids other than that of the lowest regular, responsible bidder. Upon rejecting any bids the board shall return to the proper parties the checks accompanying the rejected bids. The check accompanying the accepted bid shall be held by the secretary of the board until the contract for performing the work or service or furnishing the materials or supplies proposed to be done or furnished has been entered into. If the successful bidder fails to enter into the contract, or to execute the bond required for the faithful performance thereof, within ten days after the same is awarded to him, then the certified check accompanying his bid shall be presented for payment and collected, and the amount thereof paid into the general funds of the city. Every contract entered into by the board shall first be approved as to form by the City Attorney, and shall contain detailed specifications and plans of the work or service to be done, the manner in which it is to be performed, and the quantity and kind of materials or supplies to be used or furnished, or shall refer to such specifications and plans on file in the office of the board. Said contract shall be filed on behalf of the city by the president or by two of the members of the board and by the other contracting party. The contractor shall enter into and deliver to the secretary of the board a bond, in the sum named in the notice inviting bids, conditioned for the faithful performance of the contract and executed by the contractor and by a responsible surety company, or by two or more sufficient sureties approved by the board.

When any repairs, alterations, work, or improvement shall be deemed of urgent necessity by the board, a contract for the performance or furnishing of the labor, material, or supplies required therefor may be made by the board in behalf of the city, in writing or otherwise, without advertising for or inviting bids; *provided*, that if the contract for the furnishing of the labor, materials, or supplies so required involves an expenditure of more than \$500, the resolution of the council authorizing the same shall, before it takes effect, be approved by the Mayor; *provided, however*, that authorization or approval by the council or the Mayor shall not be required in the case of any contract proposed to be made by the board, after advertising for and inviting bids, as above provided, for the performance or furnishing of such labor, materials, or supplies required for the construction or completion of any work or improvement, of the construction or completion of which the said board has charge, superintendence, or control, and the cost of which is to be paid from the proceeds of bonds issued and sold by the city; and *provided, further*, that authorization or approval by the council or mayor, or advertisement for or inviting bids, shall not be required in the case of any contract proposed to be made by the board for the performance or furnishing of labor, materials, or supplies required as aforesaid, when such contract does not involve an expenditure of more than \$500.

That a new section be added to the charter, to be known as section one hundred and fifty, and to read as follows:

Sec. 150. The Board of Public Works shall present to the city council at its meeting in the second week of December in each year a report for the year ending on the thirtieth day of November next preceding, which shall show the amount of money received from the sale of bonds, the purposes for which such money has been expended, the amount so expended, and the balance on hand in each bond fund, and also, such information and suggestions as it may deem of general interest; and the Board of Public Works

shall also, on or before the tenth day of each month, make out and present to the city council a similar statement of all expenditures during the preceding month of the moneys derived from the sale of bonds.

That a new section be added to the charter, to be known as Section 151, to read as follows:

Sec. 151. When the construction or completion of any public work or improvement, the cost of which is to be paid out of the proceeds of the sale of bonds, is to be carried on outside the City of Los Angeles, and the Board of Public Works shall deem it necessary or convenient that any part of the money to be expended for the cost of such work or improvements shall be disbursed at any point or points outside said city, said board may appoint a disbursing agent, whose duty it shall be to disburse such money, in the manner hereinafter specified. The said disbursing agent shall enter into and deliver to the said board a bond payable to the city, in a sum to be fixed by said board, conditioned for the faithful performance of his duties, executed by himself, and by a responsible surety company, or if required by the board, by two or more sufficient sureties approved by the board, and said board may, from time to time, require from said disbursing agent a new bond, or such additional bond as it may deem proper. Said board shall, after the execution and delivery of such bond, by resolution, authorize the payment and delivery to said disbursing agent of such sum of money as it may deem proper, and said sum shall thereupon be paid to said disbursing agent by the City Treasurer upon a demand approved by the board as in other cases out of the fund from which the cost of said work or improvement is to be paid, and the receipt of said disbursing agent therefor shall release the City Treasurer from all liability for the money so paid; *provided, however*, that said board shall not authorize the payment to said disbursing agent of any money which, together with the moneys already paid to him and remaining unexpended as herein provided, shall exceed fifty per cent of the amount of the bond of said disbursing agent.

That said disbursing agent shall thereafter pay out said money as may be required in the prosecution of said work for services or for material and supplies, but no money shall be paid by him except upon order of said Board of Public Works and upon vouchers or demands certified to be correct by the officer or agent of the city under whose direction the services are rendered or the materials or supplies used.

Said disbursing agent shall, on or before the tenth day of each calendar month, and at such other times as may be required by said Board of Public Works, render to said board an account showing the amount of money in his hands on the first day of the preceding calendar month, all amounts received, and all moneys disbursed by him during said preceding month, and the amount of money remaining in his hands on the last day of said preceding month.

Said disbursing agent shall perform such other duties and comply with such rules and regulations as the Board of Public Works may prescribe. Said agent shall be exempt from the provisions of the civil service, and shall receive such salary as the council by ordinance may fix.

That section two hundred and nine of the charter be amended to read as follows:

Sec. 209. Said demands, except demands payable out of the School Fund, the Library Fund, Water Revenue Fund, or funds derived from the sale of bonds issued by the City of Los Angeles, shall be presented to the council on forms and blanks to be provided by the City Clerk and shall be referred to its Committee on Finance. The said committee shall, by endorsement thereon, approve or reject the same in whole or in part. The council shall then consider the said demands and the action of said committee thereon, and shall, if the same be just and legal, approve the same; or may, if it so determine, approve in part or reject the whole. The action of the council shall be endorsed thereon, with the date of such action, and certified by the signature of the President and City Clerk; *provided*, that it shall require the votes of two-thirds of the members of the whole council, under a call of the ayes and noes, and the vote spread upon the minutes, to approve any such demand in whole or in part.

That a new section be added to the charter, to be known as section two hundred thirteen and three-quarters, and to read as follows:

Sec. 213 $\frac{3}{4}$. All demands payable out of funds derived from the sale of bonds issued by the City of Los Angeles to pay the cost of constructing or completing any public work, improvement, or building, must be presented to the Board of Public Works, and, before they can be approved by the City Auditor or paid, must be previously approved by the Board of Public Works, by a vote of two members thereof, taken by the ayes and noes, spread upon the minutes of the board, and the action of said board must be endorsed on said demand by the President and Secretary thereof, or in the absence of the President, by two members and the Secretary thereof. After the approval of said demands by the Board of Public Works, they shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference to demands payable out of funds derived from the sale of bonds, as are prescribed for other demands; *provided*, that in case the City Auditor shall reject any of such demands, or if, in his opinion, said demands should be paid only in part, he shall return the same to the Board of Public Works, instead of to the council.

That section two hundred fourteen of the charter be amended to read as follows:

Sec. 214. Any demand returned to the City Clerk, with the objections of either the Mayor or City Auditor, shall again be considered by the council, and if it shall again be approved by the council by the same vote taken and recorded and endorsed in the same manner as required by Section 209 hereof, the said objection shall be thereby

overruled. Any demand returned to the Board of Education, the Board of Directors of the Los Angeles Public Library, the Board of Public Works, or the Board of Water Commissioners, with the objections of the Auditor, shall again be considered by such board, and if such demand be again approved, as required in the first instance, such objections of the said Auditor shall be thereby overruled. Any demand, the objections to which of the Mayor have been overruled, shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference thereto as if the same had been approved by the Mayor. Any demand the objection to which of the City Auditor has been overruled by the council, the Board of Education, the Board of Directors of the Los Angeles Public Library, the Board of Public Works, or the Board of Water Commissioners, as the case may be, shall be delivered to the City Auditor, who shall number and make a record of such demand, as in the case of demands approved by him.

That section two hundred twenty-two be amended to read as follows:

Sec. 222. No suit shall be brought on any claim for money or damages against the City of Los Angeles, its Board of Education, Board of Directors of the Los Angeles Public Library, Board of Public Works, or the Board of Water Commissioners, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city, or said Board of Education, Board of Directors of the Los Angeles Public Library, Board of Public Works, or Board of Water Commissioners, upon any claim or demand that has been in whole approved and audited as provided herein; *provided* that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandamus or other proceedings against the city council, or any board or officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.

AMENDMENT NUMBER THREE.

That a new section be added to the charter, to be known as section two hundred and thirty-seven and one-half and to read as follows:

Sec. 237½. Any civil service employé who is injured in the service of the city while actually engaged in the discharge of the duties of his position may, in the discretion of the Board of Civil Service Commissioners, be assigned to a position other than that for which he has been examined, and with or without examination. Said commissioners, upon assigning such person so injured to such new position, shall place his name at the head of the eligible list, and he shall thereafter be first certified for such position. The Board of Civil Service Commissioners shall not place such person so injured as aforesaid at the head of any eligible list without carefully examining the facts of each case, and making its finding that such person is not incompetent, by reason of physical or other disability, to fill the same. Nothing in this provision shall be construed as compelling said commission to take the action herein provided for unless the person injured is, in the judgment of said commission, of good moral character and worthy of receiving the benefits hereof.

That section two hundred and thirty-nine of the charter be amended to read as follows:

Sec. 239. The provisions of this article shall apply to the following departments of the city, to wit:

- The Department of the City Clerk,
- The Department of Electricity,
- The Fire Department,
- The Treasurer's Department,
- The Tax Collector's Department,
- The Police Department,
- The Auditor's Department,
- The Assessor's Department,
- The Health Department,
- The Department of Building,
- The Department of Public Works,
- The Waterworks Department,
- The Public Library,
- The Park Department,
- The City Engineer's Department,
- The Street Department,
- All Departments of Public Utilities,
- All other employés of the city,

Provided, that the following shall be exempt therefrom, to wit:

- All officers elected by the people,
- All members of the different boards and commissions,
- The Mayor's Clerk,
- The Chief of Police and his Secretary,
- The Chief Deputy of the Treasurer,
- The Chief Engineer and his Chief Deputy,
- The Chief Deputy and Cashier of the Tax Collector,
- The Chief Deputy of the Auditor,
- The City Superintendent of Schools and his deputies and teachers,
- The assistants and stenographers of the City Attorney,

The City Prosecutor and the Assistant City Prosecutors,
The Librarian,
The Superintendent of Parks,
The Secretary of the Park Commission,
The Secretary of the Police Commission,
The Superintendent of Buildings,
The Humane Officer,
The Chief Engineer of the Fire Department,
The Superintendent, Water Overseer, Auditor and Cashier of the Waterworks Department,

All physicians appointed on or by the Board of Health,
All officers of election,
The Police Surgeons;

And also to the following persons may be exempted from the provisions of this act: (a) Upon the request in the name of the department in which they are employed, by order of the Board of City Service Commissioners, authorized by the council, by resolution passed by the vote of two-thirds of all its members, to wit: (a) The first and second assistants in the department or either of such departments where not exempt as above provided, the licensed drivers, (c) Persons employed on construction of public works, improvements or buildings, (d) Persons employed to render professional scientific treatment or expert services of an occasional and exceptional character. Any exemption thus made may be terminated at any time by resolution of the Board of Civil Service Commissioners.

AMENDMENT NUMBER FOUR.

That Section 212 of the charter be amended to read as follows:

Sec. 212. All demands payable out of the School Fund must, before they can be approved by the City Auditor, or paid, be previously approved by the Board of Education, by a vote of five members thereof taken with the yeas and nays spread on the minutes, and the action of said board indorsed on said demand and signed by the presiding officer and the clerk thereof. After the approval of said demands they shall be delivered to the City Auditor, who shall have the same powers and shall perform the same duties in reference to demands payable out of the School Fund as is provided for other demands; provided, that in case the City Auditor shall reject any such demand, or if in his opinion said demand should be paid only in part, he shall return the same to the Board of Education, instead of the council.

That said four proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city and of general circulation therein, to wit: "The Los Angeles Daily Journal," and that said publication ended on the 23d day of October, 1906;

That thereafter the city council of said city did, by Ordinance No. 13610 (New Series), which was duly adopted on the 19th day of November, 1906, order the holding of a general municipal election in said City of Los Angeles on the 4th day of December, 1906 (at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said City of Los Angeles, to wit: "The Los Angeles Daily Journal"), and did provide in said ordinance for the submission of said four proposed amendments hereinabove set forth to the said charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was approved by the Mayor of said city on the 19th day of November, 1906, and was published for at least ten days prior to the time appointed for the holding of said election in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city;

That at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of the four proposed amendments to the charter of the City of Los Angeles hereinabove set forth;

That the city council of the City of Los Angeles at regular and at special meetings thereof and within ten days after said election, which said regular and special meetings were held on the manner prescribed by law, duly canvassed the returns of said election, and did by formal declaration and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of the said four proposed amendments to said charter hereinabove set forth;

We do hereby hereby certify and declare that the copy of said four proposed amendments to the charter of the City of Los Angeles hereinabove set forth is a full, true and correct copy of the four said proposed amendments to the charter of the City of Los Angeles which were in no manner prescribed by law submitted to the qualified electors of said city for their ratification and by them ratified at the general municipal election duly called and held in said city on the 4th day of December, 1906, as aforesaid;

In Witness Whereof, we hereunto set our hands and affixed the corporate seal of the City of Los Angeles, this 22nd day of January, 1907.

A. C. HARPER,
Mayor of the City of Los Angeles.
HARRY J. LELANDE,
City Clerk of the City of Los Angeles.

[SEAL.]

AND WHEREAS, The said four proposed amendments so ratified as hereinabove set forth have been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with Section 8, of article XI, of the Constitution of the State of California:

Now therefore, be it Resolved by the Senate of the State of California, the Assembly concurring (a majority of all members elected to each House, voting for the adoption of this resolution and concurring herein), That the said amendments to the said charter of said City of Los Angeles hereinabove set forth, as presented, and as submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved, as a whole, for and as amendments to the said charter of said City of Los Angeles.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 7 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Lynch, Markey, Mattos, McCartney, Miller, Muenter, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—29.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 3—Resolution to amend Section 2½ of Article II of the Constitution.

During the reading of the constitutional amendment, the following amendment was submitted by committee:

On page 2, Section 2½, line 17, add the words: "Provided, however, that until the Legislature shall enact a direct primary election law under the provision of this section, the present primary election law shall remain in force and effect."

Amendment adopted.

Constitutional amendment ordered to print.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator McKee:

Resolved, That the name of George Wittenbrock be and is hereby withdrawn as Bill Filer, and M. B. Asbrook be substituted.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Carter, Cartwright, Curtin, Irish, Keane, Kennedy, Leavitt, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reilly, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Whereupon the President declared the above-mentioned substitution made.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and ten minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

MOTION.

Senator Belshaw moved that the Secretary of the Senate be directed to request the State Printer to rush the printing of all Senate bills now in his hands and to hasten the return of same to the Senate.

Motion carried.

SECOND READING OF BILLS.

Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, line 22, strike out the word "the" and insert in lieu thereof the word "that."

Amendment adopted.

Also:

On page 2, Section 1, line 18, strike out the word "three" and insert in lieu thereof the word "five."

Amendment refused adoption.

Offered by Senator Curtin:

On page 2, line 18, printed bill, strike out the word "three" and insert in lieu thereof the word "ten."

Amendment adopted.

Also:

On page 2, line 34, printed bill, strike out the word "three" and insert in lieu thereof the word "ten."

Amendment adopted.

Also:

After the last word on line 38, page 2 of printed bill, strike out the period and insert in lieu thereof a semicolon and the following: "or within said ten days shall post a notice in some conspicuous place in some building on said mining claim, wherein said machinery is to be used, stating therein that said machinery is the property of said lessor, and has been leased or contracted to be sold to the person operating said mine, and that said machinery will not be liable for any lien provided for in this chapter."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 295—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor-General.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 38—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 463—An Act authorizing any incorporated city, town, or municipal corporation to lease, acquire by purchase, condemnation, or otherwise, and hold and use lands and other necessary property for the purpose of constructing, equipping, using, maintaining, and operating, and to construct, equip, use, maintain, and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the purpose of preparing, manufacturing, handling, or transporting materials or supplies required in the construc-

tion or completion of any public work, improvement, or utility, or for the purpose of maintaining or operating any such work, improvement or utility.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 392—An Act to add a new section to the Code of Civil Procedure, to be known as Section 2039, relative to taking depositions.

On motion of Senator Wright, Senate Bill No. 392 was temporarily passed on file, to retain its place.

Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction by the Board of State Harbor Commissioners, of wharves, piers, seawall, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 367—An Act to repeal an Act entitled "An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judges," approved March 20, 1905.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, line 2, strike out the words "its passage," and insert in lieu thereof the following: "January 1, 1909."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 87—An Act to add a new section to the Political Code, to be numbered Section 3804a, relating to the cancellation of erroneous assessments.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 87.

An Act to amend section three thousand eight hundred and five of the Political Code, relating to cancellation of double and erroneous assessments, certificates of sale, and tax deeds.

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. Section three thousand eight hundred and five of the Political Code is hereby amended so as to read as follows:

3805. When the Tax Collector discovers that any property has been assessed more than once for the same year, he must collect only the tax justly due and make return of the facts, by his certificate, to the Auditor and Board of Supervisors; the board shall thereupon enter an order upon its minutes directing the Auditor to cancel such double assessment by an entry on the margin of the assessment book, as also upon the delinquent list, should such double assessment be carried therein. If the property assessed under such double assessment has been sold to the State, and a certificate of sale or deed therefor has been issued to the State, the order of the board shall further direct the County Recorder to cancel such erroneous certificate of sale and deed so issued before the State has disposed of the property thereby conveyed; *provided*, no cancellation of a double assessment, certificate of sale, or deed shall be made in any case until the taxes, penalties, costs, and other charges by law against the property on one of such assessments shall have been paid. When property that is exempt from taxation has been erroneously assessed, or when improvements which did not in fact exist when the tax became a lien, have been erroneously assessed on real estate, the Board of Supervisors shall, upon the application of the owner of the land and upon satisfactory proof thereof, by an order entered upon its minutes, direct the Auditor to cancel such assessment; and if real property has been sold to the State for non-payment of the tax levied on such property or improvements so erroneously assessed, and a certificate of sale or deed therefor has been issued to the State, and the State has not disposed of the property

so sold, the order of the board shall also direct the Recorder to cancel the certificate of sale or deed so issued, so far as the same relates to such exempt property or non-existing improvements. In case the Tax Collector issues an erroneous certificate of sale, or deed, to any property upon which the taxes have been fully paid for the year therein mentioned, such facts shall be certified to the Board of Supervisors by the Auditor and Tax Collector, and thereupon said board shall make and enter in its minutes an order authorizing the County Recorder to cancel such erroneous certificate or deed. Whenever a sale of property has been made for the non-payment of a poll tax unlawfully assessed, or which, if lawfully assessed, has been paid and payment has not been properly noted, the Board of Supervisors may, upon proof thereof, by an order entered upon its minutes, direct the County Recorder to cancel the certificate of sale or deed issued to the State under such sale, so far as the same relates to said poll tax, at any time before the State has disposed of such property; *provided*, that where real property other than that belonging to a person liable for poll tax on the first Monday of March of the year in which such poll tax became due, has been erroneously sold for the poll tax of such person, the Board of Supervisors, upon satisfactory proof of ownership of the said property, may order the certificate of sale or deed cancelled; *provided further, however*, that no such order shall be made if the person liable for said poll tax owned any interest whatever in said property on said first Monday in March, when said tax became due, or owned any interest therein at the time of the application for such cancellation.

SEC. 2. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 174—An Act to amend Section 3414 of the Political Code, relating to actions to determine the right to purchase State lands.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 16—An Act to authorize and empower the Board of Trustees of the State Normal School of Los Angeles to sell and convey the lands and buildings of said school and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, and apparatus and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 308—An Act amending Sections 1715 and 1716 of the Political Code of the State of California, relating to school libraries.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 262—An Act to add a new section to the Political Code of the State of California, to be known as Section 2927a, relating to duties of the State Board of Health.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 431—An Act to regulate the sale of poisons in the State of California and providing for the violation thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 63—An Act to appropriate \$10,000 for the establishment of a school of forestry at the University of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 66—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 73—An Act making an appropriation to pay the claim of Charles J. Morf against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 92—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 95—An Act to appropriate the sum of fifty thousand (\$50,000) dollars for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California, in Alameda County, by the Board of Directors thereof, and providing for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 378—An Act making an appropriation to pay the deficiency in the contingent appropriation for the Governor's office for the fifty-seventh and fifty-eighth fiscal year.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 379—An Act making appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Controller's office, for the fifty-eighth fiscal year.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 35—An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from \$65,000 per annum to \$75,000 per annum for the fifty-ninth fiscal year, and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled "An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita,' approved March 12, 1901, by providing for a fixed annual appropriation of \$65,000 in the place and stead of \$75 per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigation.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 141—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and providing the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 153—An Act making an appropriation to pay the claim of Solinsky & Wehe against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 223—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 224—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 225—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 226—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 229—An Act to provide for the location, survey, and construction of the State highway in Trinity County, connecting the present county road systems of Trinity and Humboldt counties, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 261—An Act making an appropriation to carry out the provisions of Section 2979a of the Political Code of the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 363—An Act authorizing the transfer of moneys from the salary fund of the State Normal School at San Francisco to the printing fund of said school.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 364—An Act appropriating \$13,500 to complete the buildings, equipment, and furnishings of the State Normal School at San Francisco.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 368—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed as acting guardian at the Marshall monument, at Coloma, from October 20, 1905, to February

6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same, the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 370—An Act appropriating money to pay the rental, cost of moving, and other necessary expenses incurred and to be incurred by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 371—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, expenditure of which has been approved by the State Board of Examiners.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 372—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 373—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 374—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 375—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 376—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 10—An Act appropriating a sum of \$8,000 for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school.

During second reading of bill, the following amendments were submitted by committee:

Amend the title of said Act by striking out the word "eight," in line 1 thereof, and inserting in lieu thereof the word "five."

Amendment adopted.

Also:

Strike out the word "eight," in line 1, page 1 of the printed bill, and insert in lieu thereof the word "five."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 50—An Act to provide for the examination, tearing down, and removal of certain buildings of the San José State Normal School, injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds for the use of said normal school, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

Strike out the words "injured by earthquake," on lines 6 and 7, page 1, of the printed bill, and insert in lieu thereof a "," and the words "which are now inefficient," and a "," and the word "and."

Amendment adopted.

Also:

Amend Section 2 of the printed bill by striking out the period, after the word "warrants," on line 5, page 2 of the printed bill, and insert in lieu thereof a "," and the words "as in section three hereof provided."

Amendment adopted.

Also:

Strike out all of Section 3 of the printed bill, and insert in lieu thereof the following: Section 3. Of the moneys hereby appropriated, fifty thousand dollars thereof shall be available at once; one hundred thousand dollars thereof shall be available July 1, 1907; one hundred thousand dollars thereof shall be available July 1, 1908; and one hundred thousand dollars thereof shall be available January 1, 1909.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 67—An Act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.

During second reading of bill, the following amendment was submitted by committee:

Amend by striking out the words "a dormitory building," in line 4, Section 1, of the printed bill, and insert in lieu thereof, the word "dormitories."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 222—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

Strike out the word "ten," on line 3, page 1, of the printed bill, and insert in lieu thereof the word "five."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 281—An Act making an appropriation of \$3,500 to be used by the Board of Trustees of the Whittier State School, Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same.

During second reading of bill, the following amendment was submitted by committee:

Amend by inserting between the words "hundred" and the word "dollars," on line 1, page 1, of the printed bill, the figures "3,500" in parenthesis, and strike out the figures "\$3,500.00" in parenthesis on line 2, page 1, of the same bill.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 282—An Act making an appropriation of \$1,000 to be used by the Board of Trustees of the Whittier School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

During second reading of bill, the following amendment was submitted by committee:

Strike out, after the word "dollars," on line 1, Section 1 of the printed bill, the figures "\$1,000.00" in parenthesis on said line 1, and insert in lieu thereof, the figures "1,000" in parenthesis between the word "thousand" and the word "dollars," on said line 1.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 264—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purpose of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded."

During second reading of bill, the following amendments were submitted by committee:

Amend by adding at end of title the following: "approved March 9, 1893, and amended under constitutional provision without Governor's approval March 14, 1901."

Amendment adopted.

Also:

After enacting clause add as follows:

SECTION 1. An Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions or additions thereto, before such maps are filed and recorded," approved March 9, 1893, and amended under such constitutional provision without Governor's approval March 14, 1901, is hereby amended to read as follows.

Amendment adopted.

Also:

Strike out of Section 2, line 4 of printed bill, the word "conveyance," and insert in lieu thereof the following: "conveyances."

Amendment adopted.

Offered by Senator Mattos:

Amend by striking out all of Section 3 on page 2 of printed bill, and inserting the following:

SEC 3. The map or plat so made, on cloth, acknowledged and certified, shall be presented to the governing body having control of the streets, roads, alleys, and highways in the territories shown on the map or plat, and said governing body shall endorse

thereon which streets, roads or alleys, and highways, offered by said map or plat, they accept on behalf of the public, and thereupon such streets, roads, alleys and highways, only as have been thus accepted, shall be and become dedicated to the public use; (*provided, however, that when the owner of a majority of the frontage of the property bordering upon and directly adjacent to the property as described in the map or plat so presented, shall present a written request therefor, and all streets, roads, alleys, and highways, as shown thereon, conform to the requirements of Article I, Chapter II, Title VI, Part III, of the Political Code, it shall be mandatory upon said governing body to make the endorsement hereinbefore mentioned, and to accept on behalf of the public, the streets, roads, alleys and highways as they are offered by said map or plat*). When so endorsed, and not before, said map or plat on cloth shall be recorded in the office of the county recorder of the county in which the city, town, addition, or subdivision is situated, in a book kept for that purpose. The map or plat shall be not more than thirty-six inches by thirty-six inches in size, and shall be drawn in all details clearly and legibly, and if not so drawn may be refused by the county recorder. When such map or plat is presented to be recorded, the county recorder shall paste the same securely in a book of maps, and it shall then be deemed to have been recorded under provisions of this Act.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 121—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District No. 70, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 122—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a Reclamation District, to be called 'Reclamation District No. 70,' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 294—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874.

During second reading of bill, the following amendments were submitted by committee:

On page 1 of the printed bill, after the fifth line of the title, insert the following:

"The people of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

Also:

On page 7, Section 6, line 27, of printed bill, strike out the word "of" after the word "thereof," and insert in lieu thereof the following: "on."

Amendment adopted.

Also:

On page 7, Section 6, line 34 of printed bill, after the word "levied," insert the following: "or."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

PRESIDENT OF THE SENATE IN THE CHAIR.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair, at eleven o'clock and forty minutes A. M.

MOTION TO ADJOURN UNTIL MONDAY, FEBRUARY 4, 1907.

Senator Leavitt moved that, when the Senate adjourn, it do so until Monday, February 4, 1907, at ten o'clock A. M.

Motion carried.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 433—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 433.

An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, and to add a new section thereto, to be numbered eighteen and one-half, all relating to the practice of pharmacy, and providing a penalty for the violation thereof, and for the appointment of a board, to be known as the California State Board of Pharmacy.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The title of said Act is hereby amended to read as follows:

An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy.

SEC. 2. Section seven of said Act is hereby amended to read as follows:

Sec. 7. Four members of the board shall constitute a quorum. They shall hold a meeting at least once in every four months.

Powers and Duties of the Board.

Subdivision 1. The State Board of Pharmacy shall have power:

(a) To make such by-laws and regulations, not inconsistent with the laws of this State, as may be necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) To regulate the practice of pharmacy.

(c) To regulate the sale of poisons.

(d) To regulate the quality of all pharmaceutical preparations and medicines dispensed or sold in this State, using the United States Pharmacopoeia or national formulary as the standard.

(e) To investigate all complaints as to the quality and strength of all pharmaceutical preparations and medicines, and to take such action as may be necessary to prevent the sale of such as do not conform to the standard and tests prescribed in the latest edition of the United States Pharmacopoeia or national formulary.

(f) To employ inspectors of pharmacy and to inspect during business hours all pharmacies, dispensaries, stores, or places in which drugs, medicines, and poisons are compounded, dispensed, or retailed, and to cause the prosecution of all persons whenever there appears to the board to be reasonable ground for such action.

(g) To examine and register as pharmacists and assistant pharmacists all applicants whom it shall deem qualified to be such. All persons applying for registration, under this act, shall pay the following fees therefor to the secretary of the board of pharmacy: Every applicant for registration other than that of an apprentice shall pay a fee of ten dollars on filing his or her application, which shall be compensation to the board of pharmacy for investigation or examination of the applicant; and if the board finds that any applicant for registration on experience and credentials is entitled to be registered, then he or she shall pay an additional fee of fifteen dollars upon the issuance of certificate of such registration; and any licentiate found by the board on examination to be entitled to a certificate shall pay the additional sum of five dollars upon issuance of certificate; all applicants for examination as assistant if found satisfactory by the board, shall be entitled to their certificate without further fee; and, *provided further*, that an applicant for registration on experience and credentials may at his or her option be examined as a licentiate without further fee for application.

(h) In the event any person having registered shall have lost his or her certificate, or the same has been destroyed, or if he or she desires renewal of the same, a new certificate may be issued by said board upon the applicant paying therefor the sum of three dollars; *provided, further*, that where the original certificate is not lost or destroyed, then the certificate shall be surrendered before a renewal of same shall be issued; and *provided, further*, that the board shall have power to require satisfactory evidence from the applicant of the loss or destruction of certificate; and *provided, further*, that where the applicant is delinquent for the annual dues required by this Act then he or she shall be required to pay to said board sufficient fees to cover his delinquency in that behalf before he or she shall be entitled to a re-issue of the certificate in this subdivision provided for.

SEC. 3. Section nine of said Act is hereby amended to read as follows:

Sec. 9. Every person holding a certificate from said board shall renew annually their registration with said board; and every registered pharmacist, and every assistant registered pharmacist who desires to retain his registration on the books of the Board of Pharmacy in this State, shall annually, after the expiration of the first year's registration and on or before the first day of July of each succeeding year, pay to the secretary of the board of pharmacy a renewal fee, to be fixed by the board, which shall not exceed two dollars for registered pharmacist and one dollar for assistant registered pharmacist, in return for which fee a renewal certificate of registration shall be issued. In case any person defaults in payment of said fee his or her registration may be revoked by the Board of Pharmacy on sixty days' notice, in writing from the secretary, unless within said time the fee is paid, together with such penalty, not exceeding ten dollars, as the board may impose. Upon payment of said fee and penalty the board must reinstate the delinquent's registration. No person having received or who may hereafter receive a certificate of registration as a pharmacist or assistant pharmacist shall engage in business as pharmacist or assistant pharmacist in any county in this State in which he or she shall locate, or into which he or she shall afterwards remove, until he or she shall have had such certificate recorded in the office of the county clerk of such county, and it is hereby made the duty of the county clerk to record such certificate in a book to be provided and kept for that purpose, and the county clerk is authorized to charge a fee of fifty cents for the recording of such certificate—to be paid by the person offering such certificate for record. Each pharmacist or assistant pharmacist holding a certificate of registration as a pharmacist, or assistant pharmacist, and being engaged in business as a pharmacist, or assistant pharmacist shall have such certificate recorded, as is in this section provided, within thirty days after the taking effect of this Act. The record of the certificate required by this section, or a certified copy thereof, shall be evidence in all courts that the person holding it was registered as evidenced by said certificate on the date of the same. Any registered pharmacist or assistant registered pharmacist failing to comply with any of the foregoing provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than twenty-five dollars. Upon the certificate being recorded as herein provided, it shall be the duty of the county clerk to notify the secretary of the Board of Pharmacy of the name of the party and the date of such record.

SEC. 4. Section twelve of said Act is hereby amended to read as follows:

Sec. 12. Any person who shall attempt to secure, or secure registration for himself or any other person under this Act by making or causing to be made any false representations, or who shall fraudulently represent himself to be registered, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to punishment by a fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding fifty days, or by both such fine and imprisonment. Any person who shall permit the compounding of prescriptions of medical practitioners, or the selling of drugs and medicines, in his or her store or pharmacy, except under the direct, immediate, and personal supervision of a registered pharmacist, or any person not registered who shall retail medicine, poisons, or chemicals, except in a pharmacy under the direct, immediate, and personal supervision of a registered pharmacist, or any person violating any of the provisions of this Act, when no other penalty is provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to punishment by a fine of not less than twenty dollars, and not more than one hundred dollars, or by imprisonment of not exceeding fifty days, or by both such fine and imprisonment. All fines recoverable under this Act shall be paid by the magistrate receiving the same to the State Board of Pharmacy. Any person convicted of violating the provisions of this Act the third time shall in addition to the penalties hereinbefore mentioned have his or her registration as a pharmacist canceled. Nothing in this Act shall apply to or interfere with any practitioner of medicine who is duly registered as such by the State Board of Medical Examiners of this State with supplying his own patients, as their physician, and by them employed as such, with such remedies as he may desire and who does not keep a pharmacy, open shop, or drug store, advertised or otherwise for the retailing of medicines or poisons, nor does this Act apply to the exclusively wholesale business of any dealer. Nor does this Act apply to registered or copyrighted proprietary medicines, registered in the United States Patent Office, nor to the sale of proprietary medicines, when manufactured under the supervision of a registered pharmacist in the State of California for which trade marks may have been filed with the Secretary of State of California, by merchants possessing a license issued by the Board of Pharmacy as described in section sixteen of this Act.

SEC. 5. Section thirteen of said Act is hereby amended to read as follows:

Sec. 13. Any proprietor of a pharmacy, who not being a registered pharmacist, shall fail or neglect to place in charge of such pharmacy a registered pharmacist, or any such proprietor who shall by himself, or any other person, permit the compounding of prescriptions, or the vending of drugs, medicines, or poisons, in his or her store or place of business, except by or in the presence and under the direct, immediate, and personal supervision of a registered pharmacist, or any person, not being a registered pharmacist, who shall take charge of or act as manager of such pharmacy, or store, or who, not being a registered pharmacist, retails, compounds, or dispenses drugs, medicines, or poisons, shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than twenty dollars, and not more than one hundred dollars, or by imprisonment for a term of not exceeding fifty days, or by both such fine and imprisonment.

SEC. 6. Section fourteen of said Act is hereby amended to read as follows:

SEC. 14. Any member of the Board of Pharmacy or inspector duly authorized by said board may examine applicants orally or in writing, and issue a temporary certificate to practice pharmacy which shall authorize such practice for a period of four months only from its date. The issuance of such temporary certificate shall not entitle the holder thereof to a permanent certificate, and no permanent certificate shall be issued to such holder until he passes a satisfactory examination by the board. Only one temporary certificate shall ever be issued to the same applicant, and no temporary certificate shall be granted to any person whose application has been denied by the board. The member or authorized inspector conducting such examination as herein set forth shall be entitled to charge and receive the sum of three dollars for such certificate, said moneys to be paid to the secretary of the Board of Pharmacy.

SEC. 7. Section fifteen of said Act is hereby amended to read as follows:

SEC. 15. It shall be the duty of all registered pharmacists who take into their employ an apprentice, whose purpose it is to become a pharmacist, to report to the Board of Pharmacy such facts regarding his schooling and preliminary qualifications as the Board of Pharmacy may require for the purpose of registration as an apprentice. The Board of Pharmacy shall adopt a standard of qualifications regarding schooling and preliminary qualifications for all persons desiring to be registered as apprentices, as provided for in this section. The pharmaceutical experience of every apprentice shall, after the passage of this Act, be deemed to begin on the date on which he began the study of pharmacy, and such date shall be inserted in the certificate of registration of said apprentice, *provided*, the preliminary qualifications have been found satisfactory by the board. Sworn testimony shall be furnished the board upon which they shall determine the date as aforesaid. The date so determined and entered as aforesaid shall be deemed to be the beginning of the applicant's pharmaceutical experience for the purpose of this Act; *provided*, that the students matriculating and attending any reputable college of pharmacy shall be registered as apprentices upon such fact being shown. The board shall keep a register for the registration of apprentices and furnish upon application proper blanks for this purpose. No apprentice shall be permitted to sell drugs, medicines, or poisons, or compound prescriptions except under the direct, immediate and personal supervision of a registered pharmacist. No registered apprentice shall ever be left in charge of a pharmacy. No applicant for registration as an apprentice shall be registered as such if such applicant has had more than three years' experience in a pharmacy, but must apply for registration as assistant pharmacist.

SEC. 8. Section sixteen of said Act is hereby amended to read as follows:

SEC. 16. The Board of Pharmacy may in its discretion issue a permit to general dealers in rural districts in which the conditions, in their judgment, do not justify the employment of a registered pharmacist, and where the store of such general dealer is not less than two miles distant from the store of a registered pharmacist; which said permit shall authorize the person or firm named therein to sell such ordinary drugs and ordinary household remedies and in such manner and form as the board may from time to time specify, in said locality, but not elsewhere, under such restrictions and regulations as said board may from time to time adopt. The board shall charge an annual fee of twelve dollars in advance, for such permit, and it shall be unlawful for any dealer to sell any drugs or ordinary household remedies without complying with the requirements of this section. Whenever a registered pharmacist shall establish a pharmacy within two miles, by the shortest road, from the place of business of such general dealer, no further license shall be granted, and the license already issued shall be void; and the Board of Pharmacy shall refund to said general dealer the proper proportion of the unexpired license fee paid to the Board of Pharmacy.

SEC. 9. Section seventeen of said Act is hereby amended to read as follows:

SEC. 17. It shall be the duty of the Board of Pharmacy, by resolution, at least annually to request of the chief of police, marshal or constable of every city, town or township in this State, to furnish a list of all drug stores, together with the names of the owners, managers, and all employes in said stores, and a brief statement of the capacity in which said persons are employed in said stores, and also the firm name of all stores retailing drugs, medicines, or poisons. Upon such request, in writing, it shall be the duty of the chief of police, marshal, or constable of said city, town, or township to require the patrolmen or deputies under their command, upon their respective beats, to obtain such lists as are in this section specified, and deliver the same to the Board of Pharmacy. It shall be the duty of the owner or manager of any drug store or other store retailing drugs, medicines or poisons, when called upon by an officer as above set forth, or by a member of the Board of Pharmacy, or a duly authorized inspector, to furnish said officer, member of the Board of Pharmacy, or duly authorized inspector with the information required. Any person refusing to furnish the information, or willfully furnishing information that is false or untrue shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars nor more than fifty dollars, or by imprisonment for not less than ten days and not more than thirty-five days, or by both such fine and imprisonment.

SEC. 10. A new section is hereby added to said Act, to be numbered eighteen and one half, and to read as follows:

SEC. 18½. Any registered assistant pharmacist having ten years' experience as such assistant may be registered as a licentiate in pharmacy upon making application therefor, and furnishing credentials of such experience satisfactory to the board of pharmacy.

SEC. 11. This Act shall take effect sixty days from the date of its approval.

Substitute read.

The following amendments to the substitute for Senate Bill No. 433 were offered by Senator Wright :

Amend by striking out of Section 16, line 231, the word "three" and inserting the word "two."

Amendment adopted.

Also:

Amend by striking out of Section 16, line 219, the word "three" and inserting the word "two."

Amendment adopted.

Committee substitute adopted as amended.

Bill read second time, and ordered to print, engrossment, and third reading.

ADJOURNMENT.

At eleven o'clock and forty-five minutes A. M., on motion of Senator Leavitt, the President declared the Senate adjourned until Monday, February 4, 1907, at ten o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Monday, February 4, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, and Wolfe—29.

Quorum present.

PRAYER.

Prayer by Rev. E. D. McCreary.

LEAVES OF ABSENCE.

Senator Weed was, on motion of Senator McCartney, granted leave of absence for this day.

Senator Lynch was, on motion of Senator Curtin, granted leave of absence for this day.

Senator Lukens was, on motion of Senator Leavitt, granted leave of absence until Monday, February 11, 1907.

Senator Wright was, on motion of Senator Anderson, granted leave of absence for this day.

Senator Willis was, on motion of Senator Caminetti, granted leave of absence until Wednesday, February 6, 1907.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 1, 1907, the further reading was dispensed with, on motion of Senator Miller.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 2, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 49—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No. 74—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances, as amended.

Also: Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Also: Senate Bill No. 124—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

Also: Senate Bill No. 149—An Act to amend an Act entitled "An Act to authorize any city, or city and county, of this State to take its census."

Also: Senate Bill No. 160—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

Also: Senate Bill No. 161—An Act to add a new section to the Political Code of the State of California, to be known as Section 4225, relating to the payment of salaries of members of the police and fire departments of counties, cities and counties, cities and towns.

Also: Senate Bill No. 176—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.

Also: Assembly Bill No. 111—An Act relating to senior rights of members of paid police departments of counties, cities and counties, cities, or towns.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 104—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

Also: Senate Bill No. 408—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Have had the same under consideration, and respectfully report the same back, and recommend that the author withdraw the same.

SAVAGE, Chairman.

Senate Bills Nos. 49, 74, 123, 124, 149, 160, 161, 176, 104, and 408 ordered on file for second reading.

Assembly Bill No. 111 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator McCartney asked for and was granted unanimous consent to withdraw Senate Bill No. 104.

Senate Bill No. 104 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 4, 1907.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 535—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor—have had the same

under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to the Committee on Finance.

BLACK, Acting Chairman.

Senate Bill No. 535 re-referred to Committee on Finance.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 4, 1907.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 8—An Act to amend an Act entitled "An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, relating to tuition fees in said university—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 71—An Act to amend Section 3881 of the Political Code, relating to the correction of clerical omissions, errors, or defects in assessment books—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

McCARTNEY, Chairman.

Senate Bills Nos. 8 and 71 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, January 31, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 432—An Act to amend the title and Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 20, 1903.

Also: Senate Bill No. 348—An Act to prohibit the use of chemicals and other materials in milk and milk products to prevent fermentation therein.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

McKEE, Chairman.

Senate Bills Nos. 432 and 348 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 4, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 105—An Act to prevent the waste of water from artesian wells, and prescribing penalties therefor, and defining artesian wells and waste.

Also: Senate Bill No. 20—An Act to add a new section to the Political Code, to be numbered 2524a, relating to the powers of the Board of State Harbor Commissioners.

Also: Senate Bill No. 193—An Act to amend Section 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka on Humboldt Bay, fixing a compensation of the members thereof, etc.

Also: Senate Bill No. 194—An Act to amend Section 2567 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay.

Also: Senate Bill No. 427—An Act to declare the highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe Wagon Road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono Road, a State highway.

Also: Senate Bill No. 84—An Act authorizing the Governor to set apart one day in each year, to be designated "Bird and Arbor Day," and to request its observance.

Also: Senate Bill No. 236—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Also: Senate Bill No. 401—An Act providing for the extermination of the *Boophilus annulatus* tick, defining certain crimes, and providing for certain civil and criminal actions.

Also: Senate Bill No. 413—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and as amended March 20, 1905.

Also: Senate Bill No. 239—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Also: Senate Joint Resolution No. 2—Relative to the remission of duties on building materials used for the reconstruction and rehabilitation of California cities that were wrecked and burned by earthquake and fire on April 18, 1906.

Also: Committee Substitute for Senate Concurrent Resolution No. 6—Relative to instructing the Attorney-General of the State to appear in certain cases.

Also: Senate Bill No. 244—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Also: Senate Bill No. 127—An Act to amend Section 325 of the Code of Civil Procedure of California, relating to adverse possession of land or interest, and the payment of taxes thereon.

Also: Senate Bill No. 90—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Also: Senate Bill No. 382—An Act to amend the Political Code by adding thereto three new sections, to be numbered 759, 760, and 761, relating to fees of clerks of District Courts of Appeal, the disposition thereof and settlement thereof by said clerks, and creating a library fund in District Courts of Appeal.

Also: Senate Bill No. 138—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Also: Senate Bill No. 91—An Act to add a new section to the Penal Code to be numbered Section 1520, relating to the holding of inquests by the coroner.

Also: Senate Bill No. 459—An Act to amend section two hundred (200) of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to exemptions from jury duty.

Also: Senate Bill No. 455—An Act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products, and to provide for enforcing its provisions.

Also: Senate Bill No. 351—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Also: Senate Bill No. 169—An Act to amend Section 1160 of the Political Code, relating to elections and the time the polls must be opened and closed.

Also: Senate Bill No. 210—An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.

Also: Senate Bill No. 118—An Act to amend Section 3051 and Section 3052 of the Civil Code of California, relating to the lien on personal property for services performed thereon, and providing a method of enforcing said lien for the amount secured thereby.

Also: Senate Bill No. 119—An Act to amend the Penal Code of California by adding four new sections thereto, to be numbered Section 597a, Section 597b, Section 597c, and Section 597d, relating to docking of horses' tails, and providing a punishment therefor.

Also: Senate Bill No. 447—Providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the exoneraton of the sureties on such bonds and the filing and acceptance of new bonds in lieu thereof.

Also: Senate Bill No. 165—An Act to amend Sections 3078, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths.

Also: Senate Bill No. 93—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Also: Senate Bill No. 125—An Act to amend Section 69 of the Civil Code of California, relating to marriage licenses.

Also: Senate Bill No. 110—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Also: Senate Bill No. 289—An Act to amend Section 70 of the Civil Code, and declaring that marriage may be solemnized by a justice of a District Court of Appeal.

Also: Senate Bill No. 44—An Act to amend Section 5 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of and to vest the title in the State of California, to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," as amended by an Act approved March 20, 1905, omitting the provision for an adjutant.

Also: Senate Bill No. 287—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions.

Also: Senate Bill No. 32—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

Also: Senate Bill No. 235—An Act to amend Sections 2153a and 2154 of the Political Code of the State of California, relating to the appointment of a dentist in State hospitals for the care and treatment of the insane.

Also: Senate Bill No. 295—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor General.

Also: Senate Bill No. 38—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District No. 6 of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.

Also: Senate Bill No. 463—An Act authorizing any incorporated city, town or municipal corporation to lease, acquire by purchase, condemnation, or otherwise, and hold and use, lands and other necessary property, for the purpose of constructing, equipping, using, maintaining, and operating, and to construct, equip, use, maintain, and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures for the purpose of preparing, manufacturing, handling, or transporting materials or supplies required in the construction or completion of any public work, improvement, or utility, or for the purpose of maintaining or operating any such work, improvement, or utility.

Also: Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, seawall, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 174—An Act to amend Section 3415 of the Political Code, relating to actions to determine the right to purchase State lands

Also: Senate Bill No. 16—An Act to authorize and empower the board of trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings.

Also: Senate Bill No. 262—An Act to add a new section to the Political Code of the State of California, to be known as Section 2979a, relating to duties of the State Board of Health.

Also: Senate Bill No. 431—An Act to regulate the sale of poison in the State of California, and providing a penalty for the violation thereof.

Also: Senate Bill No. 63—An Act to appropriate \$10,000 for the establishment of a school of forestry at the University of California.

Also: Senate Bill No. 66—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Also: Senate Bill No. 73—An Act making an appropriation to pay the claim of Chas. J. Morf against the State of California.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 105, 20, 193, 194, 427, 84, 236, 401, 413, 239, 244, 127, 90, 382, 138, 91, 459, 455, 351, 169, 210, 118, 119, 447, 165, 93, 125, 110, 289, 44, 287, 32, 235, 295, 38, 463, 461, 174, 16, 262, 431, 63, 66 and 73, ordered on file for third reading.

Senate Joint Resolution No. 2 ordered on file.

Senate Concurrent Resolution No. 6 ordered on file.

MOTION.

On motion of Senator Wolfe, the following report of sub-committee of Committee on Judiciary was ordered printed in the Journal:

SPECIAL CODE REVISION FILE.

To the Senate Judiciary Committee.

GENTLEMEN: The following are the changes and the reasons for the changes in the Code Revision bills thus far reported upon by your sub-committee:

Senate Bill No. 208. Section 1010, C. C. P.

Requires the notice to state when, and the grounds and papers upon which, the motion will be made. Codifies what the actual practice is to-day, and what is generally provided for in rules of court.

Section 1011, C. C. P.

Changes the hours during which notice may be served at an attorney's office in his absence, so that the hours shall be from nine to five instead of from eight to six; excuses the leaving of papers at an attorney's residence if in a county other than that of his office; provides means of service when his residence is in another county, or when neither his office nor his residence is known; and authorizes both the plaintiff and the defendant to leave their address with the clerk, and requires that notice served on them be left at or sent to such address.

Section 1013, C. C. P.

Directs that notices deposited in the postoffice be enclosed in sealed envelopes, and substitutes "thirty" for "ninety" in the last line.

Section 1015, C. C. P.

The amendment adds the last two sentences, and is intended to supply a mode of serving notices and papers when the attorney for a party has been removed or suspended, or has no known office within the State.

Senate Bill No. 204. Section 1069, C. C. P.

Substitutes "verified petition" for "an affidavit."

Senate Bill No. 205. Section 1067, C. C. P.

The change consists in the addition of the last two sentences, and authorizes the court to exact a new undertaking in any case in which it is shown that any surety on a bond has become insufficient, thus avoiding all possible doubt of the court's power in the premises.

Senate Bill No. 207. Section 1025, C. C. P.

Corrects a mistake in present section by inserting the word "recovered" after the word "property" where that word last occurs.

Section 1031, C. C. P.

Corrects a clumsily expressed section by inserting the words "or proceeding" after the word "action," in the first line, by inserting the article "an" before the word "express" and the same article before the word "action," and substitutes the word "proceeding" for the word "defense," at the end of the section.

Senate Bill No. 211. Section 997, C. C. P.

The words "not less than ten days" are substituted for the words "at any time" before the words "before the trial," to make the section consistent with the time allowed plaintiff for acceptance of the offer specified in the section. The words "after the offer" are added after the words "incurred," and the last clause is added to the section in order to enforce the change. The section as thus amended requires an offer of compromise to be made at least ten days before the trial, and entitles the plaintiff to costs up to the time of the offer, though he does not obtain a judgment for a sum higher than that offered.

Senate Bill No. 203. Section 1086, C. C. P.

Substitutes "verified petition" for "an affidavit," in proceedings by *certiorari*.

Section 1087, C. C. P.

Excuses the clerk on issuing a writ of mandate from inserting therein the allegations of the petition.

Section 1088, C. C. P.

Requires a copy of the petition for a writ of mandate to be served with the alternative writ, or with the notice of application for the peremptory writ. This codifies what is the present practice, and makes it uniform instead of confining it to such Superior Courts as have embodied it in their rules.

Section 1089, C. C. P.

The form but not the substance of the section has been changed, and the sense made clearer thereby.

Senate Bill No. 201. Section 1110a, C. C. P.

This is a section added to the Code of Civil Procedure expressing substantially the rule upon the subject already enforced by the Supreme Court.

Senate Bill No. 202. Section 1103, C. C. P.

Substitutes "verified petition" for "an affidavit."

Section 1184, C. C. P.

Excuses the clerk on issuing a writ of prohibition from inserting therein the allegations of the petition.

Senate Bill No. 215. Section 749, C. C. P.

This section is hereby repealed because it has been made superfluous by the late amendments to Section 412 of the Code of Civil Procedure. Moreover, there are two sections 749 in the Code, one enacted in 1891 and the other in 1900. They do not supersede each other under the principle of *Ex parte Ruffin*, 119 Cal. 487. The superfluous one is here repealed, leaving the other in force.

Senate Bill No. 216. Section 740, C. C. P.

The word "real" is omitted before the word "property," the amendment thus extending the benefit of the section to all classes of property.

Senate Bill No. 217. Section 723, C. C. P.

The change recommended is the omission of the words "there being a rebate of interest where such rebate in the property" at the end thereof, and the limiting the same to the amount necessary to pay the principal and interest already due.

Senate Bill No. 218. Section 714, C. C. P.

The words "or in which he has a place of business" are added to the section, thus making it possible to examine judgment debtors in supplementary proceedings in those counties in which they have a place of business.

Section 717, C. C. P.

The word "and" is substituted for "or" after "judgment" and before "upon," to make the section conform to what was evidently the intent of the Legislature at the time of its passage.

Section 719, C. C. P.

The amendment consists in adding lines 7 to 10, inclusive, in the section, thus limiting the right of the judge or referee to order the delivery of property to those cases in which no adverse interest is claimed thereto.

Section 720, C. C. P.

The amendment consists in striking out the words "the court or judge may authorize by an order made to that effect," thus enabling the judgment creditor to sue for property to be subject to his execution without first obtaining an order of court.

Senate Bill No. 362. Section 599, Pen. C.

There are at present two sections 599 in the Penal Code, one referring to the killing of gulls and cranes, and the other referring to the killing of elk. The former is left intact, and the latter is repealed and reenacted as 599f.

Senate Bill No. 361. Section 526, Pen. C.

Repealed because declared unconstitutional by the Supreme Court in *Ex parte Quorg*, 84 Pacific Rep., 766.

Senate Bill No. 219. Section 700 C. C. P.

The present Section 700 of the Code of Civil Procedure is split in two sections, 700 and 700a. All of Section 700 after the word "thereto," on line 5 of the printed bill, is an addition thereto, and declares the effect of a sale of real property under execution, and that, when supported by a judgment lien or the levy of a writ, the title of the holder relates back to the date of such lien or levy. This simply codifies the present law on the subject under the decision of the Supreme Court. The part of the section omitted is made a new section, to be numbered 700a.

Section 700a, C. C. P.

The only thing in this section is the requirement that the certificate of search shall include a statement of the date of the judgment and of the names of the parties thereto; the remainder of the change simply consists in recasting into more concise form what is clumsily expressed in the original section.

Senate Bill No. 210. Section 992, C. C. P.

The amendment consists in striking out the words "except a discharge from such liability by the statute of limitations," and the end thereof, and inserting in lieu thereof the following: "by reason of any defense existing at the commencement of the action." This removes the prohibition against the pleading of the statute of limitations if that defense existed at the commencement of the action.

Section 993, C. C. P.

The amendment consists in adding at the end of the present section the words "subject to the order of the parties to amend their pleadings as in other cases," thus entitling the parties to amend their pleadings as in other cases and changing the rule adopted in *Waterman vs. Lippman*, 67 Cal. 26.

Senate Bill No. 220. Section 681, C. C. P.

The amendment consists in adding all after the words "enforcement," in line 5 of the printed bill. The justice of the amendment is self-evident.

Section 687, C. C. P.

The amendment consists in the addition of the sentence included in lines 7 to 14 of Section 1 on page 2 of the printed bill. It is directed to those cases in which a judgment is entered in one county affecting property then situated in, or which may subsequently become a part of, another county. The section as amended supersedes the provisions of the Statute of 1873-4, page 365, respecting execution of final process.

Section 688, C. C. P.

The amendment consists in substituting the words "levied upon or released" for the word "attached," thus providing a mode of releasing a levy of execution. It adopts the method proposed for the release of attachments by Section 560.

Section 689, C. C. P.

The amendment strikes out the words "setting out his title thereto," which subserve no useful purpose, and also inserts the amount of the undertaking near the end of the section "in a sum equal to double the value of the property levied on," which is the usual custom of sheriffs any way, and recasts the last sentence so as to make it more intelligible, substituting for this part of the present section the words in lines 11 to 13, on page 3 of the printed bill.

Senate Bill No. 303. Sections 33 to 55, 65 to 69, C. C. P.

The recommendation is that these sections be repealed, because the matters intended to be expressed therein are contained in Sections 1 to 8 of Article IV of the Constitution of the State, and so far as these sections conform to that article they are unnecessary, and in so far as they depart from it they are invalid. The attempt to make a legislative statement of these provisions has already led to litigation and to some of the legislative expressions being declared unconstitutional, as in the *Jessup case*, 81 Cal. 403, and *Merced Bank vs. Rosenthal*, 99 Cal. 39.

Senate Bill No. 304. Section 115, C. C. P.

Repeal of section recommended, as it relates wholly to prosecution of public officers, and its provision should be incorporated in the Penal Code.

Senate Bill No. 305. Section 134, C. C. P.

The amendment recasts the section substituting the words "on any of the holidays mentioned in Section 10," instead of attempting to mention the holidays, which are always changing, and are designed to conform to the section in the Constitution. See *Reclamation District vs. Hamilton*, 112 Cal. 610.

Section 135, C. C. P.

The amendment changes the phraseology of the section to conform with Section 10 and the amendments proposed to Section 134.

Senate Bill No. 306. Section 139, C. C. P.

The change recommended is to strike out the words "for one week." Neither the sheriff nor the clerk can, under the Constitution, be authorized to adjourn court and thus close it for a definite time, other than from day to day.

Senate Bill No. 307. Section 144, C. C. P.

The amendment consists in the insertion of the word "county" in place of "city and county," where those words last occur in the section, and omitting the words "city and county" when they occur earlier in the section, they being unnecessary in view of the amendment to Section 17, adopted in 1903 (Stats. 1903, 134).

Senate Bill No. 308. Sections 156 and 157, C. C. P.

The recommendation is that these sections be repealed. They undertake to declare who shall be eligible to the office of Judge of the Superior Court and of Justice of the Supreme Court. Probably no tests of eligibility can be imposed in addition to those required by the Constitution (*Page vs. Hardin*, 8 B. Mon. 661; note to *Blair vs. Ridgely*, 97 Am. Dec. 264; *Thomas vs. Owens*, 4 Md. 223), but if it be possible to impose any such additional requirements, they should be provided for in the Political Code.

Senate Bill No. 312. Section 352, C. C. P.

Subdivision 4, creating a disability in favor of a married woman, whose husband must join her in commencing an action, is omitted, because she may, in all cases, sue alone.

Section 355, C. C. P.

The last sentence, being from lines 7 to 13, inclusive, on page 2 of the printed bill, is added to abrogate the rule of construction of this section, declared in *Carpenter vs. Natoma W. & M. Co.*, 63 Cal. 616, that a title by prescription may be perfected during the pendency of an action, though judgment in both the lower and appellate courts was given in favor of the plaintiff.

Senate Bill No. 313. Section 387, C. C. P.

The amendment consists in adding the words on line 17 of page 2 of the printed bill "within ten days from the service thereof," thus removing any ambiguity respecting the time within which the complaint in intervention must be answered.

Section 388, C. C. P.

The words "and the individual property of the party or parties served with process," on lines 9 and 10 of the section on page 2 of the printed bill, have been added, thus avoiding multiplicity of suits.

Section 389, C. C. P.

The words "or to determine conflicting claims thereto," in line 12 of the section, on page 2 of the printed bill, have been added, thus authorizing the bringing in of new parties in actions to determine conflicting claims of real or personal property, and thus avoiding multiplicity of actions.

Senate Bill No. 314. Section 392, C. C. P.

The provision at the end of the section, that if in an action to recover real property, an injunction is at any time applied for, the proper county for the trial is that in which the defendant resides, is omitted. This provision is inconsistent with Section 5 of Article VI of the Constitution, requiring actions of this character to be brought in the county in which the property, or some part thereof, is situated.

Section 394, C. C. P.

The word "citizens" is stricken out and the word "residence" is inserted, in line 7 of the section, on page 2 of the printed bill, that having been the legislative intent in the original enactment of the section.

Section 395, C. C. P.

The last sentence, being lines 13 to 17, inclusive, of this section, on page 2 of the printed bill, have been added, and the amendment thereby made is intended to reach cases where a person has been made a defendant solely for the purpose of having an action tried in the county wherein he resides, thus taking away from the defendant properly joined and from the real defendants the rights of change of venue intended to be vouchsafed to them in other sections of the code.

Section 396, C. C. P.

The words "appears and" are omitted before the word "answers," as superfluous.

Section 397, C. C. P.

Sub-section 4 is so amended that there need not be any change from the place of trial, if there is any judge within the county not disqualified from acting.

Senate Bill No. 315. Sections 417 and 418, C. C. P.

These sections are added in order to codify the statute of 1871-2, page 533, entitled "An Act concerning libel and slander."

Senate Bill No. 317. Section 512, C. C. P.

The word "notice" is changed to "endorsement," line 14 of the section, page 1 of the printed bill, the preceding section having provided for an endorsement, but not for a notice.

Section 519, C. C. P.

The amendment omits the words "stating the grounds of such title or right," that being entirely unnecessary and to no useful purpose, and provides that the amount of undertaking to be given by the plaintiff must be equal to double the value of the property taken, such being the present practice.

Senate Bill No. 320. Section 566, C. C. P.

The words "of a party" are added in line 3 of the section, and the word "must" is substituted for the word "may" in line 8 of the section, page 1 of the printed bill, such changes having been made to conform the section to the intent of the Legislature in the passage of the original section.

Section 567, C. C. P.

The word "one" is changed to "two," on line 2 of page 2 of the printed bill, thus requiring two sureties, and the undertaking with respect to form is left subject to the control of Section 982 of the Political Code.

Senate Bill No. 321. Section 572, C. C. P.

The words "to the action" are added after the word "party," on line 4, page 1 of the printed bill, as in its present form the section is entirely misleading.

Section 573, C. C. P.

The amendment consists in consolidating Sections 573 and 2104, there being two sections covering the same subject, where only one is needed, and omits the first sentence of the former section, so as to remove any possible conflict between them.

Respectfully submitted.

WILLIS,

Chairman Sub-Committee of Judiciary on Code Revision Bills.

RESOLUTION.

The following resolution was offered:

By Senator Leavitt:

Resolved, That Miss Addie F. Pauline be and she is hereby elected to the position of Index Clerk at the salary of \$4 per diem, in place and stead of the position of Assistant Index Clerk at \$3.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Carter, Curtin, Greenwell, Hartman, Keane, Leavitt, Markey, McCartney, McKee, Miller, Nelson, Rambo, Reilly, Rolley, Savage, Walker, Weed, and Wolfe—25.

NOES—Senator Caminetti—1.

Whereupon the President declared that the above named person had been elected.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Wolfe: Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 23 of Article IV thereof, relating to the compensation of the members of the Legislature, limiting the expense of the employes of the Senate and Assembly.

Senate Constitutional Amendment referred to Committee on Judiciary.

By Senator Nelson: Senate Bill No. 571—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California where the same has been destroyed by conflagration or other public calamity.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Sanford: Senate Bill No. 572—An Act to add a new section to the Civil Code, to be numbered Section 365, and relating to contributions of corporate funds for political purposes.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 573—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Wolfe: Senate Bill No. 574—An Act to amend Section 213 of the Penal Code of the State of California and to add a new section thereto, numbered 212a, relating to the crime of robbery and its punishment.

Bill read first time, and referred to Committee on Judiciary.

By Senator McCartney: Senate Bill No. 575—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Curtin: Senate Joint Resolution No. 10—Relative to modification of rules regarding issuance of patents to mining claims.

Senate Joint Resolution referred to Committee on Mines and Mining.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 118—An Act to amend Section 3051 and Section 3052 of the Civil Code of California, relating to the lien on personal property for services performed thereon, and providing a method of enforcing said lien for the amount secured thereby.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 118 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Camipetti, Carter, Curtin, Greenwell, Hartman, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 119—An Act to amend the Penal Code of California by adding four new sections thereto, to be numbered Section 597a, Section 597b, Section 597c, and Section 597d, relating to docking of horses' tails, and providing a punishment therefor.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 119 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, and Weed—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 263—An Act to add a new section to the Penal Code of the State of California, to be numbered 374a, providing for safeguards against the pollution of waters used for domestic purposes.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Leavitt as a special committee of one, to amend as follows:

By striking out of Section 1, line 4, all of said section after the figures 374a, and inserting in lieu thereof the following:

Every person, association of persons, firm or corporation who shall conduct or cause to be conducted any sewerage or drainage from any cesspool, water closet, privy, sink, slop hopper or house drain into any river, creek, stream, pond, lake, reservoir or other body of water, the water from which is used for household purposes, must within ninety days after notification from the State Board of Health so to do, provide a proper septic tank or tanks for subjecting said sewerage or drainage to purification by such septic tank, sand filtration or other means of purification to be approved by the State Board of Health. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 4, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 263, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 447—An Act providing for the cancellation of bonds given to secure the performance of the conditions of franchises or privileges, the exoneration of the sureties of such bonds and the filing and acceptance of new bonds in lieu thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 447 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Cartwright, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 105—An Act to prevent the waste of water from artesian wells, and prescribing penalties therefor, and defining artesian wells and waste.

Senate Bill No. 105 was temporarily passed on file, in the absence of the author.

Senate Bill No. 165—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to registration.

Senate Bill No. 165 was temporarily passed on file, in the absence of the author.

Senate Bill No. 93—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Senate Bill No. 93 was temporarily passed on file, in the absence of the author.

Senate Bill No. 20—An Act to add a new section to the Political Code, to be numbered 2524a, relating to the powers of the Board of State Harbor Commissioners.

Senate Bill No. 20 was temporarily passed on file, in the absence of the author.

Senate Bill No. 193—An Act to amend Section 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing a compensation of the members thereof, etc.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 193 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Cartwright, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 194—An Act to amend Section 2567 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 194 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 427—An Act to declare the highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road, a State highway.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 427 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 84—An Act authorizing the Governor to set apart one day each year to be designated "Bird and Arbor Day," and to request its observance.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 84 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 125—An Act to amend Section 69 of the Civil Code of California, relating to marriage licenses.

Senate Bill No. 125 was temporarily passed on file, in the absence of the author.

Senate Bill No. 110—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 110 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 289—An Act to amend Section 70 of the Civil Code, and declaring that marriage may be solemnized by a justice of a District Court of Appeal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 289 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 44—An Act to amend Section 5 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of and to rest the title in the State of California to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," as amended by an Act approved March 20, 1905, omitting the provision for an adjutant of the board of directors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 44 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, and Weed—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 287—An Act to amend Sections 330 and 340 of the Code of Civil Procedure, relating to the time of commencing actions.

On motion of Senator Welch, Senate Bill No. 287 was temporarily passed on file, to retain its place.

Senate Bill No. 32—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 32 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 236—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 236 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 235—An Act to amend Sections 2153a and 2154 of the Political Code of the State of California, relating to the appointment of the dentists in State Hospitals for the care and treatment of the insane.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 235 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—29.

NOES—None.

On motion of Senator Rush, Senate Bill No. 235 was passed for the purpose of amending the title, to retain its place on file.

Senate Bill No. 401—An Act providing for the extermination of the *Boophilus annulatus* tick, defining certain crimes, and providing for certain civil and criminal actions.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Rush moved to refer to Senator Sanford as a special committee of one, to amend as follows:

By striking out of Section 7, line 6, the word "infected," and inserting in lieu thereof the following word "infested."

Also: In Section 7, line 3, after the word "cattle," the words, "is given the notice required by Section 2 of this Act."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 4, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 401, with instructions to amend, respectfully reports the same back, amended as per instructions.

SANFORD, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 413—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and amended March 20, 1905.

Senate Bill No. 413 was temporarily passed on file in the absence of the author.

Senate Bill No. 239—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1873, by amending Section 465, relating to the powers of railroad corporations.

On motion of Senator Anderson, Senate Bill No. 239 was temporarily passed on file, to retain its place.

Senate Bill No. 244—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Bill read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Black as a special committee of one, to amend as follows:

By striking out of Section 1055, lines 8 and 9 the words, "As many additional newspapers in the county as said board may deem necessary," and inserting in lieu thereof the following: "One additional newspaper in the county, if said board deems it necessary."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 4, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 244, with instructions to amend, respectfully reports the same back, amended as per instructions.

BLACK, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 127—An Act to amend Section 335 of the Code of Civil Procedure of California, relating to adverse possession of land or interest, and the payment of taxes thereon.

Senate Bill No. 127 was temporarily passed on file, in the absence of the author.

Senate Bill No. 90—An Act to amend an Act entitled "An Act to establish a Penal Code," approved Feb. 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 90 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McCartney, McKee, Miller, Nelson, Reily, Rolley, Rush, Sanford, Walker, Weed, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 382—An Act to amend the Political Code by adding thereto three new sections, to be numbered 759, 760, and 761, relating to fees of clerks of District Courts of Appeal, the disposition thereof and settlement therefor by said clerks, and creating a library fund in District Courts of Appeal.

Senate Bill No. 382 was temporarily passed on file, in the absence of the author.

Senate Bill No. 138—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

On motion of Senator Anderson, Senate Bill No. 138 was temporarily passed on file, to retain its place.

Senate Bill No. 91—An Act to add a new section to the Penal Code, to be numbered Section 1520, relating to the holding of inquests by the coroner.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

By inserting the following after the word "Coroner," line 5, "when he has reason to believe a crime has been committed."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 4, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 91, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

LEAVE OF ABSENCE.

Senator Cartwright was, on motion of Senator Anthony, granted leave of absence for this day.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 459—An Act to amend Section 200 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the exemptions from jury duty.

Read third time.

On motion of Senator Caminetti, Senate Bill No. 459 was temporarily passed on file, to retain its place.

Senate Bill No. 455—An Act to prohibit adulteration and deception in the sale of dairy products; defining adulteration in dairy products, to establish the standards of quality in dairy products, and to provide for enforcing its provision.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 455 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 351—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Read third time.

On motion of Senator Rolley, Senate Bill No. 351 was temporarily passed on file, to retain its place.

Senate Bill No. 169—An Act to amend Section 1160 of the Political Code, relating to elections and the time the polls must be opened and closed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 169 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Markey, Mattos, McCartney, McKee, Miller, Nelson, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE CONSTITUTIONAL AMENDMENT No. 5.

A resolution to propose to the people of the State of California a constitutional amendment amending Article IV, Section 18, of the Constitution of the State of California, by including the Presiding Justices and Justices of the District Courts of Appeal in the list of State officials liable to impeachment for misdemeanor in office.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California, at its regular session, commencing on the seventh day of January, 1907, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that Article IV, Section 18, of the Constitution of the State of California, be amended to read as follows:

Section 18. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Chief Justice and Associate Justices of the Supreme Court, the Presiding Justices and Justices of the District Courts of Appeal, and Judges of the Superior Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit under the State, but the party convicted or acquitted shall, nevertheless, be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 5 was adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, Miller, Nelson, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—29.

NOES—None.

Constitutional amendment ordered transmitted to the Assembly.

Senate Bill No. 295—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor-General.

Read third time.

BILL REFERRED TO COMMITTEE.

On motion of Senator McCartney, Senate Bill No. 295 was referred to the Committee on Finance, to retain its place on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 38—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.

On motion of Senator Boynton, Senate Bill No. 38 was temporarily passed on file, to retain its place.

Senate Bill No. 463—An Act authorizing any incorporated city, town, or municipal corporation to lease, acquire by purchase, condemnation, or otherwise, and hold and use lands and other necessary property for the purpose of constructing, equipping, using, maintaining, and operating and to construct, equip, use, maintain, and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the purpose of preparing, manufacturing, handling, or transporting materials or supplies required in the construction or completion of any public work, improvement, or utility, or for the purpose of maintaining or operating any such work, improvement, or utility.

On motion of Senator Carter, Senate Bill No. 463 was temporarily passed on file, to retain its place.

Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, seawall, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

BILL REFERRED TO COMMITTEE.

On motion of Senator Caminetti, Senate Bill No. 461 was ordered referred to the Committee on Commerce and Navigation.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 4, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 92—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Also: Senate Bill No. 95—An Act to appropriate the sum of fifty thousand (\$50,000) dollars for the erection of a fundabidinaldormitory building in the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California in Alameda County, by the Board of Directors thereof, and provide for the payment thereof and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Senate Bill No. 378—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the fifty-seventh and fifty-eighth fiscal years.

Also: Senate Bill No. 379—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing Controller's office for the fifty-eighth fiscal year.

Also: Senate Bill No. 385—An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from \$200,000 per annum to \$750,000 per annum for the fifty-ninth fiscal year and for each and every year thereafter and to that end to amend Section 1 of an Act approved March 20, 1890, entitled "An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1889, entitled 'An Act to amend an Act entitled

An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association,' approved March 7, 1889, providing for an increase in the annual appropriation thereof and changing the time for the payment thereof," approved March 20, 1890, reducing the amount of such appropriation per capita," approved March 12, 1901, by providing for a fixed annual appropriation of \$65,000 in the past and instead of \$75 per annum, for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said Home."

Also: Senate Bill No. 58—An Act to provide for the past investigation with the Federal Government of the water resources of the State and to make an appropriation for the expenses of such investigation.

Also: Senate Bill No. 141—An Act to amend Section 472 and Section 475 of an Act entitled "An Act establishing a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, stenographers, and stenographers in the Attorney-General's office and fixing their salaries and relating to the duties of the Attorney-General, and providing for the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

Also: Senate Bill No. 150—An Act making an appropriation to pay the claim of Solinsky & Wehe against the State of California.

Also: Senate Bill No. 220—An Act appropriating money to pay the claim of H. S. G. McArtney against the State of California.

Also: Senate Bill No. 224—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Also: Senate Bill No. 225—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Also: Senate Bill No. 226—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Also: Senate Bill No. 227—An Act to provide for the location, survey, and construction of a State highway in Trinity County, connecting the present county road systems of Trinity and Humboldt counties, and making an appropriation therefor.

Also: Senate Bill No. 230—An Act making an appropriation to carry out the provisions of Section 2679a of the Political Code of the State of California.

Also: Senate Bill No. 231—An Act to provide for the transfer of moneys from the salary fund of the State Normal School at San Francisco to the printing fund of said school.

Also: Senate Bill No. 234—An Act appropriating \$15,000 to complete the buildings, equipment and furniture of the State Normal School at San Francisco.

And report that the same have been correctly engrossed.

REILLY, Chairman.

Senate Bills Nos. 92, 95, 378, 379, 385, 58, 141, 153, 223, 224, 225, 226, 229, 251, 303, and 364 ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator McKee: Senate Bill No. 576—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 28, 1876, and Acts amendatory thereof, by amending Section 3 of said Act. (Last amendment Statutes 1905, p. 416).

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 577—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain street in the City of Sacramento,

to wit: Twenty-sixth Street, from the south line of K Street to the north line of L Street, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 578—An Act to create a reclamation district, to be called Reclamation District No. 774, and providing for the management and control thereof and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also (by request): Senate Bill No. 579—An Act instructing the Commissioner of Public Works to purchase the north fifty-eight acres of Wood Island, situated in the County of Sacramento, State of California, and making an appropriation to pay for the same.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Belshaw (by request): Senate Bill No. 580—An Act concerning tide lands above low tide, and legalizing certain applications heretofore made for the purchase of tide lands.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 581—An Act to amend Section 3 of an Act entitled "An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of power, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of an electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto," approved March 18, 1905.

Bill read first time, and referred to Committee on Finance.

By Senator Irish: Senate Bill No. 582—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, March 19, 1903, and March 20, 1905, by amending Section 185 thereof, relating to salaries and fees of county and township officers of the twenty-eighth class.

Bill read first time, and referred to Committee on County Government.

By Senator Weed: Senate Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to counties of the fifty-first class.

Bill read first time, and referred to Committee on County Government.

By Senator Caminetti: Senate Bill No. 584—An Act making an appropriation of two hundred and fifty dollars (\$250.00) for the purchase of a certain spring of water near the John Marshall monument at Coloma, and for piping the water to the ground surrounding said monument.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 585—An Act making an appropriation of five hundred dollars (\$500) for the purpose of repairing and preserving the John Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.

Bill read first time, and referred to Committee on Finance.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 1, 1907.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 131—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in such channels, and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PRICE, Chairman.

Assembly Bill No. 131 ordered on file for second reading.

RECESS.

At twelve o'clock and thirty minutes P. M., the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 174—An Act to amend Section 3414 of the Political Code, relating to actions to determine the right to purchase State lands.
Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 174 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, McArthur, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Curtin gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 174 was this day passed.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 16—An Act to authorize and empower the Board of Trustees of the State Normal School of Los Angeles to sell and convey the lands and buildings of said school and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect

and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, and apparatus and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings.

On motion of Senator Carter, Senate Bill No. 16 was referred to Committee on Finance, to retain its place on file.

Assembly Bill No. 308—An Act amending Sections 1715 and 1716 of the Political Code of California, relating to school libraries.

On motion of Senator Mattos, Assembly Bill No. 308 was temporarily passed on file, to retain its place.

Senate Bill No. 262—An Act to add a new section to the Political Code of the State of California, to be known as Section 2927a, relating to duties of the State Board of Health.

On motion of Senator Leavitt, Senate Bill No. 262 was temporarily passed on file, to retain its place.

Senate Bill No. 431—An Act to regulate the sale of poisons in the State of California and providing for the violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 431 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 63—An Act to appropriate \$10,000 for the establishment of a school of forestry at the University of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 63 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Markey, McCartney, McKee, Miller, Nelson, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 66—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Senate Bill No. 66 was temporarily passed on file, in the absence of the author.

Senate Bill No. 73—An Act making an appropriation to pay the claim of Charles J. Morf against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 73 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Irish, Keane, Leavitt, Markey, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 92—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Senate Bill No. 92 was temporarily passed on file, in the absence of the author.

Senate Bill No. 95—An Act to appropriate the sum of fifty thousand (\$50,000) dollars for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California, in Alameda County, by the Board of Directors thereof, and providing for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 95 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 378—An Act making an appropriation to pay the deficiency in the contingent appropriation for the Governor's office for the fifty-seventh and fifty-eighth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 378 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Rolley asked for and was granted unanimous consent to have Senate Bill No. 351 taken up for the purpose of amendment.

Senate Bill No. 351—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Rolley moved to refer to Senator Miller, as a special committee of one, to amend as follows:

By inserting on page 2, line 34, after the word "paid," "but this provision shall not apply to any officer who has a deputy regularly employed and paid out of his salary or fees"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 4, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 351, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 379—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Controller's office, for the fifty-eighth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 379 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 35—An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from \$65,000 per annum to \$75,000 per annum for the fifty-ninth fiscal year, and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled "An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1899,' entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887,' entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association, approved March 7, 1883,' providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of \$65,000 in the place and stead of \$75 per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 35 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Greenwell, Hartman, Irish, Keane, Leavitt, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 58 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 4, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 368—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed as acting guardian at the Marshall monument, at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same (the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law).

Also: Senate Bill No. 370—An Act appropriating money to pay the rental, cost of moving, and other necessary expenses incurred and to be incurred by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.

Also: Senate Bill No. 371—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, the expenditure of which has been approved by the State Board of Examiners.

Also: Senate Bill No. 372—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh and fifty-eighth fiscal years.

Also: Senate Bill No. 373—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of El River from erosion by means of jetty work along the banks thereof," approved March 22, 1905.

Also: Senate Bill No. 374—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

Also: Senate Bill No. 375—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Also: Senate Bill No. 376—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

Also: Senate Bill No. 121—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

Also: Senate Bill No. 122—An Act to perfect the organization of Reclamation District Number Seventy, as created by an Act entitled "An Act to create a reclamation district, to be called 'Reclamation District Number Seventy,' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

Also: Senate Bill No. 47—An Act to amend an Act entitled "An Act amending section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Also: Committee Substitute for Senate Bill No. 274—An Act to add a new title to Part IV of Division First of the Civil Code, to be known as Title XXI, relating to unincorporated benevolent and fraternal societies and associations.

Also: Senate Bill No. 27—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3692, 3695, 3696, 3700, 3702, 3738, 3897, and 3898 of the Political Code; to repeal Section 3701 of the Political Code, as it now exists, and to reenact said Section 3701, all of said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

Also: Senate Bill No. 163—An Act to amend an Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901.

Also: Senate Bill No. 112—An Act to amend Section 496 of the Penal Code, relating to the buying or receiving of stolen property.

Also: Senate Bill No. 213—An Act to amend Section 803 of the Code of Civil Procedure, relating to actions for the usurpation of an office or franchise.

Also: Senate Bill No. 219—An Act to amend Section 700 of the Code of Civil Procedure and to add a new section thereto, to be numbered 700a, both relating to execution sales.

Also: Senate Constitutional Amendment No. 22—Relative to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.

Also: Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by

amending Article XIII thereof by striking therefrom and repealing Section 4 of said article relative to the assessment of a mortgage, deed of trust, contract, or other obligation by which a debt is secured, and to taxes due upon such assessment.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 368, 370, 371, 372, 373, 374, 375, 376, 121, 122, 47, 274, 27, 163, 112, 213, and 219 ordered on file for third reading.

Senate Constitutional Amendments Nos. 22 and 26 ordered on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 141—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and providing the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 141 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 153—An Act making an appropriation to pay the claim of Solinsky & Wehe against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 153 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 223—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 223 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Leavitt, Markey, Mattos, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 224—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 224 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 225—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 225 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 226—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 226 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Greenwell, Irish, Keane, Leavitt, Mattos, McCartney, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 229—An Act to provide for the location, survey, and construction of a State highway in Trinity County, connecting the present county road systems of Trinity and Humboldt counties, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 229 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 261—An Act making an appropriation to carry out the provisions of Section 2979a of the Political Code of the State of California.

On motion of Senator Leavitt, Senate Bill No. 261 was temporarily passed on file, to retain its place.

Senate Bill No. 363—An Act authorizing the transfer of moneys from the salary fund of the State Normal School at San Francisco to the printing fund of said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 363 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 364—An Act appropriating \$13,500 to complete the buildings, equipment, and furnishings of the State Normal School at San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 364 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, Nelson, Rambo, Reily, Rolley, Sanford, Walker, Weed, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 368—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed as acting guardian at the Marshall monument, at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same, the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law.

On motion of Senator Belshaw, Senate Bill No. 368 was temporarily passed on file, to retain its place.

Senate Bill No. 370—An Act appropriating money to pay the rental, cost of moving, and other necessary expenses incurred and to be incurred by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.

On motion of Senator Belshaw, Senate Bill No. 370 was temporarily passed on file, to retain its place.

Senate Bill No. 371—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, expenditure of which has been approved by the State Board of Examiners.

On motion of Senator Belshaw, Senate Bill No. 371 was temporarily passed on file, to retain its place.

Senate Bill No. 372—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

On motion of Senator Belshaw, Senate Bill No. 372 was temporarily passed on file, to retain its place.

Senate Bill No. 373—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof."

On motion of Senator Belshaw, Senate Bill No. 373 was temporarily passed on file, to retain its place.

Senate Bill No. 374—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

On motion of Senator Belshaw, Senate Bill No. 374 was temporarily passed on file, to retain its place.

Senate Bill No. 375—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

On motion of Senator Belshaw, Senate Bill No. 375 was temporarily passed on file, to retain its place.

Senate Bill No. 376—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

On motion of Senator Belshaw, Senate Bill No. 376 was temporarily passed on file, to retain its place.

BILL RECALLED FROM ENGROSSMENT FOR PURPOSE OF AMENDMENT.

On motion of Senator Belshaw, Senate Bill No. 10 was recalled from the Committee on Engrossment and Enrollment for the purpose of amendment.

Senate Bill No. 10—An Act appropriating the sum of eight thousand dollars for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school.

Bill having been recalled from engrossment, the following amendments were offered by Senator Belshaw:

Amend by striking out of Section 1, line 1, the word "five" and inserting in lieu thereof the word "seven."

Amendment adopted.

Also:

By striking out of the title the word "five" in line 1, and inserting the word "seven" in lieu thereof.

Amendment adopted.

Bill ordered to print and engrossment.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Willis (by request of Code Commission): Senate Bill No. 586—An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township government.

Bill read first time, and referred to Committee on Judiciary.

By Senator Irish: Senate Bill No. 587—An Act to make an appropriation for the location, survey, and construction of a State highway from a point known as the Mt. Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Boynton: Senate Bill No. 588—An Act to amend Sections 1123 and 1126 of the Code of Civil Procedure, relating to contesting certain elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Wolfe: Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article. XII thereof, by amending Section 3 thereof, relating to the liability of stockholders of a corporation or joint stock association.

Senate Constitutional Amendment referred to Committee on Judiciary.

MOTION.

On motion of Senator Wolfe, the following report was ordered printed in the Journal:

CODE COMMISSIONER'S REPORT ON CODIFICATION OF COUNTY GOVERNMENT ACTS.

SACRAMENTO, CAL., February 4, 1907

Judiciary Sub-Committee on Code Revision Bills.

GENTLEMEN: Though the County Government Act of 1897 has been in existence barely ten years, the law contained in it, and in the Acts amendatory thereof and supplementary thereto, can at this time be found only in a small sized law library. Its codification into the proper title of the Political Code is almost an imperative necessity, unless we are to have, every other session or so, the reenactment of an enormously bulky and growing County Government Act. The Political Code has a title composed of many sections set aside for this purpose, but as it was originally enacted in 1872, and is mostly superseded by the provisions of the Constitution of 1879, and was thereafter abandoned, as far as amendatory legislation was concerned, until the Supreme Court should thresh out the legal questions involved in construing a special act with reference to questions of classification of counties, etc., the present sections of this title of the Political Code have been, almost since 1883, for the most part obsolete.

Since 1879 no attempt at a scientific codification of the provisions of the County Government Act of that year and of the Acts amendatory thereof and supplementary thereto, and the one or two others covering analogous subjects, has been attempted, except the Act proposed in the report of the Code Commission consisting of Messrs. Bulla, Caminetti, and Shanahan, filed in the office of the Secretary of State July 31, 1899. I have not hesitated freely to use their good work on the County Government Act covered by said report, in drawing the framework of the new title to the Political Code this day introduced in the Senate in the form of Senate Bill No. 586.

This title comprises the Act of April 1, 1897, entitled "An Act to establish a uniform system of county and township governments" (Stats. 1897, 452), hereafter in notes to this title referred to as the "Act of 1897," together with all acts to date amendatory thereof or supplementary thereto.

All changes therein, and additions thereto, have been noted. All sections of said Act of 1897, except Sections 11, 12, 13, 232, 233, and 234 have been inserted. Sections 11 and 12 omitted, as they properly form part of Chapter II in the preceding title to which they have been added in another bill heretofore introduced in the Senate at this session. Section 13 has been omitted because it has been declared unconstitutional by the Supreme Court (*Ex parte Anderson*, 134 Cal. 53). Sections 232, 233, and 234 are excluded as unnecessary.

Sections 4007, 4020, 4220, 4221 are respectively Sections 4007, 4107, 4273, and 4271 of the present Political Code carried into this title under the former numbers. Sections 4000 to 4347, both inclusive, now in Title II, Part IV of the Political Code, are repealed, as the subject-matters therein contained are fully covered by the said title as now reported.

By the insertion of the County Government Act into this Code, its reenactment at almost every session of the Legislature will be avoided, as amendments may be made after the passage of this Act by mere amendment of the respective sections of the Political Code herein contained.

The provision that all Acts or parts of Acts inconsistent therewith are hereby repealed, generally found in them, leave in their train portions of former Acts in force. The Supreme Court on the 23d of June, 1899, for instance, in the case of *Davis vs. Post*, 125 Cal. 210, decided "that Section 191 of the County Government Act of 1893, being a later expression of legislative will than Section 2641 of the Political Code, with which it is inconsistent, must prevail," and yet since the date that the Act of 1897 went into operation it was the Act governing the several counties, notwithstanding the County Government Act of 1893. How many more provisions of the various County Government Acts which have been heretofore enacted will be brought up as occasions arise in litigation it is impossible to say. In this state of affairs, it is recommended that after this revision of the title shall have been in force long enough not to affect incumbents holding under the old Acts, all County Government Acts enacted in other form be expressly repealed.

This bill is not new legislation, but is a codification to date of such former legislation on the subject as is still in force, and the Fee Bill Act of 1895, and a few other statutes which, it is thought, properly come within the scope of county government, have also been codified herein.

Sec. 4000. Every county is a body corporate and politic, and as such has the powers specified in this title, and such other powers as are necessarily implied from those expressed.

This section is drawn from Section 1 of the County Government Act of 1897 (Stats. 1897, 452) and present Section 4000 of the Political Code.

Sec. 4001. Is a copy of Section 2 of County Government Act of 1897.

Sec. 4002. Is a copy of Section 3 of Act of 1897.

Sec. 4003. Is a copy of Section 4 of Act of 1897.

Sec. 4004. Is a copy of Section 5 of Act of 1897.

Sec. 4005. Is a copy of Section 6 of Act of 1897.

Sec. 4005a. Is a copy of Section 7 of Act of 1897.

Sec. 4005b. Is a copy of Section 8 of Act of 1897.

Sec. 4005c. This article contains Section 10 of Act of 1897, as amended in 1901 (Stats. 1901, 685).

Sec. 4006. Here follows Section 157 of Act of 1897, as amended in 1901.

Sec. 4006a. This is substantially Section 231 of Act of 1897. July 1, 1907, substituted for "the passage of this Act," etc. The other change in said section made on authority *Kumler vs. Board of Supervisors*, 103 Cal. 394.

Sec. 4007. A copy of present Section 4007 of the Political Code.

Sec. 4013. This is a portion of Section 55 of Act of 1897. Original basis of section, present Section 4103 of the Political Code.

Sec. 4014. This section is substituted for the first portion of Section 56 of the County Government Act of 1897, the amendment thereof being made in accordance with the Act of March 3, 1905 (Stats. 1905, 50). Present Section 4004 of the Political Code, original basis of section.

Sec. 4015. This is a portion of Section 56 of Act of 1897 (Stats. 1897, 474; amended 1903, 29).

Sec. 4016. This is a portion of Section 56 of Act of 1897 (Stats. 1897, 474; amended 1903, 29).

Sec. 4017. This is a portion of Section 55 of Act of 1897 (Stats. 1897, 473; amended 1905, 722). This subject is referred to in present Section 4105 of the Political Code.

Sec. 4018. This is a portion of Section 55 of Act of 1897 (1897, 473; amended 1905, 722). The subject thereof treated in present Section 4106 of the Political Code.

Sec. 4019. This is the concluding portion of Section 55 of Act of 1897 (1897, 473; amended 1905, 722) and present Section 4008 of the Political Code.

Sec. 4020. Is a copy of Section 4107 of the Political Code.

Sec. 4021. Is a copy of Section 58 of Act of 1897, except, the Commissioners' note says: This is Section 58 of Act of 1897. The words "and city justices of the peace" omitted, as Act of March 3, 1905 (Stats. 1905, 50), provides for their election. "July, 1907" substituted for "January, 1893."

Sec. 4022. Is a copy of Section 66 of Act of 1897, which superseded the present Section 4122 of the Political Code.

Sec. 4023. This is Section 54 of Act of 1897 (Stats. 1897, 475; amended 1905, 721), which superseded present Sections 4101 and 4102 of the Political Code. The phrases "or over" and "or other division" added to make section more definite.

Sec. 4024. This is Section 59 of Act of 1897, 479, which superseded present Sections 4112 and 4113 of the Political Code, amended to conform to Political Code 1115 (Stats. 1905, 241) and Political Code 1116 (Stats. 1899, 62).

Sec. 4025. This is Section 34 of Act of 1897 (Stats. 1897, 468), which superseded present Section 4064 of the Political Code.

Sec. 4026. This is Section 35 of Act of 1897 (Stats. 1897, 469), which superseded present Section 4065 of the Political Code.

Sec. 4027. This is substantially Section 14 of Act of 1897, which superseded present Section 4022 of the Political Code (Stats. 1897, 453, 455).

Sec. 4028. This is Section 15 of Act of 1897, which superseded present Section 4023 of the Political Code (Stats. 1897, 455).

Sec. 4029. This is Section 16 of Act of 1897 (Stats. 1897, 455).

Sec. 4030. This is Section 17 of Act of 1897, which superseded present Section 4026 of the Political Code.

Sec. 4031. This is Section 18 of Act of 1897.

Sec. 4032. This is a portion of Section 19 of Act of 1897, which superseded present Section 4029 of the Political Code.

Sec. 4033. This is a portion of Section 24 of Act of 1897, which superseded present Section 4035 of the Political Code.

Sec. 4034. This is Section 22 of Act of 1897, which superseded present Sections 4032 and 4033 of the Political Code.

Sec. 4035. This is Section 23 of Act of 1897, which superseded present Section 4034 of the Political Code.

Sec. 4036. This is Section 27 of Act of 1897, which superseded present Section 4047 of the Political Code.

Sec. 4037. This is the remainder of Section 19 of Act of 1897.

Sec. 4038. This is Section 20 of Act of 1897. See present Section 4030 Political Code.

Sec. 4039. This is Section 21 of Act of 1897, which superseded old Section 4030 of the Political Code.

Sec. 4040. This is a portion of Section 24 of Act of 1897.

Sec. 4041. Is copied from Section 25 of the County Government Act of 1897.

1. In Subd. 5 the word "almshouses" is substituted for the words "poor houses."
 2. In Subd. 6 "almshouse" is substituted for "poor house."
 3. Sec. 12½ is omitted, because the subject is covered by Section 4055.
 4. Subd. 13 is omitted, because covered in another section, and Section 25½, which was added in 1903 (Stats. 1903, 160), which should have been a subdivision of this section, is inserted in place of the old Subdivision 13.
 5. Subd. 20 is omitted as being embodied in Section 4225, under Article III of Chapter IX, entitled "Health Officers."
 6. Subd. 21 is omitted, and the subject is contained in Section 4048.
 7. Subd. 22 is omitted, and the subject is covered by Section 4049.
- Owing to the omission of Subdivisions 20, 21, and 22, as above set forth, the succeeding sections have been renumbered, Subdivision 25 being Subdivision 22, and being amended to conform to the present Section 3366 of the Political Code (Stats. 1901, 635), by which it has been repealed by implication (*Ex parte Pfirrmann*, 134 Cal. 143).
- Except as stated above, the foregoing is Section 25 of the Act of 1897. It superseded old Section 4046 of the Political Code.
- Sec. 4042. Is a copy of Section 52, Act of 1897.
 - Sec. 4043. Is a copy of the Act of April 1, 1897 (Stats. 1897, 404).
 - Sec. 4044. This is a copy of Section 141, Act of 1897.
 - Sec. 4045. Is a copy of Section 225, Act of 1897.
 - Sec. 4046. This is taken from the Act of April 1, 1876 (Stats. 1875-6, 803).
 - Sec. 4047. This section is drawn from the Act of March 27, 1897 (Stats. 1897, 191).
 - Sec. 4048. This was all of Subdivision 21 of Section 25, Act of 1897, except the last clause thereof, which portion was declared unconstitutional by the Supreme Court (*Van Hartingen vs. Doyle*, 134 Cal. 53). Subdivision 21 superseded old Section 4047 of the Political Code.
 - Sec. 4049. This is Subdivision 22 of Section 25 of the Act of 1897.
 - Sec. 4050. This is Section 48 of the Act of 1897, which superseded Section 4081 of the Political Code.
 - Sec. 4051. This is Section 50 of the Act of 1897.
 - Sec. 4052. Section 51 of the Act of 1897, which superseded old Section 4084 of the Political Code.
 - Sec. 4052a. This section is drawn from the Act of April 3, 1880 (Stats. 1880, 20), and the Act of February 10, 1881 (Stats. 1881, 2).
 - Secs. 4053-4054. These sections are taken from the Act of April 23, 1880 (Stats. 1880, 133).
 - Sec. 4055. This is taken substantially from the Act of February 25, 1897 (Stats. 1897, 28) Subdivision 12½ of Section 25 of the Act of 1897 omitted, as it is fully covered by this section.
 - Sec. 4056. This Section 66a, as added to Act of 1897 in 1905 (Stats. 1905, 476)
 - Sec. 4056a. This is Section 25½, as added to Act of 1897 in 1905 (Stats. 1905, 722).
 - Sec. 4057. This is Section 26 of the Act of 1897.
 - Sec. 4065. Is a copy of Section 28, Act of 1897, which superseded old Section 4067 of the Political Code.
 - Sec. 4066. Is a copy of Section 29, Act of 1897.
 - Sec. 4067. Is a copy of Section 30, Act of 1897.
 - Sec. 4068. Is a copy of Section 31, Act of 1897.
 - Sec. 4069. This is Section 32 of the Act of 1897. Sections 4047 and 4048 of the Political Code treated on the subject-matter of this section.
 - Sec. 4070. This is Section 33 of the Act of 1897. Section 4069 of the Political Code contains like provisions.
 - Sec. 4071. This is Section 36 of the Act of 1897, which superseded old Section 4070 of the Political Code.
 - Sec. 4072. This is Section 37 of the Act of 1897.
 - Sec. 4073. This is Section 38 of the Act of 1897.
 - Sec. 4074. This is Section 39 of the Act of 1897. Like provisions found in Section 4071 of the Political Code.
 - Sec. 4075. This is Section 40 of the Act of 1897. Also in part Section 4072 of the Political Code.
 - Sec. 4076. This is Section 41 of the Act of 1897, and is part of Section 4073 of the Political Code.
 - Sec. 4077. This is Section 42 of the Act of 1897, also of Section 4074 of the Political Code.
 - Sec. 4078. This is Section 43 of the Act of 1897 and also of portion of Sections 4074 and 4075 of the Political Code.
 - Sec. 4079. This is Section 49 of the Act of 1897, which took place of Section 4082.
 - Sec. 4081. This is Section 44 of the Act of 1897. See Section 4076 of the Political Code.
 - Secs. 4085, 4086, 4087. These sections are new, and are reported to make title complete.
 - Sec. 4088. This is Subdivision 13 of Section 25 of the Act of 1897. It embraces the subject-matter of old Sections 4048 to 4052, inclusive, of the Political Code, as amended.
 - Sec. 4090. This section is inserted at this place to provide for some competent authority to act when the board of supervisors is not in session.
 - Sec. 4091. This is Section 109 of the Act of 1897. See Section 4215, Political Code.
 - Sec. 4092. This is Section 110 of the Act of 1897. See Section 4216, Political Code.
 - Sec. 4093. This is Section 111 of the Act of 1897. See Section 4217, Political Code.
 - Sec. 4094. This is Section 112 of the Act of 1897. See Section 4218, Political Code.

- Sec 4095. This is Section 113 of the Act of 1897. See Section 4219, Political Code.
 Sec. 4096. This is Section 114 of the Act of 1897. See Section 4220, Political Code.
 Sec. 4097. This is Section 115 of the Act of 1897, and part of Section 4221, Political Code. See latter section.
 Sec. 4098. This is Section 116 of the Act of 1897 and Section 4222 of the Political Code. See latter section.
 Sec. 4099. This is Section 117 of the Act of 1897 and Section 4223 of the Political Code.
 Sec. 4100. This is Section 118 of the Act of 1897 and Section 4224 of Political Code.
 Sec. 4101. This is Section 67 of the Act of 1897. See Section 4144 of the Political Code.
 Sec. 4102. This is Section 68 of the Act of 1897. See Section 4145, Political Code.
 Sec. 4103. This is Section 69 of the Act of 1897. See Section 4146, Political Code.
 Sec. 4104. This is Section 70 of the Act of 1897. See Section 4147, Political Code.
 Sec. 4105. This is Section 71 of the Act of 1897. See Section 4148, Political Code.
 Sec. 4106. This is Section 72 of the Act of 1897. See Section 4149, Political Code.
 Sec. 4107. This is Section 73 of the Act of 1897. See Section 4150, Political Code.
 Sec. 4108. This is Section 74 of the Act of 1897. See Section 4151, Political Code.
 Sec. 4109. This is Section 75 of the Act of 1897. See Section 4152, Political Code.
 Sec. 4110. This is Section 76 of the Act of 1897. See Section 4153, Political Code.
 Sec. 4111. This is Section 77 of the Act of 1897. See Section 4154, Political Code.
 Sec. 4112. This is Section 78 of the Act of 1897. See Section 4155, Political Code.
 Sec. 4113. This is Section 79 of the Act of 1897. See Section 4156, Political Code. The reference to sections is changed in conformity with the article.
 Sec. 4114. This is Section 80 of the Act of 1897. See Section 4157, Political Code. The reference to section is changed in conformity with this title.
 Sec. 4115. This is Section 81 of the Act of 1897. See Sections 4158 and 4159, Political Code.
 Sec. 4116. This is Section 82 of the Act of 1897. See Section 4160, Political Code.
 Sec. 4117. This is Section 83 of the Act of 1897. See Section 4161, Political Code.
 Sec. 4118. This is Section 84 of the Act of 1897. See Section 4162, Political Code.
 Sec. 4119. This is Section 85 of the Act of 1897. See Section 4163, Political Code.
 Sec. 4120. This is Section 86 of the Act of 1897. See Section 4164, Political Code.
 Sec. 4121. This is Section 87 of the Act of 1897. See Section 4165, Political Code.
 Sec. 4124. See note to Section 4052.
 Sec. 4125. This is Section 148 of the Act of 1897.
 Sec. 4126. This is Section 149 of the Act of 1897.
 Sec. 4127. This section is new.
 Sec. 4130. This is Section 119 of the Act of 1897. See Section 4130, Political Code.
 Sec. 4131. This is Section 120 of the Act of 1897. See Section 4235, Political Code.
 Subdivision 12 is new and reads as follows:
 12. Notices and documents affecting mining locations, and
 Sec. 4132. This is Section 121 of the Act of 1897. See Section 4226, Political Code.
 Subdivisions 24, 25, and 26 are new, and are designed to meet the requirements of existing law. "Name of owner" inserted in Subdivision 16.
 Sec. 4133. This is Section 122 of the Act of 1897. See section 4237, Political Code.
 Sec. 4134. This is Section 123 of the Act of 1897. See Section 4238, Political Code.
 Sec. 4135. This is Section 124 of the Act of 1897. See Section 4239, Political Code.
 Sec. 4136. This is Section 125 of the Act of 1897. See old Section 4240, Political Code.
 Sec. 4137. This is Section 126 of the Act of 1897. See old Section 4241, Political Code.
 Sec. 4138. This is Section 127 of the Act of 1897. See old Section 4242, Political Code.
 Sec. 4139. This is Section 128 of the Act of 1897. See old Section 4243, Political Code.
 Sec. 4140. This is Section 129 of the Act of 1897. See old Section 4244, Political Code.
 Sec. 4141. This is Section 130 of the Act of 1897. See old Section 4245, Political Code.
 Sec. 4142. This is Section 131 of the Act of 1897. See old Section 4246, Political Code.
 Sec. 4143. This is Section 142 of the Act of 1897.
 Sec. 4144. This is Section 143 of the Act of 1897. See old Section 4286, Political Code.
 Sec. 4145. This is Section 144 of the Act of 1897.
 Sec. 4146. This is Section 145 of the Act of 1897. See old Sections 4287 and 4288, Political Code.
 Sec. 4147. This is Section 146 of the Act of 1897. See old Section 4289, Political Code.
 Sec. 4148. This is Section 147 of the Act of 1897. See old Section 4290, Political Code.
 Secs. 4149 and 4149a. These sections codify section 55½ added to Act of 1897 in 1905 (Stats. 1905, 722) and Section 152½ added in 1905 (Stats. 1905, 723).
 Sec. 4150. Section 4134 of the Political Code defines duties of a judge of the superior court. The section as reported is deemed sufficient for the purpose of this title.
 Sec. 4151. This is Section 9 of the Act of 1897. The reference has been corrected to conform to the provisions of this title.
 Sec. 4152. This section is introduced here to complete chapter on judiciary.
 Sec. 4153. This is Section 132 of the Act of 1897. See Section 4256, Political Code.
 Sec. 4154. This is Section 133 of the Act of 1897. See Section 4257, Political Code.
 Sec. 4155. This is Section 134 of the Act of 1897. See Section 4258, Political Code.
 Sec. 4156. This is substantially the Act of March 15, 1899 (Stats. 1899, 103), which became a law under constitutional provision without the Governor's approval.
 Sec. 4157. This is Section 89 of the Act of 1897. See Section 4176, Political Code.
 Sec. 4158. This is Section 90 of the Act of 1897. See Section 4177, Political Code.
 Sec. 4159. This is Section 91 of the Act of 1897. See Section 4178, Political Code.
 Sec. 4160. This is Section 92 of the Act of 1897. See Section 4179, Political Code.
 Sec. 4161. This is Section 93 of the Act of 1897. See Section 4180, Political Code.

- Sec. 4162. This is Section 94 of the Act of 1897. See old Section 4181, Political Code.
 Sec. 4163. This is Section 95 of the Act of 1897. See old Section 4182, Political Code.
 Sec. 4164. This is Section 96 of the Act of 1897. See old Section 4183, Political Code.
 Sec. 4165. This is Section 97 of the Act of 1897. See old Section 4184, Political Code.
 Sec. 4166. This is Section 98 of the Act of 1897. See old Section 4185, Political Code.
 Sec. 4167. This is Section 99 of the Act of 1897. See old Section 4186, Political Code.
 Sec. 4168. This is Section 100 of the Act of 1897. See old Section 4187, Political Code.
 Sec. 4169. This is Section 101 of the Act of 1897. See old Section 4188, Political Code.
 Sec. 4170. This is Section 102 of the Act of 1897. See old Section 4189, Political Code.
 Sec. 4171. This is Section 103 of the Act of 1897. See old Section 4190, Political Code.
 Sec. 4172. This is Section 104 of the Act of 1897. See old Section 4191, Political Code.
 Sec. 4173. This is Section 105 of the Act of 1897. See old Section 4192, Political Code.
 Sec. 4174. This is Section 106 of the Act of 1897. See old Section 4193, Political Code.
 Sec. 4175. This and the succeeding section are taken from the Act of March 15, 1889 (Stats. 1889, 200).
 Sec. 4178. This is Section 107 of the Act of 1897. See old Section 4204, Political Code.
 Subdivision 5 has been inserted.
 Sec. 4179. This is Section 108 of the Act of 1897. See old Section 4205, Political Code.
 Sec. 4180. This section is new and is introduced here to complete the chapter on judiciary.
 Sec. 4181. This is Section 151 of the Act of 1897. See Section 4303, Political Code.
 Sec. 4182. This is Section 152 of the Act of 1897.
 Sec. 4183. This section is taken from the Act of March 30, 1872 (Stats. 1871-2, 796).
 Sec. 4185. This is Section 155 of the Act of 1897. See old Section 4316, Political Code.
 Sec. 4186. This is Section 224 of the Act of 1897.
 Sec. 4187. This is Section 153 of the Act of 1897. See Section 3214, Political Code.
 Sec. 4188. This is Section 154 of the Act of 1897. See old Section 4315, Political Code.
 The numbers have been changed to correspond to the provisions of this title.
 Sec. 4190. This and the succeeding twelve sections are drawn from the Act of March 31, 1891 (Stats. 1891, 430), as amended in 1895 (Stats. 1895, 46).
 Sec. 4191 to Sec. 4203, inclusive of the codification, represent Sections 2 to 14, inclusive, of the said Act of 1891, as amended in 1895 (Stats. 1895, 96).
 Sec. 4204. This section is taken from Act of March 13, 1895 (Stats. 1895, 46).
 Sec. 4208. Commissioner's Note: This is Section 150 of the Act of 1897. See old Section 4302, Political Code.
 Sec. 4209. This section is introduced to complete chapter on education.
 Sec. 4210. This section is reported to complete the chapter
 Sec. 4214. This is Section 135 of the Act of 1897. See old Section 4268, Political Code.
 Sec. 4215. This is Section 156 of the Act of 1897. See old Section 4269, Political Code.
 Sec. 4216. This is Section 137 of the Act of 1897. See old Section 4270, Political Code.
 Sec. 4217. This is Section 138 of the Act of 1897. See old Sections 4274 and 4275.
 Political Code.
 Sec. 4218. This is Section 139 of the Act of 1897.
 Sec. 4219. This is Section 140 of the Act of 1897.
 Sec. 4220. This is old Section 4273 of the Political Code.
 Sec. 4221. This is old Section 4271 of the Political Code.
 Sec. 4222. This section is reported to complete the chapter on public works.
 Sec. 4223. This article is reported to complete chapter on health.
 Sec. 4224. This section is reported to complete chapter on health.
 Sec. 4225. This is Subdivision 20 of Section 25 of the Act of 1897, amended by inserting after the words "health officer," in the first line of the section, the words "who shall be deemed an employé and not a county officer," and to conform the section to the decision of the District Court of Appeal in *Valle vs. Shaffer*, 1 Cal. (App. 183).
 Sec. 4226. Section 214½, as added in 1901 (Stats. 1901, 681).
 Sec. 4230. San Francisco County. This is Section 158 of the Act of 1897. The second proviso is omitted because superseded by Chapter VI of the San Francisco charter, which provides salary and allowances for the sheriff, in "full compensation for all official services required of him by law."
 Sec. 4231. Los Angeles County. This is Section 159 of the Act of 1897, as amended in 1905 (Stats. 1905, 511).
 Sec. 4232. Alameda County. This is Section 160 of the Act of 1897, as amended in 1905 (Stats. 1905, 746).
 Sec. 4233. Santa Clara County. This is Section 161 of the Act of 1897, as amended in 1903 (Stats. 1903, 168).
 Sec. 4234. Sacramento County. This is Section 162 of the Act of 1897, as amended in 1905 (Stats. 1905, 477), and by adding subdivision 19, for the office of County Detective, as provided in this bill which has just (February 4, 1907) passed the Assembly.
 Sec. 4235. Sonoma County. This is Section 163 of the Act of 1897, as amended in 1905 (Stats. 1905, 504).
 Sec. 4236. Fresno County. This is Section 164 of the Act of 1897, as amended in 1905 (Stats. 1905, 435).
 Sec. 4237. San Joaquin County. This is Section 165 of the Act of 1897, as amended in 1905 (Stats. 1905, 507).
 Sec. 4238. San Diego County. This is Section 166 of the Act of 1897, as amended in 1905 (Stats. 1905, 401).

Sec. 4239. San Bernardino County. This is Section 167 of the Act of 1897, as amended in 1905 (Stats. 1905, 424).

Sec. 4240. Humboldt County. This is Section 168 of the Act of 1897, as amended in 1905 (Stats. 1905, 524).

Sec. 4241. Solano County. This is Section 169 of the Act of 1897, as amended in 1905 (Stats. 1905, 676).

Sec. 4242. Santa Cruz County. This is Section 170 of the Act of 1897, as amended in 1905 (Stats. 1905, 547).

Sec. 4243. Mendocino County. This is Section 171 of the Act of 1897, as amended in 1905 (Stats. 1905, 670).

Sec. 4244. Orange County. This is Section 172 of the Act of 1897, as amended in 1905 (Stats. 1905, 430).

Sec. 4245. Monterey County. This is Section 173 of the Act of 1897, as amended in 1905 (Stats. 1905, 485).

Sec. 4246. Santa Barbara County. This is Section 174 of the Act of 1897, as amended in 1905 (Stats. 1905, 313).

Sec. 4247. Tulare County. This is Section 175 of the Act of 1897, as amended in 1905 (Stats. 1905, 482).

Sec. 4248. Contra Costa County. This is Section 176 of the Act of 1897, as amended in 1905 (Stats. 1905, 352).

Sec. 4249. Riverside County. This is Section 177 of the Act of 1897, as amended in 1905 (Stats. 1905, 301).

Sec. 4250. Nevada County. This is Section 178 of the Act of 1897, as amended in 1905 (Stats. 1905, 361).

Sec. 4251. Shasta County. This is Section 179 of the Act of 1897, as amended in 1901 (Stats. 1901, 741).

Sec. 4252. Butte County. This is Section 180 of the Act of 1897, as amended in 1905 (Stats. 1905, 318).

Sec. 4253. Siskiyou County. This is Section 181 of the Act of 1897, as amended in 1901 (Stats. 1901, 746).

Sec. 4254. San Luis Obispo County. This is Section 182 of the Act of 1897, as amended in 1905 (Stats. 1905, 383).

Sec. 4255. Kern County. This is Section 183 of an Act of 1897, as amended in 1905 (Stats. 1905, 385).

Sec. 4256. Napa County. This is Section 184 of the Act of 1897, as amended in 1905 (Stats. 1905, 391).

Sec. 4257. Placer County. This is Section 185 of the Act of 1897, as amended in 1905 (Stats. 1905, 371).

Sec. 4258. Marin County. This is Section 186 of the Act of 1897, as amended in 1905 (Stats. 1905, 299).

Sec. 4259. Ventura County. This is Section 187 of the Act of 1897, as amended in 1905 (Stats. 1905, 310).

Sec. 4260. Yolo County. This is Section 188 of the Act of 1897, as amended in 1901 (Stats. 1901, 757).

Sec. 4261. San Mateo County. This is Section 189 of the Act of 1897, as amended in 1905 (Stats. 1905, 358).

Sec. 4262. Calaveras County. This is Section 190 of the Act of 1897, as amended in 1905 (Stats. 1905, 376).

Sec. 4263. Tuolumne County. This is Section 191 of the Act of 1897, as amended in 1905 (Stats. 1905, 335).

Sec. 4264. Amador County. This is Section 192 of the Act of 1897, as amended in 1903 (Stats. 1903, 200).

Sec. 4265. Tehama County. This is Section 193 of the Act of 1897, as amended in 1905 (Stats. 1905, 365).

Sec. 4266. Kings County. This is Section 194 of the Act of 1897, as amended in 1905 (Stats. 1905, 308).

Sec. 4267. Stanislaus County. This is Section 195 of the Act of 1897, Subdivision 16 omitted, as amended in 1905 (Stats. 1905, 366).

Sec. 4268. Merced County. This is Section 196 of the Act of 1897, as amended in 1905 (Stats. 1905, 338).

Sec. 4269. El Dorado County. This is Section 197 of the Act of 1897, as amended in 1905 (Stats. 1905, 544).

Sec. 4270. Yuba County. This is Section 198 of the Act of 1897, as amended in 1905 (Stats. 1905, 441).

Sec. 4271. Colusa County. This is Section 199 of the Act of 1897, as amended in 1901 (Stats. 1901, 779).

Sec. 4272. San Benito County. This is Section 200 of the Act of 1897, as amended in 1905 (Stats. 1905, 363).

Sec. 4273. Madera County. This is Section 201 of the Act of 1897, as amended in 1905 (Stats. 1905, 356).

Sec. 4274. Lake County. This is Section 202 of the Act of 1897, as amended in 1901 (Stats. 1901, 782).

Sec. 4275. Sutter County. This is Section 203 of the Act of 1897, Subdivision 17 omitted, amended in 1905 (Stats. 1905, 552).

Sec. 4276. Glenn County. This is Section 204 of the Act of 1897, as amended in 1901 (Stats. 1901, 784).

- Sec. 4277. Modoc County. This is Section 205 of the Act of 1897, as amended in 1905 (Stats. 1905, 333).
- Sec. 4278. Mariposa County. This is Section 206 of the Act of 1897, as amended in 1905 (Stats. 1905, 373).
- Sec. 4279. Plumas County. This is Section 207 of the Act of 1897, as amended in 1905 (Stats. 1905, 325).
- Sec. 4280. Lassen County. This is Section 208 of the Act of 1897, as amended in 1905 (Stats. 1905, 320).
- Sec. 4281. Trinity County. This is Section 209 of the Act of 1897, as amended in 1901 (Stats. 1901, 790).
- Sec. 4282. Inyo County. This is Section 210 of the Act of 1897, as amended in 1905 (Stats. 1905, 439).
- Sec. 4283. Sierra County. This is Section 211 of the Act of 1897, as amended in 1905 (Stats. 1905, 523).
- Sec. 4284. Del Norte County. This is Section 212 of the Act of 1897.
- Sec. 4285. Mono County. This is Section 213 of the Act of 1897.
- Sec. 4286. Alpine County. This is Section 214 of the Act of 1897.
- Sec. 4288. This is Section 220 of the Act of 1897. The word "title" substituted for "Act."
- Sec. 4289. This is Section 221 of the Act of 1897. The word "title" substituted for "Act."
- Sec. 4290. This is Section 215 of the Act of 1897, as amended in 1905 (Stats. 1905, 582).
- Sec. 4291. This is Section 156 of the Act of 1897.
- Sec. 4292. This is Section 216 of the Act of 1897.
- Sec. 4293. This is Section 217 of the Act of 1897.
- Sec. 4294. This is Section 218 of the Act of 1897.
- Sec. 4295. This is Section 222 of the Act of 1897.
- Sec. 4296. This is Section 223 of the Act of 1897.
- Sec. 4297. This is Section 227 of the Act of 1897.
- Sec. 4300. This section is taken from what is known as the "Fee Bill of 1895" (Stats. 1895, 267) omitting portion of Subdivision 1, declared unconstitutional in *Fabio vs. Pfister*, 117 Cal., 83, omitting portion of Subdivisions 4 and 5, declared unconstitutional in *Dwyer vs. Parker*, 115 Cal., 547; *Kiernan vs. Swan*, 131 Cal., 410, and *Reid vs. Grozinger*, 115 Cal., 551.
- Sec. 4302. This section is drawn from the Act of March 10, 1887 (Stats. 1887, 81), and Act of March 3, 1897 (Stats. 1897, 55).
- Sec. 4305. This is Section 219 of the Act of 1897.
- Sec. 4307. This is Section 228 of the Act of 1897.
- Sec. 4308. This is Section 229 of the Act of 1897.
- Sec. 4309. This is Section 230 of the Act of 1897.
- Sec. 4312. This is Section 61 of the Act of 1897. See old Section 4116, Political Code.
- Sec. 4313. This is Section 64 of the Act of 1897. See old Section 4120, Political Code.
- Sec. 4314. This is Section 63 of the Act of 1897. See old Section 4118, Political Code.
- Sec. 4315. This is Section 60 of the Act of 1897. See old Section 4114, Political Code.
- Sec. 4316. This is Section 65 of the Act of 1897. See old Section 4121, Political Code.
- Sec. 4317. This is Section 62 of the Act of 1897. See old Section 4117, Political Code.
- Sec. 4318. This is Section 57 of the Act of 1897.
- Sec. 4319. This is Section 88 of the Act of 1897. See old Section 4175, Political Code.
- Sec. 4321. This is Section 226 of the Act of 1897.
- Sec. 4322. This section is drawn from Act of February 16, 1897 (Stats. 1897, 56).
- Sec. 4323. This is Section 45 of the Act of 1897. See old Sections 4071 and 4077, Political Code.
- Sec. 4324. This is Section 46 of the Act of 1897. See old Section 4078, Political Code.
- Sec. 4325. This is Section 47 of the Act of 1897. See old Section 4079, Political Code.
- Sec. 4326. This is Section 53 of the Act of 1897. See old Section 4086, Political Code.

Respectfully submitted,

JOHN F. DAVIS, Code Commissioner.

ADJOURNMENT.

At three o'clock and thirty-five minutes P. M., on motion of Senator McCartney, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, February '5, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reilly, Rush, Sanford, Savage, Walker, Weed, Welch, and Wolfe—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

APPROVAL OF JOURNALS.

The Journals of Monday, January 28, 1907, Tuesday, January 29, 1907, Wednesday, January 30, 1907, and Thursday, January 31, 1907, having been corrected, were read and approved.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 4, 1907, the further reading was dispensed with, on motion of Senator Mattos.

COMMUNICATIONS.

Senator McCartney asked for and was granted unanimous consent to have the following communications printed in the Journal:

SAN FRANCISCO, CAL., February 2, 1907.

Hon. H. S. G. McCartney, Senate Chamber, Sacramento, Cal.

DEAR SIR: I have noted through the medium of the press that considerable opposition has been aroused to Senate Bill No. 98, regarding the acquisition of municipal light and water plants, which you introduced at my request.

I am not surprised at this, as the question is one upon which there is room for some difference of opinion, but I am surprised that you should in any way be criticised in regard to the bill. You introduced it entirely in courtesy to me, and had no interest in it whatever yourself, nor has any one beside myself ever suggested to you its introduction.

The matter is one which was considered at the last session of the Legislature, and the bill on the subject passed both houses. There were, however, certain objections to the form of that bill, and it did not meet with the approval of the Governor. In drawing the present bill, I attempted (and I think successfully) to remove all of those objections, and, in its present form, I believe that it would materially assist in the ultimate acquisition by the municipalities of the State of light and water plants. I would say, however, that it would not apply to the City of Los Angeles, nor the City and County of San Francisco, which are governed by freeholders' charters.

At some future time, I trust that the matter will be taken up and discussed on its merits, and a proper law on the subject adopted. In the meantime, I wish to say again that whatever may be the merits or defects of this particular bill, you should in no way be criticised for its introduction, as you introduced it solely upon my assurance as to its object and effect, and while some of the criticisms that you have received in regard to it may be somewhat distasteful at the same time, no one who has done as much as you have toward the adoption of beneficial legislation need have any fear of such criticism.

Very truly yours,

(Signed): EDWARD F. TREADWELL.

MOUNTAIN VIEW, CAL., February 2, 1907.

Hon. H. S. G. McCartney, State Senator, Sacramento, California.

MY DEAR SIR: In view of your action yesterday in withdrawing from the consideration of the Senate your Senate Bill No. 98, I feel that I owe you an apology for certain language used by myself in a reported interview with a newspaper reporter and published by the press. I believe that I was reported as saying in effect, that your offered withdrawal of the bill named was beyond your power to consummate; that such powerful interests were behind the measure that would prevent such action on your part. It gives me gratification to state that I was entirely mistaken in regard to my prediction, and as a prophet that I am without honor, though I trust that you will do me the honor to admit that this confession is in itself an honorable one to make. I wish to state further, that the grounds for making the statement purporting to come from me were not such as came from any knowledge of your character or from any suspicion that your motives in presenting the bill were other than honorable; but the statement was based solely on the past history of similar attempted legislation. I have recently had an interview with Mr. Treadwell, who drew the bill, and he assured me that the sole purpose of the bill was to correct an alleged abuse of power, and I wish that full credit be given to this statement.

The opposition of this organization to the bill, was not on account of the principle of arbitration, but that the scheme of arbitration provided was so compulsory that an injustice would be done which would be greater than the evil that was attempted to be cured.

Trusting that no injury will come to you from the statement so mistakenly made (and I trust that you will believe innocently), and giving you permission to use this letter as you may please, I beg to say that I am,

Very sincerely,

(Signed): H. A. MASON,

Secretary of the League of California Municipalities.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Assembly Bill No. 3—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 19, 1903, and amended March 20, 1905, by adding subdivision 19 thereto.

Also: Assembly Bill No. 113—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

Also: Assembly Bill No. 270—An Act to add a new section to the Political Code of the State of California, to be known as Section 2197a, relating to claims against counties for the expense of keeping insane prisoners.

Also: Assembly Bill No. 493—An Act to amend Section 173 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, as amended March 20, 1905, relating to county and township officers of counties of the sixteenth class.

Also: Assembly Bill No. 103—An Act to amend Section 33½ of "An Act to establish a uniform system of county and township government."

Also: Assembly Bill No. 412—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, and again amended March 12, 1903, relating to the officers of a township.

Also: Assembly Bill No. 408—An Act to add a new section to the Political Code, to be numbered Section 2656, and relating to the division of general road funds, upon the incorporation of municipalities, or annexation to municipalities.

Also: Assembly Bill No. 120 - An Act to amend Section 2979a of the Political Code of the State of California, relating to the preservation of the public health.

Also: Assembly Bill No. 119—An Act to amend Section 2984 of the Political Code of the State of California, for the enforcement of the rules, orders, and regulations of the State Board of Health, within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Also: Assembly Bill No. 126—An Act to amend Section 374 of the Penal Code of the State of California, relating to putting dead animals in streets, rivers, etc.

Also: Assembly Bill No. 125—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 372a, declaring it a misdemeanor to spit or discharge mucus upon public sidewalks, public buildings, trains, cars, stages, ferryboats, steamers, boats, or other vehicles or vessels used for the transportation of the public.

Also: Assembly Bill No. 124—An Act to amend Section 2981 of the Political Code of the State of California, relating to meetings of the State Board of Health.

Also: Assembly Bill No. 364—An Act to amend Section 5 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the compensation of local inspectors working under county boards of horticultural commissioners.

Also: Assembly Bill No. 374—An Act to add a new section to the Code of Civil Procedure, to be numbered 1060, in relation to undertakings.

Also: Assembly Bill No. 348—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Also: Assembly Bill No. 413—An Act to reduce the number of judges in the Superior Court of the County of Shasta from two to one.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 3, 270, 493, 103, and 412 read first time, and referred to Committee on County Government.

Assembly Bill No. 113 read first time, and referred to Committee on Municipal Corporations.

Assembly Bills Nos. 408, 364, 374, 348, and 413 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 120, 119, 126, 125, and 124 read first time, and referred to Committee on Public Health and Quarantine.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON INSURANCE AND INSURANCE LAWS.

SENATE CHAMBER, SACRAMENTO, February 5, 1907.

MR. PRESIDENT: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 569—An Act to amend Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEAVITT, Chairman.

Senate Bill No. 569 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 5, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate Bills:

Senate Bill No. 30—An Act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof.

Also: Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Also: Senate Bill No. 367—An Act to repeal an Act entitled "An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judge," approved March 20, 1905.

Also: Senate Bill No. 50—An Act to provide for the examination, tearing down, and removal of certain buildings of the San José State Normal School injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for the erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds, for the use of said normal school, and making an appropriation therefor.

Also: Senate Bill No. 67—An Act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.

Also: Senate Bill No. 222—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Also: Senate Bill No. 281—An Act making an appropriation of \$3,500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same.

Also: Senate Bill No. 282—An Act making an appropriation of \$1,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Also: Senate Bill No. 263—An Act to add a new section to the Penal Code of the State of California, to be numbered 374a, providing for safeguards against the pollution of waters used for domestic purposes.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 30, 100, 367, 50, 67, 222, 281, 282, and 263 ordered on file for third reading.

ON LABOR, CAPITAL, AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 5, 1907.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Senate Bill No. 166—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, relating to the Commissioner for the Bureau of Labor Statistics, the compensation of the said commissioner, his deputy, his agents and assistants, and making an appropriation therefor.

Also: Senate Bill No. 196—An Act fixing the minimum rate of compensation for labor on public work, approved March 9, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEANE, Chairman.

Senate Bills Nos. 166 and 196 referred to Committee on Finance.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 5, 1907.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 441—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Finance.

MATTOS, Chairman.

Senate Bill No. 441 referred to Committee on Finance.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 5, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 60—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California.

Also: Senate Bill No. 260—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen (\$101,314) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 291—An Act making an appropriation of one thousand six hundred and twenty one (\$1,621) dollars to repay the Regents of the University of California for money appropriated by them to rebuild the barn of the Lick Observatory at Mount Hamilton, California, which was destroyed by fire, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 292—An Act making an appropriation of five thousand (\$5,000) dollars for the purpose of completing the photographic laboratory in combination with a fireproof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Also: Assembly Bill No. 429—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed as acting guardian at the Marshall monument, at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same (the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law).

Also: Assembly Bill No. 432—An Act appropriating money to pay the funeral expenses of the late Controller, Edward P. Colgan.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 258—An Act making an appropriation of two hundred and fifty thousand dollars (\$250,000) to aid in the construction of a library building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California; also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 279—An Act allowing certain pensions for employees of twenty-one years and upwards of continued service by the State of California in one or more of the public institutions of this State and providing for the payment thereof.

Also: Senate Bill No. 302—An Act appropriating six thousand dollars (\$6,000) for the support of the department of music in the University of California for two years.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors be allowed to withdraw them.

Also: Assembly Bill No. 433—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the fifty-seventh and fifty-eighth fiscal years.

Also: Assembly Bill No. 476—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

Also: Assembly Bill No. 479—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressing, and telegraphing, Controller's office, for the fifty-eighth fiscal year.

Also: Assembly Bill No. 481—An Act appropriating money to pay the rental, cost of moving, and other necessary expenses incurred and to be incurred by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.

Also: Assembly Bill No. 431—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, the expenditure of which has been approved by the State Board of Examiners.

Also: Assembly Bill No. 482—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of El River from erosion by means of jetty work along the banks thereof," approved March 22, 1905.

Also: Assembly Bill No. 483—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-seventh and fifty-eighth fiscal years.

Also: Senate Bill No. 9—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery, and livestock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work and the operation of the school of agriculture and the educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose.

Also: Assembly Bill No. 173—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BELSHAW, Chairman.

Senate Bills Nos. 60, 260, 291, 292, and 9, ordered on file for second reading.

Assembly Bills Nos. 429, 432, 433, 476, 479, 481, 431, 482, and 483, ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Assembly Bill No. 173 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reilly, Rush, Sanford, Savage, Walker, Weed, and Wolfe—28.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 173—An Act making an appropriation to pay contingent expenses of Assembly, thirty-seventh session.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 173 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, and Wolfe—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILLS.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 258.

Senate Bill No. 258 withdrawn, and ordered stricken from the file.

Senator Rush asked for and was granted unanimous consent to withdraw Senate Bill No. 279.

Senate Bill No. 279 withdrawn, and ordered stricken from the file.

Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Bill No. 302.

Senate Bill No. 302 withdrawn, and ordered stricken from the file.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Curtin moved that the vote whereby Senate Bill No. 174—An Act to amend Section 3414 of the Political Code, relating to actions to determine the right to purchase State lands—was passed, be now reconsidered.

Motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider lost, by the following vote:

AYES—Senators Bell, Curtin, Rambo, and Savage—4.

NOES—Senators Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Greenwell, Irish, Keane, Leavitt, Markey, Mattos, McCartney, Miller, Nelson, Reily, Rush, Sanford, Walker, Weed, and Wolfe—23.

Senate Bill No. 174 ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Leavitt: Senate Bill No. 589—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof."

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 590—An Act to create for the State of California a department of engineering, to provide for the appointment of the officers and employes thereof, defining its powers and prescribing the duties of said department, its officers and employes, to provide the compensation of such officers and employes, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and

powers and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof.

Bill read first time, and referred to Committee on Finance.

By Senator Sanford: Senate Bill No. 591—An Act to add a new article to Part III, Title VI, Chapter II of the Political Code, designated Article IX, comprising twenty-eight sections, numbered 2745 to 2772, inclusive, authorizing the formation of permanent road divisions for the construction and improvement of roads in such divisions, and prescribing the method of such formation, and of providing funds for said purposes.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Nelson: Senate Bill No. 592—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2466 thereof, relating to pilots, pilot commissioners, and pilotage.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Keane: Senate Bill No. 593—An Act to amend Section 789 of the Civil Code, relating to notice requiring and terminating tenancies or other estates at will, however created.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 594—An Act to amend Section 827 of the Civil Code, relating to notice required for changing terms of tenancies or other estates at will, however created, and of all leases of lands or tenements, or of any interests therein, from month to month.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anderson: Senate Bill No. 595—An Act to amend Section 1050 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 596—An Act to amend Section 427 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 597—An Act to amend Section 1 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet titles against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved —, 1905, relating to the construction thereof and the exemption of the community property from the tax thereby imposed.

Read first time, and referred to Committee on Judiciary.

By Senator McCartney: Senate Bill No. 598—An Act to amend Section 1313 of the Civil Code, relating to bequests for charitable uses.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 599—An Act to promote the safety of employes and travelers upon the railroads by limiting the number of hours of service of employes thereon, and to provide a penalty for the violation thereof.

Bill read first time, and referred to Committee on Labor, Capital, and Immigration.

Also: Senate Bill No. 600—An Act to create a Commission on Revenue and Taxation, to investigate the system of revenue and taxation in force in this State, and to formulate and recommend legislation for the revision and reform of the revenue laws, said commission to succeed and take the place of the present Commission on Revenue and Taxation, and to be composed of the Governor, the Controller, the Chairman of State Board of Equalization, all three ex officio, two members of the State Senate, and one member of the Assembly, and an expert on taxation on public finance, also authorizing the Governor to appoint said expert, and authorizing the Senate to appoint two members, to define the duties and powers of the commission and making an appropriation therefor.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Black: Senate Bill No. 601—An Act to amend Section 1 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof," approved March 19, 1889, and March 31, 1891.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

Also: Senate Bill No. 602—An Act to amend the Penal Code by adding thereto two new sections, to be designated as Sections 367*b* and 367*c*, to provide against the offense of hazing.

Bill read first time, and referred to Committee on Education.

By Senator Markey: Senate Bill No. 603—An Act to add a new section to the Penal Code of the State of California, to be known as Section 310, relating to selling of cigarettes, cigarette tobacco, and cigarette papers.

Bill read first time, and referred to Committee on Public Morals.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 30.—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 30 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, and Wolfe—28.

NOES—Senator Hartman—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 47—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 47 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 263—An Act to add a new section to the Penal Code of the State of California, to be numbered 374a, providing for safeguards against the pollution of waters used for domestic purposes.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 263 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Leavitt, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Senate Bill No. 262 and Senate Bill No. 261 taken up for immediate consideration.

Senate Bill No. 262—An Act to add a new section to the Political Code of the State of California, to be known as Section 2979a, relating to duties of the State Board of Health.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 262 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 261—An Act making an appropriation to carry out the provisions of Section 2979a of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 261 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Greenwell, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 105—An Act to prevent the waste of water from artesian wells, and prescribing penalties therefor, and defining artesian wells and waste.

Senate Bill No. 105 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 165—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification and reporting of births, marriages, and deaths.

Senate Bill No. 165 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 93—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Senate Bill No. 93 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 20—An Act to add a new section to the Political Code, to be numbered 2524a, relating to the powers of the Board of State Harbor Commissioners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 20 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Leavitt, Markey, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 125—An Act to amend Section 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing a compensation of the members thereof, etc.

Senate Bill No. 125 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 287—An Act to amend Sections 330 and 340 of the Code of Civil Procedure, relating to the time of commencing actions.

Senate Bill No. 287 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 235—An Act to amend Sections 2153a and 2154 of the Political Code of the State of California, relating to the appointment of the dentists in State hospitals for the care and treatment of the insane.

Title read.

The following amendment was offered by Senator Rush:

Amend by striking out of the title, lines 3 and 4, the words "the appointment of a dentist in."

Amendment adopted.

Title approved as amended.

Bill ordered to print, reëngrossment, and to Assembly.

Senate Bill No. 413—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and amended March 20, 1905.

Senate Bill No. 413 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 239—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1873, by amending Section 465, relating to the powers of railroad corporations.

Read third time.

On motion of Senator Anderson, Senate Bill No. 239 was temporarily passed on file, to retain its place.

Assembly Constitutional Amendment No. 3—Resolution to amend Section 2½ of Article II of the Constitution.

On motion of Senator Walker, Assembly Constitutional Amendment No. 3 was temporarily passed on file, to retain its place.

Senate Bill No. 27—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3695, 3699, 3700, 3702, 3738, 3797, and 3898 of the Political Code; to amend Subdivision 13 of Section 3692 of the Political Code; and to repeal Section 3701 of the Political Code, as it now exists, and to reë enact and amend said Section 3701, all said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Belshaw as a special committee of one, to amend as follows:

By striking out as follows: On page 5 of printed bill, in line 23, strike out all commencing with the word "together" down to and including the word "way," in line 25.

Also: On page 5 of the printed bill, in lines 27, 28, 29, and 30 strike out the words: "The width of the right of way assessed by the board is a strip of land not exceeding nine rods, and all overplus of such right of way in excess of said nine rods is assessed by the assessor."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 5, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 27, with instructions to amend, respectfully report the same back, amended as per instructions.

BELSHAW, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Committee Substitute for Senate Bill No. 274—An Act to add a new Title to Part IV of Division First of the Civil Code, to be known as Title XXI, relating to unincorporated benevolent and fraternal societies and associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 274 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Keane, Markey, McCartney, Miller, Nelson, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wolfe—23.

NOES—Senator Carter—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 163—An Act to amend an Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901.

Senate Bill No. 163 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 112—An Act to amend Section 496 of the Penal Code, relating to the buying and receiving of stolen property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 112 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Greenwell, Hartman, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 127—An Act to amend Section 335 of the Code of Civil Procedure of California, relating to adverse possession of land or interest, and the payment of taxes thereon.

Senate Bill No. 127 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 382—An Act to amend the Political Code by adding thereto three new sections, to be numbered 759, 760, and 761, relating to fees of clerks of District Courts of Appeal, the disposition thereof, and settlement thereof by said clerks, and creating a library fund in District Courts of Appeal.

Senate Bill No. 382 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 138—An Act to amend Section 737 of the Political Code, relating to the salaries of Superior Judges.

On motion of Senator Anderson, Senate Bill No. 138 was temporarily passed on file, to retain its place.

Senate Bill No. 459—An Act to amend Section 200 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the exemptions from jury duty.

On motion of Senator Caminetti, Senate Bill No. 459 was passed on file.

Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

On motion of Senator Curtin, Senate Bill No. 100 was temporarily passed on file, to retain its place.

Senate Bill No. 38—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six, of Sutter County, California," approved March 31, 1891, relating to the terms of officers' vacancies, and the assessment and collection of taxes.

On motion of Senator Boynton, Senate Bill No. 38 was passed on file.

Senate Bill No. 463—An Act authorizing any incorporated city, town, or municipal corporation to lease, acquire by purchase, condemnation, or otherwise, and hold and use lands and other necessary property for the purpose of constructing, equipping, using, maintaining and operating, and to construct, equip, use, maintain, and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the purpose of preparing, manufacturing, handling or transporting materials or supplies required in the construction or completion of any public work, improvement or utility, or for the purpose of maintaining or operating any such work, improvement, or utility.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 463 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Greenwell, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 367—An Act to repeal an Act entitled "An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judges," approved March 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 367 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Markey, Mattos, McCartney, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At twelve o'clock M., Senator Leavitt, of the Sixteenth District, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 5, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate Bills:

Senate Bill No. 264—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, town, subdivisions or additions thereto, before such maps are filed and recorded, approved March 9, 1893, and amended under constitutional provision, without Governor's approval, March 14, 1901.

Also: Senate Bill No. 294—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of Levee District Number One, of Sutter County," approved March 20, 1874.

Also: Senate Bill No. 87—An Act to add a new section to the Political Code, to be numbered Section 3804a, relating to the cancellation of erroneous assessments.

Also: Committee Substitute for Senate Bill No. 433—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, and to add a new section thereto, to be numbered 18½, all relating to the practice of pharmacy and providing a penalty for the violation thereof and for the appointment of a board to be known as the California State Board of Pharmacy.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 264, 294, 87, and 433 ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Committee Substitute for Senate Bill No. 87—An Act to amend Section 3805 of the Political Code, relating to cancellation of double and erroneous assessments, certificates of sale and tax deeds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 87 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Greenwell, Hartman, Irish, Keane, Leavitt, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 308—An Act amending Sections 1715 and 1716 of the Political Code of the State of California, relating to school libraries.

On motion of Senator Mattos, Assembly Bill No. 308 was temporarily passed on file, to retain its place.

Senate Bill No. 66—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Senate Bill No. 66 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 92—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Senate Bill No. 92 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 368—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed as acting guardian at the Marshall monument, at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same, the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law.

On motion of Senator Belshaw, Senate Bill No. 368 was temporarily passed on file, to retain its place.

Senate Bill No. 370—An Act appropriating money to pay the rental, cost of moving, and other necessary expenses incurred and to be incurred by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.

On motion of Senator Belshaw, Senate Bill No. 370 was temporarily passed on file, to retain its place.

Senate Bill No. 371—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, expenditure of which has been approved by the State Board of Examiners.

On motion of Senator Belshaw, Senate Bill No. 371 was temporarily passed on file, to retain its place.

Senate Bill No. 372—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

On motion of Senator Belshaw, Senate Bill No. 372 was temporarily passed on file, to retain its place.

Senate Bill No. 373—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof."

On motion of Senator Belshaw, Senate Bill No. 373 was temporarily passed on file, to retain its place.

Senate Bill No. 374—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

On motion of Senator Belshaw, Senate Bill No. 374 was temporarily passed on file, to retain its place.

Senate Bill No. 375—An act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

On motion of Senator Belshaw, Senate Bill No. 375 was temporarily passed on file, to retain its place.

Senate Bill No. 376—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

On motion of Senator Belshaw, Senate Bill No. 376 was temporarily passed on file, to retain its place.

Senate Bill No. 50—An Act to provide for the examination, tearing down, and removal of certain buildings of the San José State Normal School, injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds for the use of said normal school, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 50 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 67—An Act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.

Senate Bill No. 67 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 222—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Senate Bill No. 222 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 281—An Act making an appropriation of \$3,500 to be used by the Board of Trustees of the Whittier State School, Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 281 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 282—An Act making an appropriation of one thousand dollars to be used by the Board of Trustees of the Whittier School, at Whittier, California, for the purpose of purchasing fire hose and reels, and appliances for fire protection for use of said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 282 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 264—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions or additions thereto, before such maps are filed and recorded.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 264 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 121—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District No. 70, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

On motion of Senator Boynton, Senate Bill No. 121 was temporarily passed on file, to retain its place.

Senate Bill No. 122—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a Reclamation District, to be called 'Reclamation District No. 70,' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

On motion of Senator Boynton, Senate Bill No. 122 was temporarily passed on file, to retain its place.

Senate Bill No. 294—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874.

On motion of Senator Boynton, Senate Bill No. 294 was temporarily passed on file, to retain its place.

Committee Substitute for Senate Bill No. 433—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, and to add a new section thereto, to be numbered 18½, all relating to the practice of pharmacy, and providing a penalty for the violation thereof, and for the appointment of a board, to be known as the California State Board of Pharmacy.

Read third time.

On motion of Senator McKee, Senate Bill No. 433 was temporarily passed on file, to retain its place.

SECOND READING OF BILLS.

Senate Bill No. 390—An Act amendatory of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensations of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the land within said drainage district," approved March 20, 1905, by amending Section 29 thereof, and making an appropriation of \$25,000 to carry out the purposes of said Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 268—An Act to add a new section to the Penal Code of California, to be numbered 357a, relative to preserving marks, brands, description, and sex of animals slaughtered.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 8, insert the following: "ten."

Amendment adopted.

Also:

On page 1, Section 1, line 13, strike out the words and insert in lieu thereof the following: after the word "sections" the words "or who makes a false report of such mark or brand."

Amendment adopted.

Also:

On page 1, Section 2, add the following:

SECTION 2. All Acts in conflict herewith are hereby repealed.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 133—An Act to amend an Act entitled "An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, which sections were added to said Code by an Act approved March 23, 1901," as amended by an Act approved March 9, 1903.

During second reading of bill, the following amendments were submitted by committee:

On page 1, title, strike out the figures "750."

Amendment adopted.

Also:

On page 2, Section 2, strike out Section 2, and all that follows that on pages 2, 3, and 4 of printed bill, down to the word "publication."

Amendment adopted.

Also:

On page 4, Section 3, strike out the figure "3" and insert in lieu thereof the following: the figure "2."

Amendment adopted.

Also:

On page 5, Section 4, strike out the figure "4" and insert in lieu thereof the following: the figure "5."

Amendment adopted.

Also:

On page 5, Section 5, strike out the words: "SEC. 5. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 481—An Act to amend Section 1881 of the Code of Civil Procedure, relating to parties prohibited from testifying in certain cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 126—An Act concerning trespassing of animals upon private land and the recovery of damages resulting therefrom.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 139—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 465—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigating districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 62—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto five new sections, to be designated as Sections 1044, 1133, 1120, 1151, and 1121, and to repeal an Act entitled "An Act in relation to municipal elections where the same are held separate from general State elections and elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled 'An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution,' approved March 31, 1897," approved March 4, 1899, all relating to elections.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 506—An Act to amend Sections 1115, 1118, and 1125 of the Code of Civil Procedure, relating to contesting certain elections.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 2, lines 14, 15, 16, 17 of printed bill, strike out the words "The findings of the court in such recount shall be filed with the county clerk and shall be conclusive of the number of votes cast for each candidate for the offices in which such recount was taken, and the ballots shall not thereafter be opened."

Amendment adopted.

Also, offered by Senator Walker:

On page 2, Section 2, line 19, of printed bill, insert between the word "elections" and the period the words: "and within ten days after the submission thereof, the court shall file its findings of fact and conclusions of law and immediately thereafter judgment thereon shall be entered."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 280—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 392—An Act to add a new section to the Code of Civil Procedure, to be known as Section 2039, relative to taking depositions.

During second reading of bill, the following amendment was offered by Senator Belshaw:

Amend by inserting the following title: "An Act to add a new section to the Code of Civil Procedure, to be numbered as Section 2039, relative to taking depositions."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 267—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties, equitably chargeable to San Benito County," approved March 11, 1887, rectifying and rendering more certain the boundaries thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 430—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, by adding thereto a new section, to be numbered and known as Section 22½, relating to the annexation of outlying territory to sanitary districts, and the conditions of such annexation.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 336—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 182 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-fifth class, approved March 20, 1905.

Bill read second time.

During second reading of bill, the following amendment was submitted by committee:

Amend by striking out in subdivision 15, on line 44, page 2 of the printed bill, the comma after the word "regular," and the words "special or adjourned."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 49—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 74—An act to amend Sections 769, 806, and 888 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 12, 1883, relating to the violation of ordinances.

During second reading of bill, the following amendment was submitted by committee:

Amend title of bill by adding after the word "ordinances" the following: "And giving the city justice court jurisdiction and power of all records, registers, dockets, books, papers, causes, actions, and proceedings lodged, deposited or pending before the Recorder's Court."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Senate Bill No. 123 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 124—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the boards of trustees and to the officers of the municipalities of the sixth class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 149—An Act to amend an Act entitled "An Act to authorize any city, or city and county, of this State to take its census."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 160—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, lines 36 and 37, strike out the words "are authorized and required" and insert in lieu thereof the following: "must."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 161—An Act to add a new section to the Political Code of the State of California, to be known as Section 4225, relating to the payment of salaries of members of the police and fire departments of counties, cities and counties, cities and towns.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 176—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 111—An Act relating to senior rights of members of paid police departments in counties, cities and counties, cities or towns.

Assembly Bill No. 111 was temporarily passed on file, to retain its place.

Senate Bill No. 71—An Act to amend Section 3881 of the Political Code, relating to the correction of clerical omissions, errors, or defects in the assessment books.

During second reading of bill, the following amendment was submitted by committee:

On page 2, line 28 of the printed bill, amend by striking out after the word "city" the following words: "and county."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 8—An Act to amend an Act entitled "An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, relating to tuition fees in said university.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 432—An Act to amend Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 20, 1903.

During second reading of bill, the following amendment was submitted by committee:

On page 1, insert in the said Act after the title, the following enacting clause: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 348—An Act to prohibit the use of chemicals and other materials in milk and milk products to prevent fermentation therein.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, lines 30-34, strike out the words commencing with the word "The" on line 30, after the word "therefor" and ending with the word "cream" on line 34.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 131—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said

waters in such channels, and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.

Bill read second time, and ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Wolfe:

Resolved, That commencing with Monday evening, February 11, 1907, this Senate shall meet for the transaction of business at eight P. M.

Resolution read, and referred to Committee on Rules.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., on motion of Senator Curtin, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Wednesday, February 6, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Wolfe, and Wright—32.

Quorum present.

PRAYER.

Prayer by Rev. James H. N. Williams.

LEAVES OF ABSENCE.

Senator Willis was, on motion of Senator Caminetti, granted leave of absence for this day.

Senator Miller was, on motion of Senator Sanford, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 5, 1907, the further reading was dispensed with, on motion of Senator McKee.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 6, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Concurrent Resolution No. 7—Approving four certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein on the fourth day of December, 1906.

Senate Bill No. 401—An Act providing for the extermination of the *Boophilus annulatus* tick, defining certain crimes, and providing for certain civil and criminal actions.

Senate Bill No. 244—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Senate Bill No. 91—An Act to add a new section to the Penal Code, to be numbered Section 1520, relating to the holding of inquests by the coroner.

Senate Bill No. 481—An Act to amend Section 1881 of the Code of Civil Procedure, relating to parties prohibited from testifying in certain cases.

Senate Bill No. 126—An Act concerning trespassing of animals upon private lands, and the recovery of damages resulting therefrom.

Senate Bill No. 351—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Senate Bill No. 10—An Act appropriating the sum of \$7,000 for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school.

Senate Bill No. 390—An Act amendatory of an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensations of such officers and providing for the creation, division, and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, by amending Section 29 thereof and making an appropriation of \$25,000, to carry out the purposes of said Act.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Concurrent Resolution No. 7 ordered on file.

Senate Bills Nos. 401, 244, 91, 481, 126, 351, 10, and 390 ordered on file for third reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 6, 1907.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 411—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the additional territory thereto, and taxation thereof.

Also: Senate Bill No. 366—An Act to amend an Act entitled "An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of the State," approved March 5, 1903.

Also: Senate Bill No. 527—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1779, relating to grammar grade post-graduate courses of instruction in the public schools.

Also: Senate Bill No. 528—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1681, relating to post-graduate courses of study in high schools.

Also: Assembly Bill No. 329—An Act to amend Section 1697 of the Political Code, defining the length of school month.

Also: Assembly Bill No. 263—An Act entitled an Act to amend Section 1669 of the Political Code, relating to the establishment of high schools.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ANDERSON, Chairman.

Senate Bills Nos. 411, 366, 527, and 528 ordered on file for second reading.

Assembly Bills Nos. 329 and 263 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 5, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 359—An Act to amend Section 1475 of the Penal Code, relating to the issuance of writs of habeas corpus and to petitions therefor, and to service of copies thereof upon the District Attorney in certain cases, and to the discharge of persons on such writs.

Also: Senate Bill No. 330—An Act to amend section thirteen hundred and sixty-five (1365) of the Code of Civil Procedure, relating to persons entitled to administer on the estates of decedents.

Also: Senate Bill No. 415—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Senate Bill No. 416—An Act to repeal Sections 288, 289, 290, 291, 292, 293, 294, and 295, of the Political Code, all relating to the contesting of elections.

Also: Senate Bill No. 417—An Act to amend Section 4452 of the Political Code, relating to liabilities of counties and cities for injuries to property by mobs or riots.

Also: Senate Bill No. 418—An Act to amend Section 1973 of the Code of Civil Procedure, relating to agreements which, or some note or memorandum whereof, must be in writing.

Also: Senate Bill No. 423—An Act to add a new section to the Political Code, to be known as Section 3975a, providing for the transfer of certain moneys from one county to another, when a new county has been formed and organized.

Also: Senate Bill No. 483—An Act to amend Section 3902 of the Political Code, relating to the division of the State into counties.

Also: Senate Bill No. 485—An Act to repeal Section 3366 of the Political Code, relating to the imposition of license taxes.

Also: Senate Bill No. 486—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Senate Bill No. 397—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Also: Senate Bill No. 500—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of Secretary of State.

Also: Senate Bill No. 386—An Act to repeal Sections 357, 3584, 3585, and 3586 of the Political Code, relating to the "Yosemite Valley and the Mariposa Big Tree Grove."

Also: Senate Bill No. 487—An Act to add a new section to the Political Code, to be numbered and known as Section 757a, relating to the office hours of the Clerk of the Supreme Court.

Also: Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 11—An Act entitled "An Act to amend Section 737 of the Political Code," relating to salaries of Superior Judges.

Also: Assembly Bill No. 4—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Also: Senate Bill No. 385—An Act to repeal an Act entitled "An Act to provide for the management of the Yosemite Valley and the Mariposa Big Tree Grove," approved April 15, 1880, and all amendatory thereof or supplementary thereto.

Also: Senate Bill No. 542—An Act to amend Section 1460 of the Code of Civil Procedure of the State of California, relating to notice to creditors.

Also: Senate Bill No. 458—An Act to amend Section 655 of the Civil Code, relating to the things in which property may exist.

Also: Senate Bill No. 514—An Act to amend Section 2955 of the Civil Code of California, relating to what personal property may be mortgaged, by adding a new subdivision thereto, providing that saw milling machinery and outfits therewith may be mortgaged.

Also: Senate Bill No. 522—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a Board of Examiners in the matter of said regulation," approved March 20, 1903, by amending Sections 1, 12, 14, 16, and 17, and by adding a new section thereto.

Also: Senate Bill No. 419—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Also: Senate Bill No. 424—An Act to amend the Code of Civil Procedure by adding a new title thereto, to be known as Title XIV, of Part III, relating to special proceedings; said title to relate to proceedings for the adjustment, settlement, and payment of any indebtedness existing against any city or municipal corporation at the time of exclusion of territory therefrom, and the division of the property thereof.

Also: Senate Bill No. 445—An Act to repeal Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment.

Also: Senate Bill No. 484—An Act to repeal Section 3977 of the Political Code, to add a new section thereto to be known as Section 3975b, and to amend Sections 3976, 3981, and 3985 thereof, all relating to county seats and proceedings for the change thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

Also: Senate Bill No. 446—An Act to amend Section 1908 of the Code of Civil Procedure, referring to the effect of judgments or final orders—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw same.

Also: Senate Bill No. 501—An Act to amend Section 1771 of the Political Code, relating to powers of county boards of education—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Education.

WOLFE, Chairman.

Senate Bills Nos. 359, 330, 415, 416, 417, 418, 423, 483, 485, 486, 397, 500, 386, 487, 148, 385, 542, 458, 514, 522, 419, 424, 484, 445, and 446, ordered on file for second reading.

Senate Bill No. 501 referred to Committee on Education.

Assembly Bills Nos. 11 and 4 ordered on file for second reading.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 6, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 570—An Act to amend Section 12 of an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALKER, Chairman.

Senate Bill No. 570 ordered on file for second reading.

RESOLUTION.

The following resolution was offered:

By Senator Leavitt:

Resolved, That Frank T. Thompson be and he is hereby elected to the position of Stenographer at the per diem of five dollars, in place and stead of H. C. Crittenden.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Greenwell, Keane, Leavitt, Markey, McCartney, McKee, Nelson, Reilly, Rolley, Rush, Sanford, Savage, Weed, Welch, Wolfe, and Wright—25.

NOES—Senator Caminetti—1.

Whereupon the President declared that the above named person had been elected.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Savage: Senate Bill No. 604—An Act to amend Section 172 of the Civil Code of the State of California, relating to the management and control of community property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 605—An Act to amend Section 249 of the Penal Code, relating to punishment of libel.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 606—An Act to amend Section 1401 and to repeal Section 1402 of the Civil Code, relating to succession of community property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Leavitt : Senate Bill No. 607—An Act to amend Section 2521 of the Political Code, relating to employés of the State Harbor Commission of the Port of San Francisco.

Bill read first time, and referred to Committee on Finance.

By Senator Belshaw : Senate Bill No. 608—An Act making an appropriation for the furnishing of meals, lodgings, transportation, medicines, and other necessities of life to ex-convicts, for defraying the expenses of the State Board of Prison Directors, and securing employment for ex-convicts, and for defraying all necessary expenses in carrying out the purposes of this Act.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 609—An Act creating a contingent fund for the use of the State Prison at San Quentin and making an appropriation therefor, to be expended for the objects hereinafter specified; for the purpose of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the purchase and installation of a ventilating system for the jute mill, for the transportation of the criminal insane, for the apprehension and return of the escaped prisoners, including paroled men who have been ordered returned, and for such other uses as may be deemed necessary by the State Board of Prison Directors.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 610—An Act creating a contingent fund for the use of the State Prison at Folsom, and making an appropriation therefor, to be expended for the objects hereinafter specified; for the purchase of machinery and equipment to replace the machinery and equipment already installed, for the repair of machinery and equipment already installed, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Bill read first time, and referred to Committee on Finance.

By Senator Rolley: Senate Bill No. 611—An Act providing for the maintenance of a residence for the Governor of the State of California, and providing the salaries of the necessary employés and servants selected and employed by the Governor therein, and for the appropriation of necessary moneys for such purpose, and directing the State Controller to issue warrants upon the general fund, and directing the State Treasurer to pay said warrants.

Bill read first time, and referred to Committee on Finance.

By Senator Wolfe: Senate Bill No. 612—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602a, relating to corporations sole.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 613—An Act to add a new section to the Civil Code, to be numbered Section 423, relating to the deposits for the protection of policy holders by insurance companies engaged in the business of insuring or indemnifying employers and others against loss or damage for personal injury or death resulting from accidents to employés or persons other than employés.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 614—An Act to amend Section 825 of the Penal Code of the State of California, relating to the right of attorneys to visit prisoners, and providing a penalty for the refusal of officers to allow the same.

Bill read first time, and referred to Committee on Judiciary.

By Senator Nelson: Senate Bill No. 615—An Act to provide for the reproduction of books, documents, maps, or records of any city, county, or city and county board, or officer, where the same have been destroyed by conflagration or other public calamity.

Bill read first time, and referred to Committee on Judiciary.

By Senator McCartney: Senate Bill No. 616—An Act to amend Sections 10 and 11 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of parties to investigate the qualification of organizations receiving children under this Act, and prescribing the duties of such parties; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 617—An Act to amend Section 3627 of the Political Code of the State of California, relating to the taxation and assessment of property.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Rush: Senate Bill No. 618—An Act to authorize the local board of managers of the several State hospitals for the insane of the State of California to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said hospitals, and to provide for their compensation.

Bill read first time, and referred to Committee on Finance.

By Senator Curtin: Senate Bill No. 619—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454a, allowing the plaintiff in an action upon a contract of insurance, wherein exemption from liability is claimed by the defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 620—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered 437a, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 621—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 618a, providing for the application of the securities authorized and required under Section 618 of said Political Code.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Senator Willis (by request of Code Commission): Senate Bill No. 622—An Act to repeal Section 273 of the Penal Code, as approved March 7, 1905, and to add a new section thereto, to be known as Section 273f thereof, both relating to the protection of children under eighteen years of age.

Bill read first time, and referred to Committee on Judiciary.

By Senator Broughton (by request): Senate Bill No. 623—An Act to amend Section 3 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of the State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the State Mineralogist of the State Mining Bureau.

Bill read first time, and referred to Committee on Mines and Mining.

Also (by request): Senate Bill No. 624—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau.

Bill read first time, and referred to Committee on Mines and Mining.

By Senator Keane: Senate Bill No. 625—An Act relating to the restoration by certain public officers of public records, other than court records or public records of private writings, when such public records have been lost, injured, or destroyed by conflagration or other public calamity.

Bill read first time, and referred to Committee on Judiciary.

By Senator Black: Senate Joint Resolution No. 11—Relative to a treaty with Japan providing for the effective exclusion of all Japanese laborers from the United States.

Senate Joint Resolution referred to Committee on Federal Relations.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 105—An Act to prevent the waste of water from artesian wells, and prescribing penalties therefor, and defining artesian wells and waste.

Senate Bill No. 105 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 165—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification and reporting of births, marriages, and deaths.

Senate Bill No. 165 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 93—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Senate Bill No. 93 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 125—An Act to amend Section 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing a compensation of the members thereof, etc.

Senate Bill No. 125 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 287—An Act to amend Sections 330 and 340 of the Code of Civil Procedure, relating to the time of commencing actions.

Senate Bill No. 287 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 401—An Act providing for the extermination of the *Boophilus annulatus* tick, defining certain crimes, and providing for certain civil and criminal actions.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 401 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Leavitt, Markey, Mattos, McCartney, McKee, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 413—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and amended March 20, 1905.

Senate Bill No. 413 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 239—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1873, by amending Section 465, relating to the powers of railroad corporations.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 239 was refused passage by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Broughton, Carter, Cartwright, Greenwell, Irish, Leavitt, Markey, McCartney, McKee, Rolley, Savage, Weed, and Wolfe—17.

NOES—Senators Anderson, Bell, Black, Boynton, Caminetti, Curtin, Mattos, Nelson, Rambo, Reily, Sanford, and Walker—12.

NOTICE OF MOTION TO RECONSIDER.

Senator Anderson gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 239 was this day refused passage.

THIRD READING OF BILLS—(RESUMED).

Assembly Constitutional Amendment No. 3—Resolution to amend Section 2½ of Article II of the Constitution.

During the reading of Constitutional Amendment, the following amendment was offered by Senator Caminetti:

By adding after the word "effect," on line 21, page 2, the following: "Subject to the right of the Legislature to amend, modify, or repeal the same."

On motion of Senator Leavitt, Assembly Constitutional Amendment No. 3 was temporarily passed on file, to retain its place.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 244—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

On motion of Senator Sanford, Senate Bill No. 244 was temporarily passed on file, to retain its place.

Senate Bill No. 163—An Act to amend an Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901.

Senate Bill No. 163 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 127—An Act to amend Section 335 of the Code of Civil Procedure of California, relating to adverse possession of land or interest, and the payment of taxes thereon.

Senate Bill No. 127 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 382—An Act to amend the Political Code by adding thereto three new sections, to be numbered 759, 760, and 761, relating to fees of clerks of District Courts of Appeal, the disposition thereof and settlement therefor by said clerks, and creating a library fund in District Courts of Appeal.

Senate Bill No. 382 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 138—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

On motion of Senator Anderson, Senate Bill No. 138 was temporarily passed on file, to retain its place.

Senate Bill No. 91—An Act to add a new section to the Penal Code, to be numbered Section 1520, relating to the holding of inquests by the Coroner.

On motion of Senator McCartney, Senate Bill No. 91 was temporarily passed on file, to retain its place.

Senate Bill No. 459—An Act to amend Section 200 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the exemptions from jury duty.

On motion of Senator Caminetti, Senate Bill No. 459 was temporarily passed on file, to retain its place.

Senate Bill No. 351—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 351 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

In Section 1, page 2, line 24, after the word "thereon," insert the following: "or file and record a copy of such notice in the office of the county recorder of the county wherein such mining claim or real property worked as a mine is situate."

Also: After the last word on line 44, page 2, printed bill, add the following: "Any person performing labor on such mining claim or real property worked as a mine may post and keep posted in a conspicuous place thereon a notice containing the substance of either or both of the notices above provided, and it shall be a misdemeanor for any person to take down, remove, or deface such notice."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 6, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 100, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELSHAW, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 38—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six of Sutter County, California," approved March 31, 1891, relating to the terms of officers' vacancies and the assessment and collection of taxes.

On motion of Senator Boynton, Senate Bill No. 38 was temporarily passed on file, to retain its place.

Assembly Bill No. 308—An Act amending Sections 1715 and 1716 of the Political Code of the State of California, relating to school libraries.

On motion of Senator Mattos, Assembly Bill No. 308 was temporarily passed on file, to retain its place.

Senate Bill No. 66—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Senate Bill No. 66 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 92—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Senate Bill No. 92 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 368—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed as acting guardian at the Marshall monument, at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same, the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law.

On motion of Senator Belshaw, Senate Bill No. 368 was temporarily passed on file, to retain its place.

Senate Bill No. 370—An Act appropriating money to pay the rental, cost of moving, and other necessary expenses incurred and to be incurred by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.

On motion of Senator Belshaw, Senate Bill No. 370 was temporarily passed on file, to retain its place.

Senate Bill No. 371—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, expenditure of which has been approved by the State Board of Examiners.

On motion of Senator Belshaw, Senate Bill No. 371 was temporarily passed on file, to retain its place.

Senate Bill No. 372—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 31 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Sanford, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 373—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof."

On motion of Senator Belshaw, Senate Bill No. 373 was temporarily passed on file, to retain its place.

Senate Bill No. 374—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 374 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Nelson, Reily, Rolley, Sanford, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 375—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 375 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Irish, Keane, Leavitt, Mattos, McCartney, McKee, Nelson, Reily, Rolley, Sanford, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 376—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

On motion of Senator Belshaw, Senate Bill No. 376 was temporarily passed on file, to retain its place.

Senate Bill No. 10—An Act appropriating a sum of eight thousand dollars for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 10 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 67—An Act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.

Senate Bill No. 67 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 222—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Senate Bill No. 222 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 121—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District No. 70, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

On motion of Senator Boynton, Senate Bill No. 121 was temporarily passed on file, to retain its place.

Senate Bill No. 122—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a Reclamation District, to be called 'Reclamation District No. 70,' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

On motion of Senator Boynton, Senate Bill No. 122 was temporarily passed on file, to retain its place.

Senate Bill No. 294—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874.

On motion of Senator Boynton, Senate Bill No. 294 was temporarily passed on file, to retain its place.

Committee Substitute for Senate Bill No. 433—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, and to add a new section thereto, to be numbered 18½, all relating to the practice of pharmacy, and providing a penalty for the violation thereof, and for the appointment of a board to be known as the California State Board of Pharmacy.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator McKee, as a special committee of one, to amend as follows:

By inserting in line 37, page 5, printed bill, after the word "registered," the following: "trademarked."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 6, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 433, with instructions to amend, respectfully reports the same back, amended as per instructions.

McKEE, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 392—An Act to add a new section to the Code of Civil Procedure, to be known as Section 2039, relative to taking depositions.

Senate Bill No. 392 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 390—An Act amendatory of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensations of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, by amending Section 29 thereof, and making an appropriation of \$25,000 to carry out the purposes of said Act.

On motion of Senator McKee, Senate Bill No. 390 was referred to Committee on Finance, to retain its place on file.

Senate Bill No. 481—An Act to amend Section 1881 of the Code of Civil Procedure, relating to parties prohibited from testifying in certain cases.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE LOST.

Senator Keane moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

By inserting in Section 1, line 23, page 2, after the word and punctuation, "examined," the words: "nor can any accountant or bookkeeper be examined,"

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 481 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Leavitt, Markey, Mattos, McKee, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, and Wolfe—27.
NOES—Senators Anthony and Irish—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 126—An Act concerning trespassing of animals upon private land and the recovery of damages resulting therefrom.

Senate Bill No. 126 was temporarily passed on file, in the absence of the author, to retain its place.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 6, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 139—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

Senate Bill No. 465—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Senate Bill No. 62—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto five new sections, to be designated as Sections 1944, 1133, 1120, 1151, and 1121, and to repeal an Act entitled "An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under the authority of Section 8, of Article XI, of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled "An Act in relation to elections held under the authority of Section 8, of Article XI, of the Constitution," approved March 31, 1897, approved March 4, 1899, all relating to elections.

Senate Bill No. 280—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905 by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Senate Bill No. 267—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof and to provide for its organization," approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties equitably chargeable to San Benito County, approved March 11, 1887, rectifying and rendering more certain the boundaries thereof.

Senate Bill No. 430—An Act to amend an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, by adding thereto a new section to be numbered and known as Section 22½, relating to the annexation of outlying territory to sanitary districts, and the conditions of such annexation.

Senate Bill No. 49—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Senate Bill No. 124—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

Senate Bill No. 149—An Act to amend an Act entitled "An Act to authorize any city, or city and county of this State to take its census."

Senate Bill No. 161—An Act to add a new section to the Political Code of the State of California, to be known as Section 4225, relating to the payment of salaries of members of the police and fire departments of counties, cities and counties, cities and towns.

Senate Bill No. 176—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction, and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one half class.

Senate Bill No. 8—An Act to amend an Act entitled "An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, relating to tuition fees in said university.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 139, 465, 62, 280, 267, 430, 49, 124, 149, 161, 176, and 8 ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 139—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274½, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

Read third time.

On motion of Senator Anderson, Senate Bill No. 139 was temporarily passed on file, to retain its place.

RE-REFERENCE OF BILL.

Assembly Bill No. 432—An Act appropriating money to pay the funeral expenses of the late Controller, Edward P. Colgan.

On motion of Senator Belshaw, Assembly Bill No. 432 was referred to Committee on Finance, to retain its place on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 465—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigating districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Senate Bill No. 465 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 62—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto five new sections, to be designated as Sections 1044, 1133, 1120, 1151 and 1121, and to repeal an Act entitled "An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled 'An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution,' approved March 31, 1897," approved March 4, 1899, all relating to elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 62 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 280—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Senate Bill No. 280 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 267—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties, equitably chargeable to San Benito County," approved March 11, 1887, rectifying and rendering more certain the boundaries thereof.

Senate Bill No. 267 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 430—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, by adding thereto a new section, to be numbered and known as Section 22½, relating to the annexation of outlying territory to sanitary districts, and the conditions of such annexation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 430 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Nelson, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 49—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 49 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Leavitt, Markey, McCartney, McKee, Nelson, Reily, Rolley, Sanford, Walker, Weed, Welch, Wolfe, and Wright—25.

NOES—Senators Curtin, Irish, Mattos, Savage, and Willis—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 124—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the boards of trustees and to the officers of the municipalities of the sixth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 124 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—Senator Irish—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 149—An Act to amend an Act entitled "An Act to authorize any city, or city and county, of this State to take its census."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 149 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, McKee, Nelson, Rambo, Reily, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 161—An Act to add a new section to the Political Code of the State of California, to be known as Section 4225, relating to the payment of salaries of members of the police and fire departments of counties, cities, and towns.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 161 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Irish, Keane, Leavitt, Markey, Mattos,

McCartney, McKee, Nelson, Rambo, Reily, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 176—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one half class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 176 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Nelson, Reily, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 8—An Act to amend an Act entitled "An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, relating to tuition fees in said university.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 8 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Mattos, McCartney, McKee, Nelson, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 131—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in such channels, and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.

On motion of Senator Leavitt, Assembly Bill No. 131 was temporarily passed on file, to retain its place.

SENATOR BELSHAW IN THE CHAIR.

At twelve o'clock and twenty-five minutes P. M., Senator Belshaw, of the Ninth District, in the chair.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Willis asked for and was granted unanimous consent to have Senate Bill No. 382 taken up for immediate consideration.

Senate Bill No. 382—An Act to amend the Political Code by adding thereto three new sections, to be numbered 759, 760, and 761, relating to fees of clerks of District Courts of Appeal, the disposition thereof, and settlement thereof by said clerks, and creating a library fund in District Courts of Appeal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 382 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Nelson, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Welch asked for and was granted unanimous consent to have Senate Bill No. 287 taken up for immediate consideration.

Senate Bill No. 287—An Act to amend Sections 330 and 340 of the Code of Civil Procedure, relating to the time of commencing actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 287 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Irish, Leavitt, Markey, Mattos, McKee, Nelson, Reily, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Sanford asked for and was granted unanimous consent to have Senate Bill No. 244 taken up for the purpose of amendment.

Senate Bill No. 244—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Black, as a special committee of one, to amend as follows:

By striking out of Section 1, lines 8 and 9, the words "and in one additional newspaper in the county, if said board deems it necessary, to give the requisite notice."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 6, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 244, with instructions to amend, respectfully reports the same back, amended as per instructions.

BLACK, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the hour of recess was extended twenty minutes.

SECOND READING OF BILLS.

Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 111—An Act relating to senior rights of members of paid police departments in counties, cities and counties, cities or towns.

During second reading of bill, the following amendment was offered by Senator Leavitt:

Amend by striking out of the enacting clause the following " , to wit."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

WITHDRAWAL OF BILL.

Senator Willis asked for and was granted unanimous consent to withdraw Senate Bill No. 408—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Senate Bill No. 408 withdrawn and ordered stricken from the file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 569—An Act to amend Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 60—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District, California.

During second reading of bill, the following amendment was submitted by committee:

Strike out all after the enacting clause, and insert the following:

SECTION 1. The judges of the District Court of Appeal of the Second District of California are hereby authorized and empowered to purchase a necessary library and library furniture for the use of said Court not to exceed in cost the sum of eighteen thousand dollars.

SEC. 2. The sum of eighteen thousand dollars is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to be used in payment of said library and library furniture, and the State Controller is hereby directed to draw his warrant in favor of the person supplying said library or library furniture, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 260—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen (\$101,314.00) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

During second reading of bill, the following amendment was submitted by committee:

Strike out Section 3, and renumber Sec. 4, "Sec. 3."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 291—An Act making an appropriation of one thousand six hundred and twenty-one (\$1,621) dollars to pay the Regents of the University of California for moneys appropriated by them to rebuild the barn at the Lick Observatory at Mt. Hamilton, California, which was destroyed by fire, and prescribing the duties of the Controller and the Treasurer of the State in relation thereto.

During second reading of bill, the following amendment was submitted by committee:

Strike out Section 4.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 292—An Act making an appropriation of five thousand (\$5,000) dollars for the purpose of completing the photographic laboratory in combination with the fireproof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

During second reading of bill, the following amendment was submitted by committee:

Strike out Section 4.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 433—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the fifty-seventh and fifty-eighth fiscal years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 476—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

Bill read second time, and ordered on file for third reading.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Leavitt moved that Senate Bill No. 376—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year—be withdrawn and stricken from the file, and Assembly Bill No. 476 be substituted therefor.

Motion carried.

Senate Bill No. 376 withdrawn and ordered stricken from the file, and Assembly Bill No. 476 substituted therefor.

Senator Leavitt moved that Senate Bill No. 373—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof"—be withdrawn and stricken from the file, and Assembly Bill No. 482 be substituted therefor.

Motion carried.

Senate Bill No. 373 withdrawn and ordered stricken from the file, and Assembly Bill No. 482 substituted therefor.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 479—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Controller's office, for the fifty-eighth fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 481—An Act appropriating money to pay the rental, cost of moving, and other necessary expenses incurred, and to be incurred, by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.

Bill read second time, and ordered on file for third reading.

Senator Leavitt moved that Senate Bill No. 370—An Act appropriating money to pay the rental, cost of moving and other necessary expenses incurred, and to be incurred, by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building—be withdrawn and stricken from the file, and Assembly Bill No. 481 be substituted therefor.

Motion carried.

Senate Bill No. 370 withdrawn and ordered stricken from the file, and Assembly Bill No. 481 substituted therefor.

Assembly Bill No. 431—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, the expenditure of which has been approved by the State Board of Examiners.

Bill read second time, and ordered on file for third reading.

Senator Leavitt moved that Senate Bill No. 371—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, expenditure of which has been approved by the State Board of Examiners—be withdrawn and stricken from the file, and Assembly Bill No. 431 be substituted therefor.

Motion carried.

Senate Bill No. 371 withdrawn and ordered stricken from the file, and Assembly Bill No. 431 substituted therefor.

Assembly Bill No. 482—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof," approved March 22, 1905.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 483—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-seventh and fifty-eighth fiscal years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 429—An Act making an appropriation to pay the claim of C. W. R. Koke, for services performed as acting guardian at the Marshall monument at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same (the payment of which claim has been approved by the State Board of Examiners, in accordance with the provisions of law).

During second reading of bill, the following amendments were submitted by committee:

Amend title by striking out the words "as acting guardian," and the words "during which period there was no regularly appointed guardian, and no salary paid for the same."

Amendment adopted.

Also:

Amend Section 1, in line 5 of printed bill, by striking out the words "as acting guardian"; and, also, amend Section 1, lines 7 and 8 of the printed bill, by striking out the words "during which period there was no regular appointed guardian, and no salary paid for the same."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Leavitt moved that Senate Bill No. 368—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed as acting guardian at the Marshall monument, at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same, the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law—be withdrawn and stricken from the file, and Assembly Bill No. 429 be substituted therefor.

Motion carried.

Senate Bill No. 368 withdrawn and ordered stricken from the file, and Assembly Bill No. 429 substituted therefor.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 9—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery, and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work, and the operation of the school of agriculture and educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose.

Bill read second time, considered engrossed, and ordered on file for third reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Leavitt asked for, and was granted unanimous consent to have Senate Bills Nos. 313, 317, and 321 taken up for the purpose of amendment.

Senate Bill No. 313—An Act to amend Sections 387, 388, and 389 of the Code of Civil Procedure, all relating to parties to civil actions.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, line 17, strike out the period (.) after the word "thereof" and insert in lieu thereof the following: "if served within the county wherein said action is pending, or within thirty days if served elsewhere."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 317—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 2, line 6, strike out the word "not."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 321—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

During second reading of bill, the following amendment was submitted by committee:

On page 1, strike out period at end of title, and insert in lieu thereof the following: "And to repeal section two thousand one hundred and four of said Code."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 6, 1907.

MR. PRESIDENT: Your Committee on Corporations to whom was referred Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to the extension of the terms of existence of corporations—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BROUGHTON, Chairman.

Senate Constitutional Amendment No. 31 ordered on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 6, 1907.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 299—An Act to amend Section 1581 of the Political Code, relating to the formation of new school districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ANDERSON, Chairman.

Assembly Bill No. 299 ordered on file for second reading.

ON MANUFACTURES AND OIL INDUSTRY.

SENATE CHAMBER, SACRAMENTO, February 6, 1907.

MR. PRESIDENT: Your Committee on Manufactures and Oil Industry, to whom was referred Senate Bill No. 554—An Act to prevent the manufacture and sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HARTMAN, Chairman.

Senate Bill No. 554 ordered on file for second reading.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 12—Approving four certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein on the fourth day of December, 1906.

Also: Senate Bill No. 6—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 23, 1893, by adding one new section thereto, to be numbered Section 31, relating to the transfer of boys from State prisons thereto, and of the powers and duties of certain public officers in connection therewith.

CLIO LLOYD, Chief Clerk of Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bill No. 6 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1906.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted a resolution respectfully asking your honorable body to return to the Assembly, Assembly Concurrent Resolution No. 12—Approving four certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California.

CLIO LLOYD, Chief Clerk of Assembly.
By T. G. WALKER, Assistant Clerk.

On motion of Senator Leavitt, Assembly Concurrent Resolution No. 12 was ordered returned to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Wright: Senate Bill No. 626—An Act to add a new section to the Code of Civil Procedure, to be numbered 751½, relating to the effect of judgments in actions to quiet title and determine adverse claims to real property and in actions for specific performance.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 627—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employés thereof.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 628—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Greenwell: Senate Bill No. 629—An Act to amend Section 499 of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different managements.

Bill read first time, and referred to Committee on Judiciary.

By Senator Boynton: Senate Bill No. 630—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

ADJOURNMENT.

At twelve o'clock and fifty minutes p. m., on motion of Senator Wolfe the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, February 7, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Keane, Lynch, Mattos, McCartney, Miller, Rambo, Reily, Rolley, Rush, Sanford, Weed, Welch, Willis, Wolfe, and Wright—27.

Quorum present.

LEAVES OF ABSENCE.

Senator Greenwell was, on motion of Senator Nelson, granted leave of absence for this day.

Senator Miller was, on motion of Senator Curtin, granted leave of absence for this day.

PRAYER.

Prayer by Rev. W. F. Reagor.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 6, 1907, the further reading was dispensed with, on motion of Senator Mattos.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 13—Relative to approving the charter of the City of Santa Cruz, State of California, and the three alternative propositions submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 22d day of January, 1907.

Also: Assembly Constitutional Amendment No. 7—Relative to county and township officers.

Also: Assembly Constitutional Amendment No. 8—Resolution to amend Section 6 of Article IX of the Constitution of California.

Also: Passed Assembly Bill No. 149—An Act to amend Section 3785 of the Political Code of the State of California, relating to the issuance of tax deeds.

Also: Assembly Bill No. 498—An Act to add a new section to the Political Code of the State of California, to be known as Section 2979a, relating to the duties of the State Board of Health.

Also: Assembly Bill No. 497—An Act to add a new section to the Penal Code of the State of California, to be numbered 374a, providing for safeguards against the pollution of waters used for domestic purposes.

Also: Assembly Bill No. 175—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Also: Assembly Bill No. 324—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor General.

Also: Assembly Bill No. 558—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books by the several counties or cities and counties of the State.

Also: Assembly Bill No. 177—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known and designated as Section 995, relating to the sale and transfer of hops and the amount to be deducted as tare.

Also: Assembly Bill No. 365—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty fourth class.

Also: Assembly Bill No. 127—An Act to amend Sections 3078, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths.

Also: Assembly Bill No. 480—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

Also: Assembly Bill No. 477—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Also: Assembly Bill No. 430—An Act making an appropriation to pay the deficiency in the appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Also: Assembly Bill No. 104—An Act entitled "An Act to amend Section 685 of the Code of Civil Procedure of the State of California."

Also: Assembly Bill No. 206—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 14, 15, 17, 20, 22, 35, 47, 56, 57, 60, and 61, by repealing Section 18, and by adding a new section, to be known as Section 55a.

Also: Assembly Bill No. 148—An Act to amend Section 3627 of the Political Code of the State of California, relating to the assessment of property for taxation.

Also: Assembly Bill No. 157—An Act to amend Section 1372 of the Political Code, relating to primary elections.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Concurrent Resolution No. 13 referred to Committee on Municipal Corporations.

Assembly Constitutional Amendment No. 7 referred to Committee on Judiciary.

Assembly Constitutional Amendment No. 8 referred to Committee on Education.

Assembly Bills Nos. 149, 177, and 104 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 498, 497, and 127 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 175, 324, 480, 477, and 430 read first time, and referred to Committee on Finance.

Assembly Bill No. 558 read first time, and referred to Committee on Education.

Assembly Bill No. 365 read first time, and referred to Committee on County Government.

Assembly Bill No. 266 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 148 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 157 read first time, and referred to Committee on Elections and Election Laws.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Senate Bill No. 476—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating, and improving the Governor's residence.

Also: Senate Concurrent Resolution No. 2—Approving the charter of the City of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 18th day of July, 1906.

And report that the same have been correctly enrolled.

And presented the same to the Governor on the 6th day of February, 1907, at three o'clock and ten minutes P. M.

Also: Senate Bill No. 59—An Act authorizing the City of San Diego and the authorities thereof to convey a portion of La Jolla Park, in said city, to the Regents of the University of California for the purposes of a biological station—and report that the same has been correctly enrolled.

And presented the same to the Governor on the 6th day of February, 1907, at three o'clock and fifteen minutes P. M.

Also: Senate Bill No. 123—An Act to amend Section 862 of an Act entitled: "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Also: Senate Bill No. 569—An Act to amend Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment.

Also: Senate Bill No. 9—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery, and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work and the operation of the school of agriculture and the educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 123, 569, and 9 ordered on file for third reading.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 6, 1907.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 14—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

Also: Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

Also: Senate Bill No. 114—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Also: Senate Bill No. 115—An Act appropriating money for the construction and equipment of a cold storage plant at the Preston School of Industry.

Also: Senate Bill No. 107—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Also: Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and repairs at the Preston School of Industry.

Have had the same under consideration, and respectfully report the same back favorably, and recommend that they be re-referred to Committee on Finance.

BELSHAW, Acting Chairman.

Senate Bills Nos. 14, 54, 114, 115, 107, and 106 referred to Committee on Finance.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 494—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McKEE, Chairman.

Senate Bill No. 494 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 6, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 335—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

Also: Senate Bill No. 521—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.

Also: Senate Bill No. 168—An Act to amend Section 718 of the Civil Code, relating to leases of town and city lots.

Also: Senate Bill No. 452—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Also: Senate Bill No. 324—An Act to amend Section 825 of the Code of Civil Procedure, relating to when a general or special verdict may be rendered.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 357—An Act to amend Section 1239 of the Penal Code, relating to the times in which appeals may be taken in criminal actions.

Also: Assembly Bill No. 348—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Also: Senate Bill No. 407—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Also: Senate Bill No. 504—An Act to amend Section 11 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the use of books in such libraries.

Also: Senate Bill No. 492—An Act to amend Sections 1171 and 1174 of the Penal Code of California, relating to the preparation and settlement of bills of exception in criminal cases.

Also: Senate Bill No. 558—An Act entitled "An Act to grant rights of way over the public lands of the State of California for ditches, tunnels, and telephone and transmission lines."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

Also: Senate Bill No. 227—An Act to provide the manner in which proposed amendments to the Constitution shall be introduced and submitted to the voters of the State.

Also: Senate Bill No. 346—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment.

Have had the same under consideration, and respectfully report a committee substitute for both bills and recommend that the substitute do pass.

Also: Senate Bill No. 552—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the proof of lost and destroyed wills—Have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw same.

Also: Senate Bill No. 45—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Also: Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section Two (2) of Article IV thereof, relating to sessions of the Legislature and the limitation of pay of members thereof in extraordinary sessions.

Also: Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section One (1) of Article Four (IV) thereof, relating to the legislative power and to certain reservations thereof by the people.

Also: Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article XII thereof by amending Sections 19 and 22 thereof, and by striking therefrom Section 23 of said article and renumbering said article so that Section No. 24 of said article shall be No. 23, thereby abolishing the office of Railroad Commissioner, and transferring the duties now prescribed for said Railroad Commissioners to the State Board of Equalization.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 96—An Act, to amend Section 374 of the Penal Code of the State of California, relating to putting dead animals in streets, rivers, etc.

Also: Senate Bill No. 144—An Act to amend Sections 3, 9, 10, 12, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Also: Senate Bill No. 145—An Act to amend Section 2984 of the Political Code of the State of California, for the enforcement of the rules, orders and regulations of the State Board of Health, within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Also: Senate Bill No. 146—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 372a, declaring it a misdemeanor to spit or discharge mucus upon public sidewalks, public buildings, trains, cars, stages, ferry boats, steamers, boats, or other vehicles or vessels used for the transportation of the public.

Have had the same under consideration, and respectfully report the same back and recommend that they be re-referred to the Committee on Public Health and Quarantine.

WOLFE, Chairman.

Assembly Bills Nos. 335 and 348 ordered on file for second reading.

Senate Bills Nos. 521, 168, 452, 324, 357, 407, 504, 492, 558, 227, 346, 552, and 45 ordered on file for second reading.

Senate Constitutional Amendments Nos. 28, 25, and 2 ordered on file.
Senate Bills Nos. 96, 144, 145, and 146 referred to Committee on Public Health and Quarantine.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 6, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 475—An Act to amend Section 209 of the County Government Act, relating to the compensation of the various county officers in counties of the fifty-second class.

Also: Senate Bill No. 533—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts.

Also: Senate Bill No. 503—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class and repealing all conflicting Acts.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

Also: Assembly Bill No. 118—An Act entitled An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a, relating to the powers and duties of the county recorder, respecting the registration of marriages, births and deaths—have had the same under consideration, and respectfully report the same back and recommend that it be referred to the Judiciary Committee of the Senate.

CARTER, Chairman.

Senate Bills Nos. 475, 533, and 503 ordered on file for second reading.
Assembly Bill No. 118 referred to Committee on Judiciary.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill, No. 29—An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled or misbranded, foods and liquors and regulating the traffic therein, providing penalties establishing a State laboratory for foods, liquors and drugs, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

Senate Bill No. 29 ordered on file.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 13—Relative to approving the charter of the City of Santa Cruz, State of California, and the three alternative propositions submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 22d day of January, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

SAVAGE, Chairman.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION —(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 13 taken up for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 13.

Approving the charter of the City of Santa Cruz, State of California, and the three alternative propositions submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 22nd day of January, 1907.

WHEREAS, The City of Santa Cruz, a municipal corporation of the County of Santa Cruz, State of California, now is and was at all the times herein referred to a city containing a population of more than thirty five hundred inhabitants; and

WHEREAS, At a special municipal election duly held in said city on the 20th day of August, A. D. 1906, under and in accordance with the laws and with the provisions of Section Eight of Article Eleven of the Constitution of the said State of California, a Board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said Board of Freeholders did, in accordance with law, and within ninety days after said election, prepare and propose a charter for the government of the said City of Santa Cruz; and

WHEREAS, Said Board of Freeholders did at the same time and place prepare and propose with said proposed charter the following three alternative propositions:

I. "The Mayor shall receive a salary of six hundred dollars a year, payable monthly."

II. "Members of the City Council shall each receive a salary of three hundred dollars a year, payable monthly."

III. "The Recall;" and

WHEREAS, The said proposed charter and the said three alternative propositions were, on the 15th day of November, A. D. 1906, signed in duplicate by the members of said Board of Freeholders, and one copy thereof was, on the 16th day of November, A. D. 1906, duly returned and filed with the Mayor of said City of Santa Cruz, and the other copy thereof was duly returned and filed with and in the office of the County Recorder of said County of Santa Cruz; and

WHEREAS, Such proposed charter and said three alternative propositions were thereafter published in the "Santa Cruz Morning Sentinel" and in the "Santa Cruz Surf," each being daily newspapers of general circulation in said City of Santa Cruz, for a period of twenty days and more, the first publication thereof having been made within twenty days after the completion of said proposed charter and said three alternative propositions; and

WHEREAS, Said proposed charter and said three alternative propositions were within thirty days after the completion of said publication, submitted by the Mayor and Common Council of the said City of Santa Cruz to the qualified voters of said city at a special municipal election previously duly called and herein held on the 22nd day of January, 1907; and

WHEREAS, At said last mentioned special municipal election a majority of said qualified electors of said city voting at such special municipal election, voted for and in favor of the ratification of such proposed charter as proposed as a whole, and also voted in favor of the ratification of each of said three alternative propositions; and

WHEREAS, Said Mayor and Common Council of the City of Santa Cruz, after canvassing said returns, duly found and declared that the majority of said qualified electors voting at such special municipal election had voted for ratifying said proposed charter and had voted in favor of and for ratifying each of said three alternative propositions; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with Section Eight of Article Eleven of the Constitution of the State of California; and

WHEREAS, Said proposed charter and said three alternative propositions are in the words and figures following, to wit:

CHARTER FOR THE CITY OF SANTA CRUZ.

ARTICLE I.

SECTION 1.—The municipal corporation now existing, known as the City of Santa Cruz, shall continue to be a body corporate and politic under the name of the City of Santa Cruz, and with the following boundaries, to-wit:

Beginning on the Bay of Monterey at a point on said Bay 410 feet west of the section line between Sections nineteen (19) and twenty (20), T. 11. R. 1. W. 1. M. D. M.; thence northerly along the middle of Woods Lagoon and the creek in Arana Gulch to the boundary of the City Park, otherwise known as de Laveaga Heights; thence north 88 degrees east 140 feet to a station; thence south 50 $\frac{3}{4}$ degrees east 79.20 feet to a station on the west side of the County road; thence north 17 $\frac{1}{2}$ degrees east 14.50 feet to a station; thence north 2 degrees west 91 feet along the west side of said County road to a station; thence south 89 $\frac{3}{4}$ degrees west 396 feet to a station; thence north 32 degrees west 130 feet to a station; thence north 34 degrees west 150 feet to a station; thence north 36 degrees 45 minutes west 50 feet to a station; thence north 52 degrees west 150 feet to a station; thence north 62 degrees west 120 feet to a station; thence north 60 degrees 30 minutes west 260 feet to a station; thence north 1 degree 15 minutes east 185 feet to a station; thence north 30 degrees 15 minutes east 60 feet to a station; thence north 4 degrees east 50 feet to a station; thence north 36 degrees 30 minutes west 130 feet to a station; thence north 16 degrees 15 minutes west 280 feet to a station; thence north 2 degrees 45 minutes west 164 feet to a station; thence north 20 degrees 15 minutes west 283 feet to a station; thence north 9 degrees west 163 feet to a station; thence north 6 degrees 45 minutes west 180 feet to a station; thence north 4 degrees 45 minutes

west 160 feet to a station; thence north 22 degrees east 130 feet to a station; thence north 7 degrees 38 minutes west 286 feet to a station; thence north 37 degrees west 113 feet to a station; thence north 130 feet to a station; thence north 46 degrees east 80 feet to a station; thence north 6 degrees 30 minutes west 159 feet to a station; thence north 2 degrees 30 minutes east 70 feet to a station; thence north 33 degrees 15 minutes west 86 feet to a station; thence north 0 degrees 30 minutes west 831 feet to the northeast corner of the City Park, otherwise known as de Lavenga Heights; thence along the northerly boundary of the said City Park south 89 degrees 33 minutes west 1112 feet to a station; thence north 5 degrees 35 minutes east 170 feet to a station; thence north 29 degrees east 145 feet to a station; thence north 29 degrees 45 minutes east 759 feet to a station; thence north 25 degrees 45 minutes east 217.80 feet to a station on the westerly side of a right of way; thence along the westerly side of the said right of way north 1 degree east 105 feet to a station; thence north 57 degrees 30 minutes west 142 feet to a station; thence south 89 degrees 20 minutes west 690.40 feet to a station; thence south 623 feet to a station; thence north 57 degrees 30 minutes west 278.50 feet to a station; thence south 562.30 feet to a station; thence west 1024.30 feet to a station; thence north 47 degrees 15 minutes west 130 feet to a station; thence along the easterly, northerly and westerly boundaries of the City Park, otherwise known as de Lavenga Heights, 80½ feet to the northwesterly corner of the said City Park on the easterly side of the Blackburn Gulch road; thence southwesterly along the easterly side of the said road to a point on the produced southerly boundary line of the Rancho Carbonero; thence west along the said produced southerly boundary line of the Rancho Carbonero to the southeasterly corner of the said Rancho Carbonero; thence westerly along the boundary of the Rancho Carbonero and the Rancho Cañada del Rincon to the east boundary of the Rancho Refugio; thence along the boundary of the Rancho Refugio south to the Pacific Ocean; thence due south into the said Pacific Ocean a distance of three marine miles; thence easterly and following the courses of the indentations of the said Pacific Ocean and of the Bay of Monterey to a point due south of and three marine miles from a point on the said Bay of Monterey 410 feet west of the section line between sections nineteen (19) and twenty (20), T. 11. R. 1. W., M. D. M.; thence due north to the point of beginning.

SECTION 2.—The City of Santa Cruz shall be divided into seven wards, bounded as follows:

Boundary of the First Ward.—That portion of the city beginning at the junction of the middle line of the San Lorenzo River with the middle line of Soquel Avenue; thence easterly along the middle line of Soquel Avenue to the centre of Ocean Street; thence northerly along the middle line of Ocean Street to the middle of Branciforte Creek; thence northeasterly along the middle line of Branciforte Creek and the westerly fork thereof to the north boundary of the Municipal Corporation; thence westerly along the north boundary of the Municipal Corporation to the middle of the San Lorenzo River; thence southerly along the middle line of the San Lorenzo River to the place of beginning, shall be and constitute the First Ward.

Boundary of the Second Ward.—That portion of the city beginning at the junction of the middle lines of Pacific Avenue and Locust Street; thence westerly along the middle line of Locust Street to the centre of Mission Street; thence southerly along the middle line of Mission Street to the centre of Walnut Avenue; thence westerly along the middle line of Walnut Avenue to where it leaves the boundary line of the Rancho Tres Ojos de Agua; thence to and along the southerly boundary of the said Rancho northwesterly to the northwest corner thereof; thence along the southeasterly boundary of the lands formerly of Davis and Cowell, northeasterly to the north boundary of the Municipal Corporation; thence along the said north boundary easterly to the middle of the San Lorenzo River; thence southerly along the middle line of the San Lorenzo River to the centre of Water Street; thence westerly along the middle line of Water Street to the centre of Pacific Avenue; thence along the middle line of Pacific Avenue southerly to the place of beginning, shall be and constitute the Second Ward.

Boundary of the Third Ward.—That portion of the city beginning at the junction of the middle line of Water Street with the middle line of the San Lorenzo River; thence westerly along the middle line of Water Street to the centre of Pacific Avenue; thence southerly along the middle line of Pacific Avenue to its junction with the middle line of Locust Street; thence westerly along the middle line of Locust Street to the centre of Mission Street; thence southerly along the middle line of Mission to the centre of Laurel Street; thence easterly along the middle line of Laurel Street and the middle line of Laurel Street produced to the middle of the San Lorenzo River; thence northerly along the middle line of the San Lorenzo River to the place of beginning, shall be and constitute the Third Ward.

Boundary of the Fourth Ward.—That portion of the city beginning at the junction of the middle lines of California and Laurel Streets; thence southerly along the middle line of California Street to the centre of Bay Street; thence southeasterly along the middle line of Bay Street to the centre of Pacific Avenue; thence southerly along the middle line of Pacific Avenue to the Bay of Monterey; thence due south

to the south boundary of the Municipal Corporation: thence westerly along the south boundary of the said corporation to the southwest corner thereof; thence northerly along the west boundary of the said corporation to northwest corner thereof; thence easterly along the north boundary of said corporation to the boundary line of the lands formerly of Davis and Cowell; thence along the southeast boundary line of the lands formerly of Davis and Cowell, southwesterly to the northwest corner of the Rancho Tres Ojos de Agua; thence southeasterly along the southerly boundary line of the Rancho Tres Ojos de Agua to the centre of Walnut Avenue; thence easterly along the middle line of Walnut Avenue to the centre of Mission Street; thence along the middle line of Mission Street southerly to the centre of Laurel Street; thence easterly along the middle line of Laurel Street to the place of beginning, shall be and constitute the Fourth Ward.

Boundary of the Fifth Ward.—That portion of the city beginning at the junction of the middle lines of California and Laurel Streets; thence southerly along the middle line of California Street to the centre of Bay Street; thence southeasterly along the middle line of Bay Street to the centre of Pacific Avenue; thence southerly along the middle line of Pacific Avenue to the Bay of Monterey; thence due south to the south boundary of the Municipal Corporation; thence easterly along the said south boundary of the said corporation to a point due south from the centre of the mouth of the San Lorenzo River; thence due north to the centre of the mouth of the San Lorenzo River; thence northerly and westerly along the middle of the San Lorenzo River to a point on the produced middle line of Laurel Street; thence westerly along the produced middle line and the middle line of Laurel Street to the place of beginning, shall be and constitute the Fifth Ward.

Boundary of the Sixth Ward.—That portion of the city beginning on the Bay of Monterey at the centre of the mouth of the San Lorenzo River; thence northerly along the middle line of the San Lorenzo River to the centre of Sequel Avenue; thence easterly along the middle line of Sequel Avenue to the centre of Ocean Street; thence southerly along the middle line of Ocean Street to the centre of Broadway; thence easterly along the middle line of Broadway and the middle line of Broadway produced to the easterly boundary of the Municipal Corporation; thence southwesterly along the easterly boundary of the said corporation to a point on the Bay of Monterey 410 feet west of the section line between sections nineteen (19) and twenty (20), T. 31. R. 1. W., M. D. M.; thence due south along the easterly boundary of the said corporation a distance of three marine miles to the southeasterly corner thereof; thence westerly along the southerly boundary of said corporation to a point due south from the centre of the mouth of the San Lorenzo River; thence due north to the place of beginning, shall be and constitute the Sixth Ward.

Boundary of the Seventh Ward.—That portion of the city beginning at the junction of the middle lines of Broadway and Ocean Street; thence easterly along the middle line of Broadway and the middle line of Broadway produced to the easterly boundary of the Municipal Corporation; thence northeasterly along the easterly boundary of the said corporation to the northeasterly corner thereof; thence westerly along the north boundary of the said corporation to the middle of the west fork of the Branciforte Creek; thence along the middle line of the West Fork of Branciforte Creek and the middle line of Branciforte Creek, southwesterly, to the centre of Ocean Street; thence southerly along the middle line of Ocean Street to the place of beginning, shall be and constitute the Seventh Ward.

ARTICLE II.

GENERAL POWERS.

The City of Santa Cruz shall continue vested with all the property of every kind now belonging to it and shall have power:—

First.—To have perpetual succession.

Second.—To have and use a corporate seal and to alter it at pleasure.

Third.—To institute and maintain all actions or suits that may be necessary, and to defend whatever actions or suits that may be instituted or prosecuted against it.

Fourth.—To purchase, have, receive, take, hold, lease, use and enjoy property of every kind and description both within and without the limits of said city and control and dispose of the same for the common benefit.

Fifth.—To receive bequests, devises and donations of property of every kind, either absolutely or in trust, for charitable or other purposes, and to do all acts necessary to carry out the purpose of such bequests, devises and donations and to manage, control, sell or otherwise dispose of such property in accordance with the terms of such bequests, devises or donations.

Sixth.—To acquire, erect, construct and maintain public buildings, schools, kindergartens, libraries, hospitals, markets, baths, fountains, prisons, workhouses, morgues, crematories, dispensaries, reading rooms, gymnasiums and charitable institutions, and to regulate the use of the same.

Seventh.—To acquire, improve and maintain public parks, cemeteries and sewer farms, to regulate the same and to exclude cemeteries from the limits of the city or any portion thereof, and to discontinue the same.

Eighth.—To acquire, construct and maintain water works, pipes, pipe lines, aqueducts and hydrants for supplying the city and its inhabitants with water, and the right to supply water to persons who live without the city limits.

Ninth.—To acquire, construct and maintain gas and electric work: for the purpose of supplying the city and its inhabitants with light, heat and power.

Tenth.—To acquire, construct and maintain works for supplying the city and its inhabitants with telephonic and telegraphic service.

Eleventh.—To acquire, construct and maintain, and operate street railways and other means of public conveyance, together with all rolling stock, power houses, equipment, appliances and apparatus necessary and proper in the operation, management and control of the same.

Twelfth.—To acquire, have, hold, construct and maintain, and to grant the right to construct and maintain, and to regulate the construction and maintenance of all pipes, tubes, conduits, wires and electric or telegraphic apparatus in, along, over, under, and across all public streets and highways; to require all telegraph and electric wires to be placed underground, and to regulate the mode of wiring houses, buildings and structures for telegraph, telephone, electric light, electric power and all other electric service.

Thirteenth.—To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind, including water, water rights, and water works, within or without the corporate limits, necessary or convenient for the use of the city or its inhabitants.

Fourteenth.—To construct and maintain sewers, drains, and all other works necessary for the disposition of sewage and to construct and maintain garbage crematories and other works for the disposition or destruction of garbage.

Fifteenth.—To establish and change the grade and to lay out, open, extend, widen, change, vacate, pave, repave, gravel, surface, resurface, and improve streets, alleys, sidewalks, crossings and other highways and public squares, parks and places and to make provisions for cleaning and sprinkling the same.

Sixteenth.—To require the owners of real property in the city to remove grass, weeds and obstructions from the sidewalks in front of their property and, upon their refusal, failure or default, to cause such work to be done and the cost thereof to be made a lien upon said property, or otherwise to be recovered from such owners.

Seventeenth.—To set apart and dedicate as a boulevard or boulevards any street or streets or portions of a street or streets of the city.

Eighteenth.—To levy and collect taxes, upon all property subject to taxation, for municipal purposes; *provided*, that the tax levied for any one year for all municipal purposes other than for the payment of principal or interest on any bonds of the said city or for school purposes, shall not exceed one dollar on each one hundred dollars' worth of taxable property in said city except as hereinafter provided. And to levy and collect assessments upon property to pay for grading, regrading, laying out, opening, widening, extending and improving of streets, alleys, sidewalks, crossings, and other highways and public squares, parks and places, and the construction of sewers, and the laying of water, gas, and other pipes and conduits.

Nineteenth.—To create, subject to the restrictions and limitations of the Constitution and General Laws of the State of California and of this charter, indebtedness not to exceed in all, fifteen per centum of the assessed value of all the real and personal property in the said city subject to assessment for taxation for municipal purposes, to pay the costs of municipal improvements, the acquisition of public utilities or for any lawful purpose whatever, requiring an expenditure greater than the amount which can be appropriated for such purpose out of the annual tax levy; *provided, however*, that no indebtedness shall be incurred by contract, bonds or otherwise that shall require a tax levy in any one year in excess of the one dollar limit fixed by this charter for general municipal purposes, of more than fifty cents on each one hundred dollars of the assessed valuation of the taxable property of said city at the time said indebtedness is incurred, to meet the payments of the principal of such indebtedness.

Twentieth.—To levy taxes exceeding the limit otherwise permitted in this charter; *provided*, that before such levy can be made, the proposition to make such a levy shall have been first approved by two thirds of the qualified electors voting at a general or special city election at which said proposition is submitted by the City Council.

Twenty-first.—To license for the purpose of regulation and revenue, and to regulate places of amusement and the carrying on of any and all professions, trades, callings, occupations and kinds of business carried on within the limits of said city, and to fix the amount of license tax thereon to be paid by all persons engaged in carrying on such places of amusement and such professions, trades, callings, occupations and kinds of business in said city and to provide for the manner of enforcing the payment of such license taxes; and to regulate, restrain, suppress, or prohibit hawking and peddling and the carrying on of any laundry, livery and sale stable, cattle or horse corral, pigsty, planing mill, rolling mill, oil well, tank or refinery, foundry, brick yard, slaughter yard, butcher shop, and the keeping of bees, cattle, poultry, pigeons or swine within the limits or within any designated portion of said city, and to prohibit and suppress all faro banks, games of chance, gambling houses, bawdy houses, and any and all obnoxious, offensive, immoral, indecent, or disrepu-

table place or practices within said city, and to regulate or prohibit all saloons, bars, bar rooms, or other places where spirituous, malt, vinous, or other intoxicating liquors are sold or given away.

Twenty-second.—To license for the purpose of regulation and revenue, all and every kind of business not prohibited by law and transacted and carried on in said city, and all shows, exhibitions and lawful games carried on therein, and to fix the license tax upon the same, and to provide for the collection thereof, and to collect the same by civil action or otherwise.

Twenty-third.—To organize and maintain police and fire departments.

Twenty-fourth.—To make, adopt and enforce all necessary rules and regulations for the prevention of fires, floods and riots, and to make and enforce all such local, police, sanitary and other regulations as are deemed necessary or expedient to maintain the public peace and safety, protect property, promote the public morals and preserve the health of the inhabitants of the city.

Twenty-fifth.—To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun-cotton, nitro-glycerine, fire-works and other explosive substances and materials.

Twenty-sixth.—To regulate the storage of oil, hay, straw and other inflammable material within the city.

Twenty-seventh.—To regulate the use of oil, steam and gas engines and steam boilers within said city.

Twenty-eighth.—To prescribe fire limits and to determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the alteration or repair of existing buildings within said fire limits.

Twenty-ninth.—To regulate the size and construction of the entrances to, and exits from theaters, lecture rooms, churches and other public buildings and to prohibit the placing of seats or other obstructions in the aisles and open spaces in such buildings.

Thirtieth.—To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure and unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to prescribe the depths of cellars and basements, the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in and the thickness and construction of party walls, partition and outside walls, the thickness and construction of chimneys, the construction and character of bathrooms, water-closets, privies and vaults, the manner of construction and materials used in wiring building or other structures for the use of electricity for lighting, power or other purposes, and the manner of construction and materials used for piping buildings or other structures for the purpose of supplying the same with water and gas; to prohibit the construction of buildings and other structures that do not conform to such regulations.

Thirty-first.—To exercise all municipal and police powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

Thirty-second.—To provide for the care of the sick and helpless and to make regulations to prevent the spread of infectious and contagious diseases.

Thirty-third.—To provide for the care, feeding and clothing of all persons imprisoned by municipal authority or sentenced to imprisonment by the Police Court, and to provide that all such persons shall work upon the streets or do other public work.

Thirty-fourth.—To define nuisances, and to prevent, remove and abate the same, and to provide that said nuisances may be removed or abated at the expense of the party or parties creating, causing, committing, or maintaining such nuisances, and to prohibit offensive and unwholesome business or other establishments within the city.

Thirty-fifth.—To declare that any business run or maintained contrary to the provisions of any ordinance of the city or of the general laws of the State, is a public nuisance, and to provide for the abatement or removal of such nuisance, and for this purpose to summarily take and hold any personal property thus used in violation of law.

Thirty-sixth.—To make the violation of its ordinances a misdemeanor and to prescribe the punishment for such violation, which punishment shall be by fine or imprisonment, or by both fine and imprisonment; *provided, however*, that such fine shall not exceed the sum of five hundred (\$500.00) dollars and such imprisonment shall not exceed six months. Such misdemeanors may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action at the option of said authorities.

Thirty-seventh.—To establish pounds and pound districts which shall be under the supervision and control of a poundmaster, and to restrain the running at large of poultry, horses, mules, cattle, swine, sheep, goats and other animals, and to authorize the destruction or sale of the same.

Thirty-eighth.—To regulate the speed of railroad trains, engines, electric cars,

automobiles and all other vehicles in the city, and to require railroad companies either to station flagmen, or place gates or viaducts at all such streets as it may deem necessary.

Thirty-ninth.—To grant franchises.

Fortieth.—To create offices other than those established by this charter or by the general law, whenever the public convenience or necessity may require the same, and to prescribe the duties pertaining to the offices thus created, and to provide for the election, appointment and removal of such officers, and to fix their compensation.

Forty-first.—To provide for holding municipal elections, give notice thereof, establish and alter election precincts, appoint all election officers and provide for their compensation.

Forty-second.—To do and perform whatsoever is necessary and convenient for its own government and for the benefit of its inhabitants, and to do any act which the City Council is by this charter, or by any law now or hereafter in force authorized to do; *provided*, that the question of acquiring by lease, purchase or construction any plant or property for the purpose of supplying any public service or commodity, not previously supplied to its inhabitants by the City of Santa Cruz, shall be submitted to the voters of the city in the same manner as other propositions, at a general or special election, and such property or plant shall not be acquired unless a majority of the electors, voting at such election, shall vote in favor of such proposition. It is, however, expressly provided that nothing herein contained shall be construed as requiring an election to vote on a proposition to acquire any property or expend any money, for the purpose of extending, or developing any property or plant now owned or operated by the city, or which it may, in accordance with the provisions of this charter, acquire in the future.

Forty-third.—To remove all obstructions from the streets and sidewalks of said city and to remove all porches or other structures extending over any sidewalk or portion thereof within the city.

Forty-fourth.—To adopt and enforce ordinances, resolutions and orders not repugnant to the Constitution of the United States, the Constitution of the State of California or the general laws thereof, or the provisions of this charter, and to establish all such measures and regulations, in case no express provision therefor is in this charter made, as the City Council may from time to time deem expedient and necessary for the promotion and protection of the peace, health, comfort, safety, life, happiness and welfare of the inhabitants of the city, the protection of property, the preservation of good order, the promotion of good morals, and the suppression of vice within the city.

ARTICLE III.

OFFICERS.

SECTION 1.—The officers of the city shall be:—

A Mayor,

Seven members of the City Council,

A City Treasurer, who shall be ex-officio City Tax and License Collector,

A City Clerk, who shall be ex-officio City Assessor,

A Police Judge,

A City Attorney,

A Chief of Police,

A Superintendent of Streets and Parks,

Three members of the Board of Education,

Three members of the Board of Health,

Five Library Trustees,

A Superintendent of Water Works,

An Inspector of Plumbing and Construction,

A City Engineer and Surveyor,

A City Electrician,

A Chief of the Fire Department,

A Superintendent of Schools,

A Health Officer.

SALARIES.

SECTION 2.—The officers of the city in this section named shall receive in full compensation for all services of every kind rendered by them in their respective offices, except as hereinafter provided in this charter, the following yearly salaries, payable in equal monthly installments, viz:

City Treasurer and Collector,	\$1200.00
City Clerk and Assessor,	1200.00
Police Judge,	600.00
Chief of Police,	1200.00
City Attorney,	1200.00
Superintendent of Streets and Parks,	1200.00
Superintendent of Water Works,	1200.00

SECTION 3.—No officer of the city shall be compensated by fees or commissions, but only by fixed salary payable monthly.

SECTION 4.—In all cases not otherwise provided for in this charter, the City Council shall, by ordinance fix the salaries or compensation of officers and employees of the city.

BONDS OF OFFICERS.

SECTION 5.—All officers of the city, whether elective or appointive, of whom a bond is required, must give a bond in some approved surety company, and the premium charged shall be paid by the city.

SECTION 6.—The City Council may at any time, require an additional bond whenever any official bond may be deemed insufficient, and upon failure on the part of any officer to furnish a satisfactory bond at the request of the City Council, his office shall be declared vacant, and as soon as such declaration is made, the office becomes vacant.

SECTION 7.—The amount in which the respective officers shall execute official bonds shall be as follows, to-wit:

City Treasurer and Collector,	\$20,000.00
City Clerk and Assessor,	2,000.00
Superintendent of Streets and Parks,	2,000.00
Superintendent of Water Works,	2,000.00
Inspector of Construction and Plumbing,	2,000.00
Police Judge,	1,000.00
Chief of Police,	1,000.00
City Attorney,	1,000.00
City Engineer and Surveyor,	1,000.00
City Electrician,	1,000.00
Policemen, each,	1,000.00

SECTION 8.—The City Council shall have power to require bonds from any other officers or employees of the city whenever deemed necessary.

SECTION 9.—The bond of the City Clerk shall be filed with the Mayor, and all other bonds shall be filed with the City Clerk.

VACANCIES.

SECTION 10.—If any elective or appointive officer of the city shall die or remove from the city, or shall absent himself from the city for more than thirty days without the consent of the City Council, or shall fail to qualify by taking the oath of office or filing his official bond within ten days of the time he receives his certificate of election or appointment, or if he shall resign, or be convicted of a misdemeanor connection with the performance of his official duties, or be convicted of a felony, or adjudged insane, or absent himself from his office for more than twenty days without the consent of the City Council, his office shall thereupon be declared vacant by the City Council, if the office be an elective one, and by the Mayor, with the approval of the City Council, if the office be an appointive one, unless otherwise provided for in this charter.

SECTION 11.—Any vacancies occurring in any of the elective or appointive offices provided for in this charter, except as otherwise herein provided, shall be filled by appointment by the Mayor, by and with the consent of the City Council, until the next regular city election, at which time in the case of an elective officer, a successor shall be elected.

SECTION 12.—All elective officers of the city shall be citizens of the State of California, and shall have been residents and qualified electors of the territory embraced within the present boundaries of the City of Santa Cruz, for a period of at least three years next preceding the day of their election to office.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Mayor.

SECTION 1.—The chief executive officer of the city shall be designated the Mayor. He shall be not less than thirty years of age and must have been a resident and qualified elector of the city for three years immediately preceding his election. He shall preside at all meetings of the City Council, but shall not be entitled to vote. He shall sign all warrants ordered drawn upon the City Treasurer by the City Council, and shall sign on behalf of the city all contracts entered into by said city. He shall sign all conveyances authorized by the City Council and acknowledge the execution of the same. He shall, at least once a month, together with the Chairman of the Finance Committee and the City Clerk, count the cash in the city treasury and see that it corresponds with the books of the City Treasurer and City Clerk, and the result of such count shall be reported to the City Council and posted conspicuously in both the City Treasurer's and City Clerk's offices.

SECTION 2.—The Mayor shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall vigilantly watch the official conduct of all public officers, and take notice of the fidelity and exactitude or the want thereof, with which they execute their duties and obligations, especially in the collection, administration and disbursement of public funds and property. The books and official papers of the departments, boards, officers and persons in the service or

employ of the city, shall at all times be open to his inspection and examination. He shall take especial care to see that the books, and records of said departments, boards, officers and persons are kept in a legal and proper form. Any officer refusing to submit to or permit an examination of the books and records in his office by the Mayor or any one appointed by the Mayor and City Council for that purpose, or who purposely delays or impedes the same may be suspended from office by the Mayor and removed from office for malfeasance. The Mayor shall have a general supervision over all departments and public institutions of the city, and shall see that they are honestly, economically and lawfully administered. Any defalcations or willful neglect of duty, or any official misconduct which he may discover or which may be reported to him, shall be laid before the City Council, in order that the public interests may be protected and the person at fault be proceeded against according to law. He shall from time to time give to the City Council, information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial.

SECTION 3.—The Mayor shall take all proper measures for the preservation of public order and the suppression of all riots and tumults.

SECTION 4.—The Mayor shall appoint all officers of the city, whose election or appointment is not otherwise specifically provided for in this charter or by law, such appointments to be confirmed by the City Council.

SECTION 5.—The Mayor shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city, against all persons or corporations failing to fulfill their agreements or contracts either in whole or in part. The Mayor shall have a general supervision of all city officers whether elected or appointed. He shall discharge such other duties and do such other things as are required of him by any provisions of this charter or by the general laws of the State.

SECTION 6.—When and so long as the Mayor is temporarily unable to perform his official duties, the City Council shall elect one of their number to act as Mayor *pro tempore*, who shall retain his right to vote. When a vacancy occurs in the office of Mayor, it shall be filled by appointment for the unexpired term, by the City Council assembled for that purpose. A member of the City Council, during the term for which he shall have been elected or appointed shall be ineligible to fill such vacancy.

City Treasurer and Collector.

SECTION 7.—The City Treasurer shall receive and safely keep all moneys that shall come to the city from taxation or otherwise, and pay the same out on demands properly audited, in the manner provided by this charter, and without such auditing he shall disburse no public money whatsoever. He shall keep an accurate account of all receipts and disbursements under such rules and regulations as may be prescribed by ordinance. He shall make a monthly statement to the City Council of all receipts and disbursements of the preceding month, and shall do all things required of him by law, the provisions of this charter and the ordinances of the city.

SECTION 8.—The City Treasurer shall not, under any circumstances, loan to any person or corporation whatever any of the money of the city.

SECTION 9.—As Tax Collector, he shall receive and collect all city taxes, general and special; also licenses and all other branches of city revenue whatsoever, except as otherwise provided in this charter. He shall keep proper books showing accounts of all moneys collected by him, and all transactions of his office, which shall be properly indexed, and shall at all proper times be open to public inspection. He shall pay all moneys collected by him in his official capacity into the city treasury daily. He shall do and perform such other duties as may be required of him by law, the provisions of this charter or the ordinances of the city.

City Clerk and Assessor.

SECTION 10.—The City Clerk shall have custody of, and be responsible for the corporate seal, all books and papers, records and archives belonging to the city, not in actual use by other officers or committed to the custody of said officers by provisions of this charter or by ordinances of the city. He shall be present at each meeting of the City Council and of the Board of Equalization and keep a correct record of their proceedings. He shall keep separate books, in which respectively, he shall record all ordinances, contracts, and official bonds. He shall attest the signature of the Mayor and shall have power to take affidavits and administer oaths in all matters relating to the business of the city, but shall make no charge therefor.

SECTION 11.—The City Clerk shall keep a record of all demands against the city allowed by the City Council, and against the Library Fund allowed by the Board of Library Trustees, and approved by the Mayor, the name of the original holder, amount, date of allowance, on what account incurred, and out of what fund payable. He shall correctly compute the amount of the several taxes of the assessment roll in accordance with the levy made by the City Council and certify the same before turning the roll over to the Tax Collector. He shall upon the application of any person indebted to the city, or any officer or person holding any money payable into the

city treasury, or desiring to pay money therein, certify to the City Treasurer the amount thereof, to what fund to be applied and by whom to be paid; he shall, upon order of the City Treasurer directing him to issue a receipt to the person paying money into the city treasury, charge the City Treasurer with the amount and give the person paying the same a receipt therefor. He shall apportion among the several funds all public moneys at any time in the city treasury, not otherwise by law or ordinance specifically apportioned or appropriated, and forthwith notify the City Treasurer of such apportionment. He shall countersign all licenses and permits issued to any officer whereon any money is to be paid to such officer for the use of the city and shall charge such officer with the proper amount. No license or permit shall be valid unless countersigned by him. He shall at the first meeting in each month, and oftener if required, present a report, to the City Council, of the condition of each fund in the treasury of the city. He shall at the first meeting of the City Council in January and July of each year, present a report showing the amount of and sources from which the revenue of the city was derived, how expended and the unexpended balance in each fund. He shall keep a full and complete set of books, in which shall be set forth in plain and business-like manner every money transaction of the city so as to show at any time the exact condition of the finances of the city.

SECTION 12.—The City Clerk shall countersign all warrants drawn upon the City Treasurer signed by the Mayor. He shall prescribe a system of books and records to be kept by each department of the city government, and forms of monthly reports to be made to the City Council by the several departments. Such system of books, records and forms shall be submitted to the City Council for approval, and after approval they shall continue in force until otherwise ordered by the City Council. He shall perform such other duties as are required of him by law, this charter, or the ordinances of the city.

SECTION 13.—As Assessor, he shall perform all duties prescribed by this charter, or by the laws of the State of California, for assessing property in the city for purposes of taxation, and shall collect such taxes upon personal property as by law or this charter are required to be collected by the Assessor; *provided, however*, that the City Council shall have authority to avail itself of the provisions of any Act of the Legislature of the State of California requiring County Assessors to make assessments for cities or to furnish copies of assessments of property situated therein, to said cities.

City Attorney.

SECTION 14.—The City Attorney shall have been duly admitted to practice his profession by the Supreme Court of the State of California. He shall prosecute, on behalf of the people, all criminal cases arising from violations of the provisions of this charter and the ordinances of the city, and shall attend to all suits, matters, and proceedings in which the city may be legally interested; *provided*, the City Council shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the City Attorney therein. The City Attorney shall be present at all regular meetings of the City Council and shall give his advice or opinion in writing whenever requested so to do by the City Council or any of the boards or officers of the city. He shall approve the form of all bonds given to and all contracts made by the city, endorsing his approval thereon in writing. He shall, whenever required by the City Council or any member thereof, draft any and all proposed ordinances for the city and amendments thereto; and shall do and perform all such things touching his office as the City Council or the Mayor shall require of him. On vacating his office he shall surrender all books, papers, files and documents pertaining to the city business to his successor.

Chief of Police.

SECTION 15.—The Chief of Police shall, under the direction of the Mayor and City Council, have the supervision of the police force of the city. He shall rigidly enforce the laws, ordinances, rules and regulations prescribed by this charter or by the Mayor and City Council, and shall discharge such other duties as the City Council may require.

Superintendent of Streets and Parks.

SECTION 16.—The Superintendent of Streets and Parks shall see that the laws, ordinances, orders and regulations relative to public streets and parks are fully carried into execution and that the penalties for breaches thereof are rigidly enforced. He shall, under the direction of the Mayor and City Council, superintend the construction and repair of streets, and bridges, and the cleaning and sprinkling of streets and the flushing of sewers; he shall have the general care of, and must frequently inspect the same, approve or reject all materials used in the construction or repair of streets and bridges, whether done by contract or otherwise, and shall report to the City Council all deviations from contracts and specifications, or the use of improper materials, or of bad workmanship. He shall perform such other services as are required of him by this charter, the ordinances of the city or the general laws of the State.

Inspector of Plumbing and Construction.

SECTION 17.—The Inspector of Plumbing and Construction shall be a citizen of the State and a resident and qualified elector of the city. He shall be a regularly

licensed plumber and shall be appointed by the Mayor and his appointment confirmed by the City Council, and shall hold office at the pleasure of the City Council. He shall see that all laws, ordinances, orders and regulations relating to the construction and locations of drains and sewers, the materials used in and the thickness of party walls, partition walls, and outside walls, the thickness and construction of chimneys, the construction and character of bath-rooms, water-closets, privies and vaults, the manner of construction and materials used in wiring buildings or other structures for the use of electricity for lighting, power or other purposes, and the manner of construction and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas, are rigidly enforced and fully complied with. He shall issue permits for all connections made with public sewers or drains and all plumbing of buildings and the drainage thereof, whether the buildings be public or private, shall be executed in accordance with plans previously filed with and approved by him. He shall examine all plumbing work before the same is covered up or closed and if found to be in accordance with the plumbing ordinance and the plans and specifications filed he shall issue a certificate to that effect, and upon the satisfactory completion of the work, he shall issue a final certificate. He shall perform such other duties as the City Council may prescribe.

City Engineer and Surveyor.

SECTION 18.—The City Engineer and Surveyor shall be a citizen of the State and a resident and qualified elector of the city. He shall be appointed by the Mayor and his appointment confirmed by the City Council. He shall hold office at the pleasure of the City Council. The City Engineer and Surveyor shall perform all the engineering and surveying required in the carrying on of the public works and improvements done under the direction of the City Council or any department of the city government. He shall prepare all plans and specifications for contemplated constructions, improvements, repairs and alterations when ordered so to do by the City Council. He shall be the custodian of, and be responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof, all of which he shall keep in proper order and condition. He shall have the final decision, unless otherwise provided by ordinance, as to the proper locality and height of telegraph, telephone, electric light and other poles, as well as the proper alignment and height above the ground of all telegraph, telephone, electric and other wires, the depth below the surface and alignment of all gas, water, sewer and other pipes and conduits, and the grade and proper alignment of all street railroads and tracks. He shall do and perform such other duties as may be required of him by this charter, the ordinances of the city or the orders of the City Council.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

SECTION 1.—The legislative power of the city shall be vested in a City Council of seven members; *provided, however,* that such legislative power shall be exercised subject to the veto power of the Mayor as in this charter provided.

SECTION 2.—Members of the City Council shall be nominated and elected from the respective wards of the city. Each member of the City Council shall have been a citizen of the State and a resident and qualified elector of the city for a period of at least three years, immediately preceding the day of his election. The members nominated and elected from the wards shall be residents of the wards from which they are nominated and elected.

SECTION 3.—Members of the City Council elected under this charter shall hold office for two years and until their successors are elected and qualified.

SECTION 4.—The Mayor shall preside at all meetings of the City Council and may take part in the deliberations of said City Council but shall not have the right to vote. In the absence of the Mayor the City Council shall choose one of its own members to preside, who shall retain the right to vote upon all questions under consideration and shall have the same power to disapprove any order made by the City Council, and with like effect, as the Mayor would have if present at the meeting. The member thus appointed to preside, shall be designated the President of the City Council and in the event that the Mayor, for any reason, is temporarily unable to perform his official duties, the President of the City Council shall act as Mayor pro tempore.

SECTION 5.—Four members of the City Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time or compel the attendance of other members in such manner and under such penalties as the City Council may prescribe. No order except to adjourn for lack of a quorum or to compel the attendance of absent members, and no ordinance or resolution shall be valid unless it receive the affirmative vote of four members.

SECTION 6.—Ordinances and resolutions are the formal acts of the City Council, reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts, which, being less formal in character, require only to be duly passed by the City Council and spread upon the minutes. No order, resolution or ordinance shall have any effect without the approval of the Mayor, except as herein provided. In the case of orders the approval of the Mayor shall

be presumed, unless at the same meeting at which the order was passed the Mayor causes his disapproval, together with his reasons therefor, to be spread upon the minutes. All resolutions and ordinances, after passage by the City Council must be submitted to the Mayor, who shall, within five days after he has received the same, endorse his approval or disapproval thereon, giving the reason for his disapproval. No ordinance or resolution shall be placed upon its final passage upon the same day that it has been introduced and read in full for the first time, unless by unanimous consent of all the members present, and every ordinance and resolution to be valid must be passed by an affirmative vote of not less than four members of the City Council and be approved by the Mayor: *provided, however*, that if the Mayor disapprove any resolution or ordinance within the time herein provided, it may be passed by the affirmative vote of not less than five members of the City Council and then shall be as valid as if approved by the Mayor.

SECTION 7.—The enacting clause of all ordinances shall be, "The Mayor and City Council of the City of Santa Cruz ordain as follows."

SECTION 8.—All meetings of the City Council shall be public, and a journal of its proceedings shall be kept by the City Clerk under its direction, and the ayes and noes shall be taken and entered in the journal on the final action of the City Council in the granting of franchises, in the authorization of contracts, in the ordering of work to be done or supplies to be furnished, in the ordering of assessments for street improvements, or the holding of sewers, the passage of any ordinance, and in all other cases upon the call of any member.

SECTION 9.—The City Council shall have the power to fix the time and place of its meetings, to compel the attendance before it of witnesses, and the production of papers in any matter under investigation, to judge of the qualification and election of its own members, and to punish any member or other city officer, by a fine not exceeding fifty dollars, for disorderly or contemptuous behavior in its presence.

SECTION 10.—The City Council shall have the power to suspend any officer of the city pending trial against whom any criminal proceeding or any civil action for the recovery of any money due the city has been commenced, and the Mayor shall appoint a substitute for such officer during the time of his suspension. In voting upon the suspension or removal of officers the City Council shall vote by ayes and noes, and the same shall be taken and entered upon the journal.

SECTION 11.—The City Council shall have power to adopt by ordinance at any time any provision made by the general law of the State of California for the levy and collection, or either of them, of city taxes by and through the officers of the county.

SECTION 12.—The City Council shall have the power to make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States, the Constitution or general laws of the State of California, or the provisions of this charter, necessary for the municipal government and the management of the affairs of the city, for the execution of all and singular the powers vested in the city and for the carrying into effect all and singular the provisions of this charter.

SECTION 13.—All resolutions and ordinances of the city now in force and not inconsistent with the provisions of this charter shall remain in force until amended or repealed.

ARTICLE VI.

THE JUDICIAL DEPARTMENT.

SECTION 1.—The judicial power of the city shall be vested in a Police Court and shall be presided over by a Police Judge.

SECTION 2.—The Police Judge shall have the powers of examining magistrates and may commit offenders for trial in the proper courts. He shall have exclusive jurisdiction of the criminal proceedings for the violation of any city ordinance and of all civil actions and proceedings arising out of the violation of such ordinances and for the collection of any license required by any city ordinance, except such actions and proceedings as are within the jurisdiction of other courts under the provisions of the general laws of the State. He shall have the same jurisdiction in criminal cases as that which is conferred by the laws of the State upon Justices of the Peace, and all laws of the State relating to criminal matters applicable to Justices of the Peace or Justices Courts are made applicable to the Judge of the Police Court.

SECTION 3.—The Police Judge shall have the power to impose fines upon or to imprison persons adjudged to be guilty of violating any of the ordinances of the city. The judgment may be in the alternative, imposing of fine, or providing imprisonment for non-payment thereof; or it may be for the payment of a fine, and imprisonment. In case of imprisonment for the non-payment of a fine, such imprisonment shall be one day for each two dollars of the fine imposed. He shall also have the power to require any person adjudged to be guilty of and fined for any offense to work out the fine by working upon the public streets or other public work of the city.

SECTION 4.—In any case of imprisonment, it shall be in the city prison of the City of Santa Cruz or in the county jail of Santa Cruz County. The Police Court shall have concurrent jurisdiction with the Justices Court of Santa Cruz Township in all civil cases arising within said city which might be tried by the Justices Court

of Santa Cruz Township. And in all such cases he shall have the power to issue writs, summons and all papers of every kind and character which Justices of the Peace might issue in similar cases.

SECTION 5.—Appeals may be taken to the Superior Court from any judgment entered by the Judge of the Police Court in the same manner as is proper by law for appeals from Justices Courts. All provisions of the Code of Civil Procedure relating to appeals from Justices Courts are applicable to appeals from the judgments of the Police Court.

SECTION 6.—The Police Judge shall have power to administer oaths, take and certify affidavits, in the same manner and with like effect as Justices of the Peace.

SECTION 7.—The Police Judge shall have a seal, on which shall be engraved the arms of the State and the words "Judge of the Police Court of the City of Santa Cruz."

SECTION 8.—All warrants, writs, summons and other papers issued by said Police Judge may be directed to the Chief of Police or to any Sheriff or Constable, who shall serve and return the same in all respects as if issued by a Justice of the Peace.

SECTION 9.—The Police Judge shall keep a docket, which said docket, together with all necessary blanks, books and other papers necessary in the transaction of the business of the said Police Court shall be furnished by the City of Santa Cruz.

SECTION 10.—The Police Judge shall keep a complete record of all cases brought before or tried in the Police Court and shall enter the same in the docket of said Court. Separate dockets shall be kept for the civil and criminal business.

SECTION 11.—The Police Judge shall make reports to the City Council quarterly, or oftener if required by said City Council.

SECTION 12.—The City Council may, by ordinance further define the duties of the Police Judge.

SECTION 13.—All fines imposed and collected by the Police Judge shall be paid into the city treasury on or before the last day of each month.

SECTION 14.—In all civil cases brought before or tried by the Police Judge, he shall be entitled to charge the same fees as are allowed by law to Justices of the Peace in similar cases, and all said fees when collected shall be paid into the city treasury on or before the last day in each month.

SECTION 15.—The Police Court shall always be open for the transaction of business.

SECTION 16.—In all cases to which the Police Judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree or is otherwise disqualified, and when by reason of sickness or other cause he is unable to act, the said Judge may call in any Justice of the Peace of Santa Cruz County to hold such Police Court in his place and stead.

SECTION 17.—No person shall be eligible for the office of Police Judge unless he shall be a duly licensed Attorney of the Supreme Court of the State of California.

ARTICLE VII.

REVENUE AND TAXATION.

SECTION 1.—On or before the first Monday in July of each year the several heads of departments, officers, boards and commissions shall send to the City Council an estimate in writing of the amount of expenditures specifying in detail the object thereof, required in their respective offices, departments, boards and commissions for the fiscal year commencing on the first day of said month of July. Duplicates of these estimates shall be filed with the City Clerk.

SECTION 2.—On or before the second Monday in July of each year, the City Assessor shall complete the list or assessment roll, and shall attach his certificate thereto and deliver it and the books and maps he may have accompanying the same and all of the original lists of property given to him, to the City Clerk; *provided*, that the City Council may empower the City Assessor to substitute for a list or assessment roll compiled by himself, a certified copy of the County Assessor's assessment roll of the City of Santa Cruz, said action of the City Council to be in accordance with the provisions of the general law of the State regulating the procedure.

SECTION 3.—Upon the delivery of the assessment roll to the City Clerk, the City Council shall, after ten days notice given to the tax payers by publication of such notice in a daily newspaper published in the city, sit and act as a Board of Equalization, and shall have as regards the equalization of said lists or assessment roll, powers similar to those conferred by law upon the Board of Supervisors of Santa Cruz County as a Board of Equalization of County Taxes.

SECTION 4.—The meetings of the Board of Equalization shall be public. The said Board shall have power to increase or diminish the amount of any assessment on said lists or assessment roll, both as to real and personal property; *provided*, that before any assessment shall be increased, due notice shall be given to the owner or owners of the property, the assessed value of which it is proposed shall be increased, and such owner or owners shall have the right to be heard before said Board, under oath. When such assessment roll or list shall have been equalized, it shall be returned to the City Clerk.

SECTION 5.—On or before the first Monday in August in each year the City Clerk shall prepare and transmit to the City Council an estimate of the probable expenditure of the city for the current fiscal year, giving the amount required to meet the interest and sinking funds for any outstanding funded debts, if any, together with the amounts needed for salaries and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be apportioned to each fund in the city treasury. The estimate shall show, also, what amount of income and revenue is likely to be collected from fines, licenses and all other sources of revenue exclusive of taxes upon property; and shall set forth the probable amount that will be required to be levied and raised by tax upon all the property of the city to meet the requirements of the fiscal year.

SECTION 6.—The City Council shall, annually on or before the first Monday in September and by a majority vote of all the members thereof, make a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the city for the fiscal year. The budget shall, when completed by the City Council be delivered to the Mayor, who may within five days after the delivery to him veto any item in said budget either in whole or in part, and it shall require the vote of at least five members of the City Council to overcome such veto. After the final estimate is made in accordance herewith, it shall be signed by the Mayor and the City Clerk and the several sums shall then be so appropriated for the fiscal year to the several purposes and departments therein named.

SECTION 7.—The City Council may appropriate in the aggregate, during each year, not to exceed one thousand dollars (\$1000.00) in order to reimburse the Mayor or the members of the City Council for expenses incurred or moneys expended by any of the said officers for, or on behalf of the City of Santa Cruz for which no other funds of the City of Santa Cruz are legally available, but no money shall be paid out of this appropriation unless authorized by a vote of four members of the City Council other than any claimant or claimants for such expenses incurred or moneys expended, and approved by the Mayor. In the event that the Mayor withholds his approval, the votes of five members of the City Council, other than the claimant or claimants for such expenses incurred or moneys expended, may overcome the veto and cause a payment to be made from this fund. In the event of the Mayor being the claimant, a vote of five members of the City Council in favor of such claimant shall be sufficient to cause a payment to be made from this fund.

SECTION 8.—The City Council must cause to be raised annually according to law and collected by tax the amounts so appropriated less the amounts received from fines, licenses and other sources of revenue.

SECTION 9.—The following funds of the City of Santa Cruz, representing the several departments requiring municipal expenditure, are hereby established and created, viz: General Fund, Street Fund, Fire Department Fund, Sewer Fund, Library Fund, River and Water Front Improvement Fund, Park Fund and Water Fund; *provided*, that such other funds as may be deemed necessary may hereafter from time to time be created and established by the City Council by ordinance.

SECTION 10.—The said City Council shall, on the third Monday in September in each year, by ordinance, fix the rate of city taxes, designating the number of cents on each one hundred dollars of property levied for each fund, and shall levy the city taxes upon all taxable property in the city both real and personal, *provided*, that the rate of taxes thus levied for all municipal purposes for any one year shall not exceed one dollar on each one hundred dollars of the assessed value of all the real and personal property within said city; *provided further*, that the taxes thus levied shall be used, when collected, only for municipal purposes, and for the proper support of the city government, except as provided in Section 7 as above.

SECTION 11.—The City Council shall have the power, and it shall be its duty to provide for the assessment and collection of all city taxes, and for the sale of property for delinquent taxes. The manner of making the assessment and collection of city taxes shall conform as nearly as possible with the provisions of the law of the State of California in relation to the assessment and collection of State and county taxes; *provided*, that taxes on real property shall be due and delinquent at the same time that State and county taxes are due and delinquent, and that all sales for delinquent city taxes shall be made to the City of Santa Cruz.

SECTION 12.—All licenses, unless otherwise ordered by the City Council shall be apportioned to the general fund; and all taxes and licenses herein authorized to be collected, shall be collected in the same currency as may be prescribed in reference to State and county taxes.

SECTION 13.—Whenever it has been determined in accordance with the provisions of this charter that the public interest or necessity demands the acquisition, construction or completion of any municipal buildings, bridges, sewers, water rights, water works, reservoir sites, rights of way for pipes, aqueducts, flumes or other conduits, gas or electric light works, or any other property or appliances suitable or proper for supplying said city and its inhabitants with utilities or for making public improvements, the cost of which will be too great to be paid out of the ordinary income or revenue of the city, the City Council may contract bonded indebtedness for said purposes, or any of them, and the proceedings taken for the incurring of such indebtedness shall be in accordance with the mode and manner

prescribed by the general laws of the State of California, relative to incurring bonded indebtedness by municipalities, in force at the time such proceedings are taken.

SECTION 14.—Whenever the owners of the major part of the taxable property of the city, according to its valuation upon the last preceding assessment roll, shall make written request or application to the Mayor and City Council for an expenditure of not exceeding ten thousand dollars for any purpose authorized by law, in excess of the revenue of the city, for such purpose in the then fiscal year, the Mayor and City Council shall have the power, after having the said application spread upon the minutes, to incur such expenditure, although in excess of the revenue of the city for the then fiscal year, and shall provide for the payment of the same as directed in the application, by the levy of a special tax for the same or the succeeding fiscal year; *provided*, that the special taxes thus levied shall, for no one year, be more than one half of one per cent, upon the valuation of the real and personal property as shown by the last assessment roll of the city. All special taxes ordered to be levied and collected shall be so levied and collected in the manner, form and ways prescribed for the levying and collecting of the general taxes of the city.

ARTICLE VIII.

CLAIMS AND DEMANDS.

SECTION 1.—Except as otherwise provided in this charter all demands payable out of the city treasury must be approved by the City Council and the Mayor.

SECTION 2.—All claims and demands against the City of Santa Cruz, shall be paid only as herein provided for.

SECTION 3.—Except as hereinafter provided all claims and demands, duly verified, shall be presented to the City Council on forms to be supplied by the City Clerk. The City Council shall consider the said claims or demands and shall, if the same be just and legal, approve the same, or may, if it so determine approve in part or reject the whole. The action of the City Council shall be endorsed on said claims or demands, with the date of such action and shall be certified by the City Clerk.

SECTION 4.—Any claim or demand, approved by the City Council, in whole or in part, shall be delivered to the Mayor who shall approve the same, in whole or in part, or reject the same, and shall endorse such approval or rejection upon said claim or demand, with the date of such action; *provided*, that the Mayor shall have no power to approve a claim or demand for a larger sum than that for which it is approved by the City Council. If the Mayor approve only for part or for an amount less than that approved by the City Council, or reject any such claim or demand, he shall return the same to the City Clerk with his objections in writing attached thereto.

SECTION 5.—Every claim and demand shall be numbered and acted upon by the City Clerk in the order of its presentation to him; and when allowed, either in whole or in part, it shall be numbered and entitled to payment in the same order as allowed.

SECTION 6.—All demands payable out of the Library Fund must, before they can be approved by the Mayor, or be paid, be previously approved by the Board of Library Trustees by a vote of three members thereof, taken by ayes and noes, and spread on the minutes of said Board, and the action of said Board together with the date of such action shall be endorsed on said demands, and they shall be signed by the presiding officer and secretary or acting secretary of said Board. After the approval of said demands, as herein provided, they shall be delivered to the City Clerk and be presented by him to the Mayor for his consideration and approval.

SECTION 7.—Any demand returned to the City Council with the objections of the Mayor, shall again be considered by the City Council, and if said demand shall again be approved by a vote of at least five members of the said City Council, and has been endorsed and certified as required by Section three of this Article, the said objections shall thereby be over-ruled. Any demand returned to the Board of Library Trustees with the objections of the Mayor, shall again be considered by said Board and if said demand be again approved by a vote of at least four members of said Board, the said objections of the Mayor shall thereby be over-ruled.

SECTION 8.—No demand shall be approved by any board or officer, audited or paid, unless it specify each several item, with the date and amount thereof.

SECTION 9.—No payment shall be made from the city treasury or out of the public funds of the city, unless the same be specially authorized by law or the provisions of this charter, nor unless the claim or demand shall have been duly audited as in this charter is provided. The term "audited" is used in this charter with reference to demands upon the city treasury, is to be understood as meaning that said demands have been presented to, passed upon and approved by every officer and board of officers as required by this charter, or the objections of the Mayor have been over-ruled as herein provided, and this must appear upon the face of the paper representing said demand.

SECTION 10.—No claim or demand shall be approved by the Mayor in favor of any person or officer or assignee of any person or officer, who is indebted to the city without first deducting the amount of said indebtedness; nor in favor of any officer

having the collection, custody or disbursement of public funds who shall have failed to account to the city as required by law or this charter; nor in favor of any officer who shall have neglected to make his official returns or report in writing, in the manner and at the time required by law, this charter or by the ordinances or regulations made in pursuance thereof; nor in favor of any officer who may have neglected or refused to comply with any of the provisions of this charter or the ordinances of the city, or any act of the Legislature of the State regulating the duties of such officer on being notified in writing by the Mayor or President of the Council to comply therewith; nor in favor of any officer for the time he shall have absented himself, without lawful cause or the consent of the Mayor and City Council, from the duties of his office during the office hours prescribed by this charter or by ordinance, and the Mayor and City Council may examine under oath, any officer receiving a salary from the city treasury touching such absence.

SECTION 11.—The City Clerk must number and keep a record of all claims and demands upon the city treasury, approved by the City Council and Mayor, and of the claims and demands approved by the Board of Library Trustee, and Mayor, showing the number, date, amount, and name of the original and present holder, on what account allowed, out of what fund payable, and by what board or officer it has been previously approved.

SECTION 12.—Every lawful demand upon the city treasury, audited and allowed as in this charter provided, shall in all cases be paid upon presentation of the warrant issued, if there be sufficient money in the city treasury applicable to the payment of such demand, and the warrant shall be cancelled with a punch cutting the word "Cancelled" therein, and the proper entry thereof shall be made. If, there be not sufficient money so applicable, then the warrant shall be registered by the City Treasurer in a book kept for that purpose. Such register shall show the special number of such warrant given by the City Council or other authority, and also by the City Clerk, the date, amount, name of the original holder, on what account allowed, against what appropriation drawn, out of what fund payable, and the date of presentation for payment. All demands shall be paid in the order of their registration. Each demand or warrant upon being so registered, shall be returned to the party presenting it, with the endorsement of the word "Registered", the date of registration and the signature of the City Treasurer; but the registration of any demand or warrant shall not operate to recognize or make valid such demand or warrant if made contrary to law or the provisions of this charter.

SECTION 13.—All public moneys collected by any officer or employee of the city shall be paid into the city treasury, without any deduction on account of any claim for fees, commissions, or any other cause or pretense; and the compensation of any officer, employee, or other person collecting money, shall be paid by demands upon the city treasury, duly audited as other claims and demands are audited and paid.

ARTICLE IX.

CONTRACTS.

SECTION 1.—The City of Santa Cruz shall not be and is not bound by any contract, except as otherwise provided in this charter, unless the same is made in writing by order of the City Council and is signed by the Mayor or by some other person, authorized so to do by order of the City Council, on behalf of the city; *provided* that the approval of the form of the contract by the City Attorney shall be endorsed thereon before the City Council shall have power to order the same to be entered into on behalf of the city; but the City Council, by an ordinance duly adopted, may authorize any officer, board, commission or agent of the city to bind the city without a contract in writing for the payment for supplies, labor or other valuable consideration furnished to the city in an amount not exceeding two hundred dollars.

SECTION 2.—All contracts for goods, merchandise, stores, supplies, materials, subsistence, printing, or advertising except as otherwise provided in this charter, for the city or for any of the departments or public institutions thereof, must be made by the City Council with the lowest and best bidder offering adequate security for the faithful performance of the contract. Before making said contracts the City Council shall call for bids by publication of notice in a newspaper published in the City of Santa Cruz for at least ten days before the day upon which the said bids are to be opened by the City Council.

SECTION 3.—All bids must be accompanied by a certificate of deposit issued by, or a certified check drawn upon a solvent bank doing business in the City of Santa Cruz, for an amount equal to ten per centum of the bid; the said certificate of deposit or certified check must be made payable to the City Clerk, at sight. If the bidder to whom the contract is let, shall for five days after the contract is awarded to him, fail or neglect to enter into the contract and file the required bond, the City Clerk shall draw the money due on such certificate of deposit or certified check and pay the same into the city treasury, and under no circumstances shall the certificate of deposit or certified check or the proceeds thereof be returned to the defaulting bidder.

SECTION 4.—The City Council shall require bonds with sufficient sureties for the faithful performance of every contract. All such bonds, after having been approved

by the City Attorney as to form, shall be approved by the Mayor, and such approval with the date thereof shall be endorsed upon said bonds and evidenced by the signature of the Mayor. The City Clerk shall furnish printed blanks for all such bids, contracts, and bonds.

SECTION 5.—All bids must be placed in sealed envelopes and be delivered to the City Clerk and be opened by the City Council at the time and place stated in the notice calling for bids. All bids that do not conform to the requirements of this charter or are not in accord with the terms of the notice calling for bids, must be rejected. The City Clerk shall return to the unsuccessful bidders their certificates of deposit or certified checks. He shall retain the certificate of deposit or certified check of the successful bidder until after the approval by the Mayor of the bond furnished by said bidder, for the faithful performance of his contract, and then shall return such certificate of deposit or certified check to such successful bidder.

SECTION 6.—When a contractor fails to enter into the contract awarded to him or to perform the same, new bids must be invited and a new contract awarded as provided in the first instance. When the City Council believe that the prices are too high, or that the bidders have combined to prevent competition, or that the public interest will be subserved thereby, it may reject any and all bids and cause the notice calling for bids to be re-advertised.

SECTION 7.—No contract for removing garbage, sweeping, sprinkling, or lighting the public streets, public buildings, places or offices shall be made for a longer period than one year, and no contract to pay for power, gas or electric light at a higher rate than the minimum price charged to any other consumer shall be valid.

ARTICLE X.

FRANCHISES.

SECTION 1.—No exclusive franchise or privilege and no special privilege shall be granted for any purpose.

SECTION 2.—No application for a franchise shall be considered by the City Council unless the application shall be accompanied with the sum of one hundred dollars, which sum shall be returned to the applicant in the event that the City Council shall determine that the public necessity or the public interest do not require the granting of the franchise. If, however, the City Council shall determine that the public necessity or the public interest require the granting of the franchise, then the said sum of one hundred dollars shall be retained by the city in full for all costs of advertising and other preliminary expenses connected with the offering for sale of the said franchise; *provided*, the applicant shall be the successful bidder for the franchise. Otherwise the successful bidder, upon being granted the franchise, shall forthwith pay the sum of one hundred dollars to defray the costs of advertising and preliminary expenses connected with the offering the said franchise for sale and the said sum of one hundred dollars shall be returned to the original applicant for the said franchise.

SECTION 3.—In granting any franchise the City Council shall impose such lawful restrictions and limitations as may best subserve the public interest and welfare.

SECTION 4.—In the granting of franchises the City Council shall be governed by the general laws of the State of California in force at the time said franchise is granted, which laws are hereby declared to be and are hereby made a part of this charter, so far as they are or may be applicable to the class of cities to which this municipality may belong.

SECTION 5.—All franchises granted under this charter shall provide that when any such franchise or any portion thereof shall have been in disuse in whole or in part for a period of one year, there being no legal impediment to the use thereof, said franchise shall be deemed abandoned and forfeited to the extent of the said disuse, and the said franchise or the part thereof so in disuse shall no longer be exercised or enjoyed.

SECTION 6.—The Mayor may on his own motion and must upon a resolution of the City Council directing him so to do, cause to be instituted on behalf of the city such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the city to any person, company or corporation which have been forfeited in whole or in part or which for any reason may be irregular and void and not binding upon the city, and the City Attorney upon the demand of the Mayor must institute and prosecute the suits or actions required to enforce the provisions of this section.

ARTICLE XI.

ELECTIONS.

SECTION 1.—Elections to be held in the City of Santa Cruz shall be general and special elections.

SECTION 2.—The Mayor, members of the City Council, City Treasurer and Collector, City Clerk and Assessor, City Attorney, Police Judge, Chief of Police, Superintendent of Streets and Parks, and the members of the Board of Education as provided in this charter, shall be elected by the qualified electors of the city, at a general municipal election to be held on the second Monday in April A. D. 1907, and on the second Monday in April every two years thereafter.

All officers and employes of the city whose election or appointment is not otherwise provided for in this charter, shall be appointed by the Mayor by and with the consent and approval of the City Council and shall hold office at the pleasure of the City Council.

SECTION 3.—All elections held under this charter shall be governed by the general election laws of the State of California, so far as they may be made applicable to municipal elections, where they are held separate from general State elections.

SECTION 4.—The conduct and carrying on of all city elections shall be under the direction and control of the Mayor and City Council, and the Mayor and City Council shall, by ordinance provide for the holding of all city elections, and may district and subdivide the municipality into municipal election precincts for the holding of city elections, and may change and alter such precincts and re-district the municipality for such elections as often as occasion may require: *provided*, that no part of any ward shall be attached to any other ward or part thereof in forming election precincts: *provided*, further, that such re-districting of the municipality shall not be done nor the alteration of precincts for election purposes shall be made within ninety days of any municipal election.

SECTION 5.—The provisions of the general laws of the State of California governing elections for State and county officers not inconsistent with the provisions of this charter, shall govern city elections in all matters for which no provision is made in this charter, and the City Council and the City Clerk, respectively, shall exercise the duties conferred or imposed by such laws upon Boards of Supervisors and County Clerks concerning elections.

SECTION 6.—Every person who resides within the exterior boundaries of any municipal election precinct of the city at the time of holding any city election, and who was a qualified elector at the general State election held immediately preceding such city election, and who at the time of holding such general State election, was upon the Great Register of Santa Cruz County as a qualified elector of any of the municipal election precincts, shall be entitled to vote at such city election without other or additional registration.

SECTION 7.—All other persons claiming the right to vote at any city election, must be registered upon the Great Register of the County of Santa Cruz, as an elector of and within the municipal election precinct wherein he claims the right to vote, at least thirty days prior to the day of the said city election, and must reside within the exterior boundaries of such municipal election precinct at the time of the holding of the election.

SECTION 8.—At all city elections the last printed Great Register of Santa Cruz County shall be used, and any elector whose name does not appear upon the printed Great Register shall be permitted to vote upon presenting and filing with the Board of Election a certificate under the seal of the County Clerk, showing that his name is registered and uncanceled upon the Great Register of the county, *provided* he is otherwise entitled to vote.

SECTION 9.—The election returns from each municipal election precinct shall be filed with the City Clerk, who shall immediately place them in the safe or vault in the City Clerk's office, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the Mayor and City Council. After having been canvassed they shall be sealed up and kept by the City Clerk for six months and no person shall have access to them, except on the order of a court of general jurisdiction.

SECTION 10.—The Mayor and City Council shall meet within five days after any city election, at their usual place and time of meeting, and canvass the returns of the said election and declare the result.

SECTION 11.—After the result of an election is declared, or when an appointment is made, the City Clerk under his hand and official seal shall issue a certificate therefor and serve the same by registered mail through the United States Post Office in Santa Cruz, addressed to the person or persons elected or appointed, and such person or persons must within ten days after receiving such certificate, file his official bond, if a bond be required of him by this charter or the ordinances of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the City Clerk.

SECTION 12.—All elective officers shall take office at twelve o'clock noon on the first Monday in May next after the day of election, and shall hold office for the period of two years unless in this charter otherwise provided and until their successors are elected and qualified.

ARTICLE XII.

EDUCATIONAL DEPARTMENT.

SECTION 1.—The School Department of the City of Santa Cruz, shall comprise all of the schools within the City of Santa Cruz, and within any territory that now is or that may hereafter be annexed thereto for school purposes, and shall be known as the Santa Cruz School District. It shall consist of primary, grammar and high schools as now established or that may hereafter be established, and kindergartens, and may, at the discretion of the Board of Education, include technical, industrial and night schools: *provided*, that no school money shall be used for

technical, industrial or night schools, when such use would prevent the Board of Education from maintaining free kindergarten, primary, grammar and high schools for ten months in each year.

SECTION 2.—The government of the schools of the city shall be vested in a Board of Education, to consist of three members, to be elected from the Santa Cruz School District, at large, at the first general election held under this charter, who shall serve without compensation. At the said election, two members of the board shall be elected to hold office for two years and one to hold office for four years. All members elected thereafter shall be chosen at the general city elections, and for the term of four years. Vacancies occurring on the Board of Education between the elections herein provided for, and all other matters pertaining to the election of members of the Board of Education, not otherwise provided for in this charter, shall be governed by the general School Law of the State of California.

SECTION 3.—Members of the Board of Education shall enter upon the discharge of the duties of office upon the first Monday in May after their election, and shall meet upon that day and organize by choosing one of their members as President, who shall serve as President for one year. The Board shall also elect a Clerk, who may or may not be a member of the Board and who shall serve at the pleasure of the Board.

SECTION 4.—The Board of Education shall hold regular meetings at least once a month at such time and place as may be determined by its rules. Special meetings must be called by the President upon written request of two members of the Board, and such special meetings may be called by the President as often as he deems necessary.

SECTION 5.—The powers and duties of the Board of Education are:

First.—To establish and maintain public schools as herein provided and to change, consolidate and discontinue the same.

Second.—To subdivide the school district and to fix and alter the boundaries of such subdivisions.

Third.—To employ and dismiss teachers, janitors, truant officers, school census marshals, and such other employes as may be necessary to carry into effect the powers and duties of the Board.

Fourth.—To fix, alter, allow and order paid the salaries or compensation of all employes, and to withhold for good and sufficient reasons the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Fifth.—To make, establish and enforce all necessary rules and regulations not in conflict with the laws of the State, for the government and management of the public schools within the district, the teachers thereof, and the pupils therein, and for the carrying into effect the laws of the State relating to education.

Sixth.—To establish and regulate the grade of the schools and to determine the course of study therein, the mode of instruction, and what text-books other than those published by the State shall be used in the schools.

Seventh.—To outline and prescribe a course of study for the high school that will fit and prepare pupils therein to enter the University of California.

Eighth.—To provide for the school department all necessary fuel, lights, water, printing, stationery and other supplies and to incur such other incidental expenses as may be for the interest and welfare of the department.

Ninth.—To build, alter, repair, rent and provide school houses, and to furnish the same with suitable furniture, apparatus, and appliances, and to insure any and all school property.

Tenth.—To purchase and sell, receive, lease, hold in fee in trust for the city, any and all real estate and personal property that may have been acquired or that may hereafter be acquired, for the use and benefit of the schools of the city, and to make in the name of the city, conveyances of property belonging to the city which is sold by the Board of Education; *provided*, that the proceeds of any such sale of real estate shall be applied exclusively to the purchase of other lots or for the erection of school houses for the use of the department.

Eleventh.—To grade, fence, and improve all school lots and grounds.

Twelfth.—To prohibit any child under the age of six years from attending any of the public schools; *provided*, they shall fix the age in kindergarten classes at which pupils may attend at not less than four years; and to suspend or expel pupils for misconduct.

Thirteenth.—To admit, at their discretion, non-resident children and persons over twenty-one years of age to any of the schools of the city, upon payment, at such times as the Board may direct, of such tuition fees as have been fixed by the Board.

Fourteenth.—To furnish books to children of parents unable to furnish them. The books so furnished shall belong to the district and shall be returned to the Superintendent at the end of each term of school.

Fifteenth.—To visit the schools of the city and carefully examine into their management, condition and needs.

Sixteenth.—To discharge all legal incumbrances now existing or which may hereafter exist upon any of the school property of the district.

Seventeenth.—To sue for any and all property acquired or claimed for the use and benefit of the school department, and to prosecute and defend all actions at law

or in equity, necessary to recover and maintain the full enjoyment of said property, and to require the services of the City Attorney in all such matters without compensation.

Eighteenth.—To do and perform, in general, such other acts as may be required by general laws applicable to the city, and which may be necessary and proper to carry into effect the powers conferred upon the Board of Education and to increase the efficiency of the public schools of the city.

SECTION 6.—The Board of Education shall annually appoint a City Superintendent of Schools, who shall be a practical educator and who shall have had not less than five years of successful experience in teaching. He shall not engage in any occupation or undertaking that will interfere directly or indirectly with the performance of the duties of his office, and during his incumbency of said office, he shall not hold, nor be a candidate for any elective office in the City or County of Santa Cruz or in the State of California. He shall have general supervision over the school houses and school property, and see that they are not wasted or destroyed; he shall grade the classes in the schools and classify the pupils as to the grade of school they shall attend; he shall from time to time recommend to the Board of Education such alterations, additions and changes in the grade of the schools, course of study, text-books, and such other things and matters as he deems beneficial and proper. He shall in June of each year submit to the Board a full and detailed report of the progress of the schools, their present condition, the condition of school houses, lots and furniture, the number of pupils taught, respectively in the kindergarten, in the primary, in the grammar and in the high school grades. He shall have general supervision and control of the teachers and shall report to the Board any misconduct, want of ability, negligence or inattention on the part of any of them; he shall subject to the approval of the Board, have power to assign teachers to such classes as in his judgment shall be for the best interest of the schools; he shall see that none but the authorized text-books are used, and that teachers and pupils faithfully perform their respective duties; he shall do and perform such other duties, matters and things as may be required of or be imposed upon him by the Board of Education or the general laws of the State.

SECTION 7.—The clerk of the Board of Education shall keep a true record of the proceedings of the Board and a correct account of the expenditures allowed by it, and for what purpose, so that he can at any time make an exhibit, in aggregate and in detail of the outlays for the department; he shall be the general custodian of all books, papers and documents belonging to the Board. He shall, in June of each year, make to the Board of Education a full and detailed report of the receipts and expenditures of the department and the amounts paid, respectively, for teachers, rents, repairs, lands, buildings, furniture, fuel, stationery and other expenses. He shall perform such other duties as the Board of Education may require of him.

SECTION 8.—All other matters pertaining to the school department not specifically provided for in this charter, shall be governed by the general school law of the State of California.

ARTICLE XIII.

PUBLIC LIBRARY.

SECTION 1.—The Santa Cruz Public Library shall be controlled and managed in accordance with the provisions of the general law of the State of California relating to public libraries and by such amendments thereto as may hereafter be made.

ARTICLE XIV.

HEALTH DEPARTMENT.

SECTION 1.—The Board of Health shall consist of three members, all of whom shall be appointed by the Mayor and their appointment confirmed by the City Council; each of the three thus appointed shall be a citizen of the State and shall have been a resident and qualified elector of the city for a period of three years next preceding the time of his appointment. Those members of the Board of Health first appointed under this charter shall so classify themselves by lot that one shall go out of office at the end of the current fiscal year, one at the end of one year thereafter, and one at the end of two years thereafter; thereafter their successors shall hold office for three years and until their successors are appointed and qualified.

SECTION 2.—Two members of the Board of Health shall constitute a quorum for the transaction of business.

SECTION 3.—The Board of Health shall, at its first meeting and annually thereafter appoint a Health Officer, who may or may not be a member of the Board, and who shall be a regularly licensed physician. The Health Officer shall be ex officio Secretary of the Board of Health.

SECTION 4.—The Board of Health shall have supervision of all matters pertaining to the sanitary conditions of the city and the public institutions thereof, and full powers are hereby given to the said Board over all questions of defective drainage, the disinfection and sanitary cleaning of all public and private places, and the

abatement of all nuisances prejudicial to the health of the inhabitants of the city or any of them. The said Board shall exercise a general supervision over and be the custodian of all death and cemetery records, and shall cause to be kept in books prepared for that purpose complete records of all deaths and births occurring in said city. The Board of Health shall adopt such forms and regulations for the use of physicians and undertakers as in their judgment may be best calculated to secure reliable vital and mortality statistics in said city and prevent the spread of contagious and infectious diseases. Said Board shall have the power to prevent or forbid communication with infected families or houses, and, with the consent of the Mayor, may provide the necessary attendance and supplies for any pesthouse which may be in use.

SECTION 5.—The City Council shall, by ordinance or otherwise, provide for enforcing such orders and regulations as the Board of Health may from time to time adopt; all expenses necessarily incurred by the Board of Health in carrying out the provisions of this charter shall be provided by the City Council, who are hereby authorized and directed to make an appropriation therefor out of the general fund.

SECTION 6.—The Secretary of the Board of Health shall see that the laws and ordinances of the city in relation to the public health and the regulations and orders of the said Board are properly and rigidly enforced. He shall keep a full record of all the transactions of the said Board, as well as all records pertaining thereto, and shall issue all permits for burials, cremations or removals in or from any of the cemeteries of the city, and no interments or cremations shall be made therein, unless said Health Officer is satisfied of the correctness of the certificate of death, presented for his inspection. He shall have the power of a police officer, and shall make a complete and detailed quarterly report to the Board of Health and to the City Council of the affairs pertaining to his office, including mortuary and other statistics together with such observations and recommendations in relation to the sanitary conditions of the city as he may deem necessary and proper.

SECTION 7.—The Health Officer shall visit, once in each quarter, all public buildings and school houses in the city and such other premises as the Board of Health may direct. During such visits he shall examine the manner in which they are lighted, ventilated, and heated and particularly as to their sanitary condition.

SECTION 8.—The Health Officer shall promptly report in writing to the superintendents or governing powers of all schools the name and residence of every person sick with cholera, smallpox, scarlatina, diphtheria or any other contagious or infectious disease. Said superintendents or governing authorities, when so notified, must refuse admittance to the schools of all members of a household, one or more of whose inmates are sick from any of the aforesaid diseases. The persons excluded shall be admitted on presenting a certificate from his or her attending physician, countersigned by the Health Officer, or from the Health Officer, that there is no longer any danger from contagion. When a case of contagious or infectious disease is reported to the Health Officer, he shall visit the premises where the person is, and when satisfied that said disease exists, he shall place a flag or a conspicuous notice on said premises, which shall remain during the continuance of the disease on said premises. The Health Officer may cause to be removed to a smallpox hospital any person in said city affected with smallpox. When a case of smallpox exists in any house, and the person so affected is not removed to said hospital or pest house, the Health Officer shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof, who shall see that a quarantine is strictly enforced so long as public safety requires.

SECTION 9.—Every member of the Board of Health may administer oaths regarding matters connected with the Health Department.

SECTION 10.—The Health Officer shall receive such compensation as may be fixed by the City Council. The other members of the Board of Health, appointed as in this charter provided, shall receive no compensation for their services.

ARTICLE XV.

POLICE AND FIRE DEPARTMENTS.

SECTION 1.—The Police and Fire Departments of the city shall be under the control and management of the City Council, which shall have power:

First.—To prescribe the qualifications, duties, rank, badges of office and uniforms of the officers, members and employes of said departments unless otherwise provided in this charter.

Second.—To prescribe rules and regulations for the government and discipline of the same, and to prescribe and enforce penalties for their violation.

Third.—To hear and summarily determine all complaints of misconduct, inefficiency or violation of the rules, or other charges against any member, officer or employé of said departments, and to take such action thereon as shall be most conducive to the maintenance, discipline and efficiency of said departments. When investigations or trials are conducted by said City Council, the City Clerk shall have power to issue subpoenas for the attendance of witnesses and the production of papers before it. Such subpoenas may be served by any policeman. The Mayor or any member of the

City Council may administer oaths or affirmations in the conduct of said investigations or trials.

Fourth.—To make all necessary rules and regulations to carry into execution the foregoing powers, and all other powers vested in said City Council by this charter or by any ordinance of said City Council, passed pursuant thereto, or by the Constitution and laws of this State, and in general to manage and control said departments.

SECTION 2.—The City Council shall maintain a fire alarm, and may maintain a police telegraph or telephone system, and shall manage and control the same.

SECTION 3.—The police department shall consist of a Chief of Police, and such captains, detectives and other policemen as the City Council may determine to be necessary, who shall with the exception of the Chief of Police be appointed by the Mayor of the said city, with the approval of the City Council, and shall hold office during the pleasure of the City Council; *provided*, the police force other than the Chief of Police, shall not exceed one police officer, paid by the city, for each one thousand inhabitants in the said city, and *provided*, that the Mayor of said city shall have power to appoint for one day only, special policemen who shall be under the supervision of the Chief of Police.

SECTION 4.—The fire department shall consist of a Chief Engineer and assistants, and as many drivers, engineers, hosemen and other employes as the City Council may determine to be necessary, who shall be appointed by the Mayor of the said city with the approval of the City Council, and they shall hold office during the pleasure of the said City Council.

SECTION 5.—Said City Council shall supervise and possess full power and authority over all funds, moneys and appropriations made for the use of the police and fire departments, and also the organization, government and discipline of said departments, and shall have control of all property and equipments belonging to said departments, and shall, from time to time, purchase and acquire such property and equipments as may be deemed necessary for the use of said departments.

ARTICLE XVI.

CITY WATER WORKS SYSTEM.

SECTION 1.—The City Council shall have full power and authority over the organization, government, management and discipline of the water works department, and shall have control of the water works and other property pertaining or belonging thereto, and shall see that all employes of the department faithfully discharge their duties, and that all laws, ordinances, rules and regulations relating thereto are observed; *provided, however*, that the City Council shall have no power, warrant or authority to ever sell, lease or assign, convey, mortgage or hypothecate any part of, or interest in the water system, or any property belonging thereto, or any rents or income therefrom, now belonging to the City of Santa Cruz, or that may hereafter be acquired by said city unless authorized so to do by a vote of the people. The City Council shall make such rules and regulations as may be necessary to secure efficiency in the water works system.

SECTION 2.—The permanent employes of the water works department shall be a Superintendent and an Assistant Superintendent. The Superintendent shall be appointed by the Mayor with the consent and approval of the City Council, and shall hold office at the pleasure of the City Council. The Superintendent of water works shall reside in the City of Santa Cruz, and shall be qualified by training and practical experience to perform the duties of his office as herein prescribed. He shall, under control of the City Council, have charge of all reservoirs, water mains, pipes, stand pipes, tanks, gates, valves, fire hydrants and taps, and shall supervise the laying, changing, or removal of all water mains, and the putting in of taps and the flushing of hydrants. He shall make collections of water rates, when the same are not paid at the office of the City Clerk, and shall perform such other duties as may from time to time be prescribed by the City Council. He shall keep a correct record of all alterations or additions made to the main pipes, gates, valves, taps and fire hydrants, and all labor performed under his directions. He shall account for all materials and tools received or used in his department, and make a written report covering the same to the City Council on the first Monday in each month, together with such recommendations as to him may seem of interest to the public service. He shall examine all claims against the city for materials or tools used in his department and for labor performed under his directions; and said claims shall be certified as correct by him before being presented to the City Council for allowance.

SECTION 3.—The Superintendent of Water Works shall prepare and keep maps showing the size and location of all water mains, gates, hydrants and taps, and at the expiration of his term of office he shall turn the same over, together with an inventory of all tools and materials on hand to his successor in office.

SECTION 4.—The City Clerk shall be ex officio assistant Superintendent of the water works system. He shall keep all of the books and records of the department, and keep a true and correct account of all matters connected with the department, including receipts and disbursements, collections of water rates and cost of mainte-

nance of the system. He shall be at his office from nine until twelve o'clock, A. M., and from two to five o'clock, P. M., on all days, Sundays and legal holidays excepted, for the purpose of receiving water rates from the patrons of the system, and shall have authority to give receipts therefor. He shall perform such other duties as from time to time may be required of him by the City Council and said City Council shall fix his compensation for services as such Assistant Superintendent of Water Works.

ARTICLE XVII.

LIGHT, HEAT AND POWER.

SECTION 1.—The City Council shall have the exclusive control and management of the electric light plant now owned by the city, and of all plants or works that may hereafter be acquired by the city for furnishing said city or the inhabitants thereof with light, heat or power.

SECTION 2.—The City Council shall have full power to construct, maintain and improve such works and to manage the same, and to rent, sell, distribute and use light, heat and power.

SECTION 3.—The City Council shall by ordinance make such rules and regulations as may be necessary to secure efficiency in the management and control of any and all plants or works owned by the city, and may provide for the appointment, removal, discharge or suspension of electricians, superintendents, laborers and all other persons employed upon or about said works, or in the management, rental, sale, distribution and use of light, heat or power, and the collection of rates for the same, and may also fix their salaries or compensation, and prescribe their duties.

ARTICLE XVIII.

STREETS AND SEWERS.

SECTION 1.—Whenever the City Council shall deem it expedient to establish the grade or alter the established grade of the whole or any part of any street, avenue, lane, alley, court or place in said city, the same shall be done by ordinance.

SECTION 2.—The cost of providing cross walks, and of improving all intersections of streets, including the cost of constructing sewers therein, and of the space included between the center line of the street to be improved and the prolongation of the side lines of any street forming a junction with such street to be improved, to such center line, except the cost of constructing sewers therein, shall be paid out of the general or other appropriate fund of the city, and shall not be included in the special assessment for the proposed work. When a sewer is to be constructed in the last mentioned space, one half of the cost of said sewer shall be assessed against the property abutting against said space extended, and one half of said cost shall be paid out of the general or other appropriate fund of the city.

SECTION 3.—Except as provided herein, the general laws of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places, and sidewalks, including the construction of sewers, and providing for the grading or laying out, altering the grade of, or for opening, extending, widening, straightening or closing up in whole or in part any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and to provide for the payment of such bonds; and for providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof, and for the eradication of weeds within the city limits, now in force, or which may be hereafter adopted by the legislature of this State, is hereby made a part of this charter, and shall govern the City Council in such matters.

ARTICLE XIX.

PARKS AND PUBLIC GROUNDS.

SECTION 1.—All public grounds, squares and parks, including the tract of land known as "De Laveaga Heights," shall be under the control and management of the City Council.

SECTION 2.—The City Council shall have the full and exclusive power to govern, manage and control the said public grounds, squares and parks, and all such other grounds as have been or shall hereafter be placed under its care and charge, and shall have power to lease for farming or other purposes such portion or portions of said De Laveaga Heights as, in the discretion of said City Council, may be deemed advisable; to employ and fix the compensation of such employes as may be necessary for the proper care and improvement of such grounds, squares and parks; and to expend for the purpose of acquiring, developing or improving said public grounds, squares and parks all moneys received from any source for that purpose.

SECTION 3.—The Superintendent of Streets shall be ex officio Superintendent of public grounds and parks, and shall, under the direction of the City Council, have charge of the same.

SECTION 4.—It shall be lawful for the said City Council to pass and adopt such rules and regulations as it may deem necessary for the regulation, use and government of said De Laveaga Heights, and all other public grounds, squares and parks under its supervision; such rules and regulations shall, within five days after their passage, be posted in at least three conspicuous places on the grounds affected thereby.

SECTION 5.—The said Superintendent of Streets and Parks shall annually and on the first Monday in July of each year make to the City Council a detailed statement of all receipts and expenditures of the preceding fiscal year on account of said De Laveaga Heights, and of other public grounds, squares and parks. Said statement to be accompanied by an estimate of the probable necessities and expenses of the next fiscal year.

SECTION 6.—The City Council is hereby authorized and empowered to levy and collect each year, in the mode prescribed by law for the levy and collection of taxes, a tax not greater than ten cents upon each one hundred dollars assessed valuation of taxable property within the said City of Santa Cruz for the purpose of acquiring, preserving, maintaining and improving the public grounds and parks, including said De Laveaga Heights. All moneys collected and arising from said tax, and from leases and other sources of revenue for the use and benefit of said public grounds, squares and parks and said De Laveaga Heights, including gifts and legacies for such purposes, shall be paid into the treasury of the said city, and shall be deemed to be thereupon appropriated and set apart for any expenditure incurred for the purpose of acquiring, managing, maintaining, preserving and improving public grounds, squares and parks in the City of Santa Cruz.

ARTICLE XX.

MISCELLANEOUS DEPARTMENTS.

SECTION 1.—All the departments of the public service and public works, not in this charter otherwise provided for, shall be under the direction and control of the City Council, and the City Council may organize the same, and change such organization from time to time as to the said City Council shall seem best. The City Council shall have power to provide for the appointment, promotion, suspension, reduction or dismissal of all officers, and employees of such departments; to fix the powers, duties and compensation of such officers and employees; to prescribe rules and regulations for the government, discipline and equipment of such departments, and to enforce penalties for any violation of any such rules and regulations; and may do anything that may be necessary to maintain said departments in a high state of efficiency.

ARTICLE XXI.

THE INITIATIVE.

SECTION 1.—The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the city at the last preceding general election, other than general city election, prior to the filing of said petition; and all voters registered at said general election or thereafter shall be entitled to sign the petitions herein provided for.

SECTION 2. Upon presentation to the City Council of a petition or petitions signed by qualified electors of the city, in number equal to *ten* per centum of said registration, asking for the submission to the electors of a measure fully set forth in said petition or petitions, being a measure that the City Council itself might adopt, it must either adopt and enact such measure without alteration, or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions. But if said petition or petitions, request the calling of a special election and are signed by qualified electors equal in number to *twenty* per centum of said registration, then such measure, if not so enacted by the City Council, must be submitted to the electorate at a special election to be called within sixty days from the presentation of such petition or petitions to the City Council as herein provided.

SECTION 3.—If such proposed measure is a measure that the City Council might adopt, except for the fact that it involves the repeal or amendment of a measure adopted by the electorate, as herein provided, and if in such case said petition or petitions are signed by qualified electors in number equal to *twenty-five* per centum of said registration, then such proposed measure must be submitted to the electors of the city at the next regular city election occurring subsequent to sixty days after the presentation of the said petition or petitions to the City Council, as herein provided.

SECTION 4.—The method of signing and presenting petitions provided for herein shall be as follows: The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number and also the date of said signature. Each paper shall have attached thereto the affidavit of a registered voter of the city, stating that all of the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Said petition shall

be filed with the City Clerk within sixty days from the date of the first signature appearing thereon, and within twenty days from the date of the filing of such petition in his office the City Clerk shall examine, and from the Great Register and certificates of registration ascertain, whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the City Council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of such examination. Each signature whose genuineness is not called in question by the sworn affidavit of the owner thereof shall be assumed to be genuine. If by the certificate of the City Clerk, the petition is shown to be insufficient, it may be amended within ten days from the date of such certificate.

SECTION 5.—The Clerk shall, within twenty days after such amendment make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the City Clerk shall present the same to the City Council without delay. Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this section: *provided*, that there shall not be held under the provisions of this article more than one special election in any period of six months. Whenever any measure is required or authorized by this chapter to be submitted to the electors of the city, at any election, the City Clerk shall cause the measure to be printed, and he shall enclose printed copies in envelopes and mail one to each voter in the city, at least ten days prior to the election, but the City Council may order that the publication of the measure in a newspaper printed and generally circulated in the City of Santa Cruz shall take the place of the printing and mailing of the measure, as first above provided. Ordinances and measures in connection with local improvements, the expenses whereof are defrayed by special local assessments, shall not come within the operation of this section.

ARTICLE XXII.

THE REFERENDUM.

SECTION 1.—Any measure that the City Council or the electorate of the city, as herein provided, has authority to adopt, the City Council may of its own motion submit to a vote of its constituent electors at a general or special election.

SECTION 2.—Except as herein provided, no penal ordinance or measure, no ordinance or measure granting any franchise, or privilege, and no ordinance or measure making or authorizing any contract, (except contracts for improvements, the expenses whereof are defrayed by special local assessments, and contracts where the subject matter involved is of less value than one thousand dollars), passed by the City Council, shall go into effect in less than thirty days after its final passage. But ordinances and contracts declared by the City Council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, passed by five votes of the City Council, and not obligating the city for a longer period of time than one year, may go into effect at the will of the City Council.

SECTION 3.—If within said thirty days a petition or petitions signed by qualified electors of the city, in number equal to *ten* per centum of said registration, be filed with the City Clerk, asking that any penal ordinance or measure, any ordinance or measure granting any franchise or privilege, or making or authorizing any contract, (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject matter involved is less than one thousand dollars in value), adopted by the City Council, be submitted to the electorate, then such ordinance or measure must either be repealed or submitted to the electorate for approval or rejection at the next regular election occurring subsequent to sixty days after the presentation of said petition or petitions to the City Council, as herein provided, or at a special election called prior to such regular city election; and if said petition or petitions are signed by qualified electors of the city, in number equal to *fifteen* per centum of said registration, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall within one year be again submitted, except by a vote of the City Council, or upon a petition signed by *forty* per centum of said registration. Said petition or petitions shall be in all respects in accordance with the provisions of Section Four of Article XXI, except as to percentage of signers, and shall be examined and certified by the City Clerk in all respects as therein provided.

SECTION 4.—If a majority of the votes cast on any ordinance or measure referred as herein provided, to the electorate of the city, shall be in favor of, the said ordinance or measure, it shall, if not already in effect, go into effect as a valid and binding ordinance or measure of the city, ten days after the official count shall have been determined, otherwise such ordinance or measure shall be repealed or rejected, such repeal shall take effect ten days after the official count shall have been determined.

SECTION 5.—No ordinance or measure approved by the electorate under the provisions of these sections shall be subject to veto, nor within two years from the date of its adoption shall said ordinance or measure be amended or repealed except by a vote of the electorate. Any amendment or repeal of such ordinance or measure by the City Council shall be subject to the referendum provided in this article.

ARTICLE XXIII.

MISCELLANEOUS PROVISIONS.

SECTION 1.—Whenever the word "City" occurs in this charter it means the City of Santa Cruz, and whenever any department, board, or officer is mentioned in this charter it means the said department, board or officer, as the case may be, of the City of Santa Cruz.

SECTION 2.—Special meetings of the City Council may be convened at any time by the Mayor or a majority of the City Council. The City Council shall establish rules as to what shall constitute legal notice of said meetings.

SECTION 3.—The fiscal year of the city shall begin on the first day of July of each year and end on the thirtieth day of June following.

SECTION 4.—All officers, boards, and commissioners of the City of Santa Cruz shall, upon vacating their respective offices, turn over to their successors in office all books, papers, documents, records, archives and all other property or things pertaining to their respective offices, boards or departments, which may be in their possession or under their charge and control.

SECTION 5.—All books and records of the various offices and departments of the City of Santa Cruz, except those of the Police Department and the office of the City Attorney, shall be open to the inspection of any person during business hours, and opportunity shall be afforded to make copies of any portions thereof. Such copies, if requested, shall be certified by the officer in charge of said records on payment of a fee of *fifty cents* for each ten folios or fraction thereof.

SECTION 6.—No recourse shall be had against the City of Santa Cruz for damages or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, lane, avenue, alley, court or place, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation, or embankment; nor shall there be any recourse against the city for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or for want of repair of any sewer; nor shall there be any recourse against the city for damage to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court or place, or by falling from any embankment thereon or into any excavation therein; but in any such cases the officer or officers through whose negligence such defect remains unrepaired shall be jointly and severally liable to the party injured for damages sustained.

SECTION 7.—No officer or employé of the city shall be or become, directly or indirectly, interested in, or in the performance of, any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable out of the city treasury; or in the purchase or lease of any real estate or other property belonging to, or taken by the city, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the city. If any officer or person in this section designated shall, during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for, the city or any department or officer thereof, or in any franchise, right or privilege granted by the city, during the time for which he was elected or appointed, unless the same shall be devolved upon him by law, he shall forfeit his office, and be forever debarred and disqualified from being elected, appointed or employed in the service of the city; and all such contracts made or rights or franchises granted shall be void and shall not be enforceable against the city.

SECTION 8.—The Mayor shall have power to suspend any elected city officer, except a member of the City Council, for malfeasance in office, dereliction, neglect or non-performance of duty, and shall report the same to the City Council within five days of such suspension, together with the charges and specifications in writing against such officer. If within five days the City Council, by affirmative vote of at least five members, approve said suspension, then said charges shall be filed with the City Clerk, and during such suspension the said officer shall not be allowed a salary. If the suspension of said officer be not sustained by at least five members of the City Council, then such suspension shall be of no effect and void.

SECTION 9.—In any case of suspension of an elective officer, sustained by the City Council, a true and correct copy of the charges and specifications made against him shall be forthwith served upon him, and he shall have the right to be heard in his own defense with counsel, and shall be entitled to process to compel the attendance of witnesses in his behalf. In all cases the charges and specifications must have been served upon the accused at least five days prior to the hearing thereof, and the trial of such case shall proceed without further delay. The proceedings and final judgment, together with the ayes and nays shall be entered on the minutes. All trials of accused officers shall be conducted according to the forms of law and the established rules of evidence. When a judgment either sustaining the charges and specifications or dismissing them shall be rendered by the City Council, and be approved by the Mayor, it shall be final and conclusive. In the event of the charges against the accused officer being dismissed no forfeiture of salary shall result. Should the charges and specifications be sustained by the Mayor and City Council the office shall be declared vacant and the vacancy thus created shall be filled as in this charter provided.

SECTION 10.—The officers of the city in this charter provided for, shall, before entering upon the discharge of their duties of office, take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of.....to the best of my ability."

SECTION 11.—No member of the City Council shall, during the term for which he shall have been elected or appointed, be eligible to any office to be filled or confirmed by the said City Council; nor shall any member of the City Council be selected to fill any vacancy that may occur in any other office where such office is to be filled or confirmed by the said City Council.

SECTION 12.—The officers of the city in office at the time of the approval of this charter by the Legislature shall continue to hold office and discharge their duties until *twelve o'clock noon*, on the first Monday in May, 1907, and until their successors are elected and qualified.

SECTION 13.—In all matters pertaining to municipal affairs concerning which no special provision is made in this charter, the general laws of the State of California are hereby declared to be, and shall be, a part of this charter as far as the same are or may be applicable to the class of cities to which this municipality may belong.

SECTION 14.—All ordinances and resolutions of the city and all regulations or rules prescribed for the government, control or discipline of any of its departments, officers or employes, which are in force at the time of the taking effect of this charter and which are not inconsistent therewith, shall continue in force until altered, amended or repealed.

SECTION 15.—All rights, actions, proceedings, prosecutions, and contracts of the city or any of its departments or officers in progress, begun, or in existence at the time of the taking effect of this charter, and not inconsistent therewith are hereby preserved, and shall continue to be valid, and the same shall be enforced, continued or completed in all respects as though vested or begun heretofore.

SECTION 16.—This charter shall go into effect for all election purposes on the day of its adoption and ratification by the Legislature, and for all other purposes on the first Monday in May 1907, at *twelve o'clock noon*, unless otherwise herein provided.

SECTION 17.—The Mayor and City Council of the City of Santa Cruz, in office at the time this charter is approved and ratified by the Legislature shall provide for the holding of the first election of officers under this charter, shall canvass the votes and declare the result.

ARTICLE XXIV.

AMENDMENTS.

SECTION 1.—This charter may be amended at intervals of not less than two years, by proposals therefor, submitted by the City Council to the qualified electors of the city, at a general or special election held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in said city, and ratified by the requisite vote of the qualified electors voting thereat, and approved by the Legislature, as provided in the Constitution of the State of California. In submitting such proposals alternative propositions may be presented for the choice of the voters, and may be voted on separately without prejudice to the others.

SECTION 2.—The proposals for the amendment of this charter referred to in the preceding section may be submitted by the City Council on its own motion, but must be submitted by the City Council in the manner provided in said section, whenever a petition is presented to such City Council, signed by a number of the qualified electors as provided in Article XXI of this charter.

SECTION 3.—The City Council must make all necessary provisions for submitting proposed amendments to the electors, and shall canvass the votes in the same manner as in other elections.

SECTION 4.—The tickets used at such elections shall contain the words, "For the amendment" (stating the nature of the proposed amendment) and, "Against the amendment" (stating the nature of the proposed amendment).

CERTIFICATE.

WHEREAS, The City of Santa Cruz, a city of more than three thousand five hundred inhabitants, did on the twentieth day of August, A. D. 1906, have a special election, and under and in accordance with the provisions of Section 8, Article 11 of the Constitution of the State of California, elect the undersigned, a Board of Fifteen Freeholders, to prepare and propose a charter for said city;

BE IT KNOWN that in pursuance of said provisions of the Constitution of the State of California, and within a period of ninety days after such election, we, the members of the said Board of Freeholders, have prepared and do hereby propose the foregoing articles signed in duplicate, as and for the charter of the said City of Santa Cruz.

IN WITNESS WHEREOF, We have hereunto set our hands, at the City of Santa Cruz, County of Santa Cruz, in the State of California, this 15th day of November, A. D. 1906.

C. D. HINKLE, President.
DAVID C. CLARK, Secretary.
F. D. BALDWIN.
CHAS. M. CASSIN.
D. W. JOHNSTON.
W. P. NETHERTON.
SAMUEL LEASK.
A. A. MOREY.
J. P. PARKER.
WILSON R. SPRINGER.
C. E. FAGEN.
S. A. PALMER.
DUNCAN McPHERSON.
J. G. TANNER.
LOUIS H. WESSENDORF.

ADDITIONAL PROPOSITIONS SUBMITTED TO A VOTE OF THE PEOPLE AND PROPOSED TO BE INCORPORATED IN THE CHARTER FOR THE CITY OF SANTA CRUZ.

PROPOSITION 1.

The Mayor shall receive a salary of *six hundred* dollars a year, payable monthly.

PROPOSITION 2.

Members of the City Council shall each receive a salary of *three hundred* dollars a year, payable monthly.

PROPOSITION 3.—THE RECALL.

SECTION 1.—The term of office, of each officer, elective or appointive, shall be limited to the good behavior of the holder thereof, who shall be subject to removal as provided in this charter and by general law.

SECTION 2.—The removal by the electors of the city of any elected officer, may be effected as follows:

A petition or petitions, signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least *twenty-five* per centum of the entire vote cast for Mayor, at the last preceding general municipal election, demanding an election of a successor of said incumbent, shall be addressed to the City Council and be filed with the City Clerk. Said petition or petitions shall contain a general statement of the grounds for which said removal is sought. The method of procedure after the filing of the petition or petitions shall be as provided in Article XXI.

SECTION 3.—The City Council shall make or cause to be made due publication of notice of, and shall make all arrangements for, the holding of such election, and the same shall be conducted, and the result thereof declared in all respects as are those of other city elections.

SECTION 4.—The successor of any officer so recalled or removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate for election to succeed himself, and unless he request otherwise in writing, the City Clerk shall place his name upon the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receive the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the party who has received the highest number of votes shall fail to qualify within ten days after receiving notice of his election, the office shall be deemed vacant and shall be filled by appointment, as elsewhere in this charter provided: *provided*, that no one who has been recalled under the provisions of this article shall be appointed to fill the vacancy. If the incumbent shall receive the highest number of votes, he shall continue in office.

SECTION 5.—The holder of any appointive office may be removed by the electors of the city. The initial procedure to effect such removal shall be as provided in Section 2, of this article.

SECTION 6.—The City Council shall make or cause to be made due publication of notice of, and shall make all arrangements for, the holding of such election, and the same shall be conducted and the result thereof shall be declared in all respects as are other city elections.

SECTION 7.—If, prior to the publication by the City Council, as provided in Sections 3 and 6 of this article, the office which it is sought by the petition to have vacated, has been legally vacated, by resignation or otherwise, further proceedings under the petition shall thereupon terminate, and the office shall be filled by appointment of a person other than the former incumbent, as elsewhere in this charter provided.

SECTION 8.—In case such office shall not have been vacated prior to the publication by the Council, as provided in Section 7 of this article a referendary vote shall be had as provided in this article.

The tickets to be voted at such referendum shall be as follows:

"For the removal of" naming the officer the removal of whom is sought to be accomplished, and "Against the removal of" naming the officer whose removal is sought to be accomplished.

The ballots shall be provided with squares at the right hand of each voting proposition, in which the voter may make a cross indicative of his vote.

SECTION 9.—In case the result of the ballot shall show a majority vote against removal, the incumbent shall continue to hold office. In case the result shall show a majority vote for removal, said incumbent shall, upon the announcement thereof, as elsewhere provided cease to hold office, which shall thereupon by the City Council be declared vacated, and the vacancy shall thereupon be filled as is elsewhere provided for the filling of said office.

CERTIFICATE.

WHEREAS, The City of Santa Cruz, a city of more than three thousand five hundred inhabitants, did on the twentieth day of August, A. D. 1906, have a special election, and under and in accordance with the provisions of Section 8, Article 11 of the Constitution of the State of California, elect the undersigned, a Board of Fifteen Freeholders, to prepare and propose a charter for said city:

BE IT KNOWN that in pursuance of said provisions of the Constitution of the State of California, and within a period of ninety days after such election, we, the members of the said Board of Freeholders, have prepared and do hereby propose the foregoing additional articles signed in duplicate, as and for a part of the charter of the said City of Santa Cruz, to be presented for the choice of the voters of the City of Santa Cruz and to be voted on separately without prejudice to the said proposed charter or to any or either of the articles or propositions herewith presented.

IN WITNESS WHEREOF, We have hereunto set our hands, at the City of Santa Cruz, County of Santa Cruz, in the State of California, this 15th day of November, A. D. 1906.

C. D. HINKLE, President.
DAVID C. CLARK, Secretary.
F. D. BALDWIN.
CHAS. M. CASSIN.
D. W. JOHNSTON.
W. P. NETHERTON.
SAMUEL LEASK.
A. A. MOREY.
J. P. PARKER.
WILSON R. SPRINGER.
C. E. FAGEN.
S. A. PALMER.
DUNCAN McPHERSON.
J. G. TANNER.
LOUIS H. WESSENDORF.

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ, } ss.
CITY OF SANTA CRUZ.

I, T. W. DRILLARD, Mayor of the City of Santa Cruz, California, do hereby certify that I now am and at all of the times herein mentioned was the duly elected, qualified and acting Mayor of said City of Santa Cruz; that the Board of Freeholders whose names appear signed to the foregoing proposed charter and three alternative propositions were, and each of them was, on the 20th day of August, A. D. 1906, at a special municipal election held in said City of Santa Cruz on said last named day, duly elected by the qualified voters of said city as such freeholders, to prepare and propose a charter for said city; that each of the persons so elected was a freeholder and was at the time of said election, and had been continuously for more than five years immediately prior thereto, a qualified elector of the said City of Santa Cruz; that said Board of Freeholders, in accordance with law, prepared and proposed a charter and prepared and proposed the foregoing three alternative propositions for said city, in duplicate; that the foregoing is a full, true and correct copy of said proposed charter of the said City of Santa Cruz, including the said alternative propositions I, II and III, which were prepared and proposed by said Board of Freeholders, one copy of which said proposed charter and of said

proposed three alternative propositions was duly returned to me as Mayor of the said City of Santa Cruz, and the other copy thereof was duly returned to and filed with the Recorder of the County of Santa Cruz, all within ninety days after said election, as required by Section Eight of Article Eleven of the Constitution of this State; that such proposed charter and the said alternative propositions I, II and III were then published in the "Santa Cruz Morning Sentinel" and in the Santa Cruz Surf," (the same being daily newspapers of general circulation in said city) for more than twenty days, and the first publication thereof was made within twenty days after the completion of said proposed charter and said three alternative propositions; that within thirty days after the publication of said proposed charter and said alternative propositions I, II and III as aforesaid, and as required by said Section Eight of the Constitution, to wit: On the 22nd day of January, A. D. 1907, said proposed charter and said alternative propositions I, II and III were submitted at a special municipal election duly held in the said City of Santa Cruz, for the purpose of ratifying or rejecting said proposed charter and the said three alternative propositions.

That said proposed charter as a whole and the said three alternative propositions were duly ratified at said last mentioned election by the majority of the votes of the qualified electors of said city voting thereon, and that the returns of said last mentioned election were duly canvassed by the Mayor and Common Council of said City of Santa Cruz on the 23rd day of January, A. D. 1907, and the result thereof declared as above set forth.

And I further certify that at all the times herein mentioned said City of Santa Cruz contained a population of more than three thousand five hundred, and that in all matters and things pertaining to said proposed charter and the said three alternative propositions, the provisions of Section Eight of Article Eleven of the Constitution and of the laws of the State of California pertaining to the adoption of said proposed charter and of said three alternative propositions have, in every particular, been fully complied with.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said city this 29th day of January, A. D. 1907.

[SEAL.]
Attest:

T. W. DRULLARD,
Mayor of the City of Santa Cruz.
J. L. WRIGHT,

City Clerk and ex-officio Clerk of the Mayor and Common Council.

Now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereof concurring (the majority of all the members elected to each house voting for and concurring herein) that said charter of the City of Santa Cruz, including said three alternative propositions providing respectively for the salaries of the Mayor and of the City Council, and for The Recall, which said three alternative propositions were submitted with and at the time of said proposed charter, all as presented to, and adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole, (including each of the said three alternative propositions) for and as and to be the charter of said City of Santa Cruz, as aforesaid.

Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 13 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Cambetti, Carter, Hartman, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Escobar, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

RE-REFERENCE OF BILL.

On motion of Senator Anderson, Senate Bill No. 366—¹An Act to amend an Act entitled "An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of the State," approved March 5, 1903—was referred to Committee on Education.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER SET.

In compliance with his notice given on previous day, Senator Anderson moved that the vote whereby Senate Bill No. 239—An Act to amend

an Act entitled "An Act to establish a Civil Code," approved March 21, 1873, by amending Section 465, relating to the powers of railroad corporations—was refused passage, be now reconsidered.

The motion was duly seconded.

Senator Anderson moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 239 was refused passage, be postponed and made a special order for Friday, February 8, 1907, at eleven o'clock A. M.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate, in favor of the Secretary of the Senate, for the sum of twelve hundred sixty-eight and 65-100 dollars in payment of the bills attached hereto.

H. S. Crocker & Co.....	\$416 45
A. J. Johnston.....	347 20
Geo. C. Bornemann Co.....	156 40
W. Young.....	250 00
H. E. Sleeper.....	68 60
D. J. Shields.....	10 00
W. Veale.....	10 00
D. T. Jones.....	10 00
	<hr/>
	\$1,268 65

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

RESOLUTION.

The following resolution was offered:

By Committee on Contingent Expenses:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Red Men's Hall Association, in the sum of \$1,000, payable out of the Contingent Fund of the Senate, the same being one half of the rent for the month of January, 1907, of the Red Men's Hall now occupied by the Legislature of the State of California.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Hartman, Keane, Leavitt, Lynch, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Boynton: Senate Bill No. 631—An Act in relation to fees of County Recorders in recording documents or writings for water users' associations, incorporated in conformity with the direction of the United States under the Act of Congress, approved June 17, 1902, and relating to the use of printed matter or blanks by such recorders.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 632—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act."

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 633—An Act to add a new section to the Penal Code of the State of California, to be known as Section 810, authorizing and providing for the filing and substitution of a copy of the information or other pleading for the original in criminal actions, when such original information or other pleading has heretofore been, or shall hereafter be, lost or destroyed.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bates: Senate Bill No. 634—An Act to amend Section 806 of an Act entitled "An Act to provide for the organization, incorporation and government of the municipal corporations," approved March 13, 1883, relating to recorders' courts.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Leavitt: Senate Bill No. 635—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Bill read first time, and referred to Committee on Military Affairs.

By Senator McKee: Senate Bill No. 636—An Act to add a new section to the Political Code of the State of California, to be known as Section 2644a, relating to the oath and bond of road overseers.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 637—An Act to amend Section 2645 of the Political Code of the State of California, relating to the duties of road overseers.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 638—An Act to amend Section 2643 of the Political Code of the State of California, relating to the powers of supervisors.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 639—An Act to amend Section 2644 of the Political Code of the State of California, relating to the allowing of claims by the board of supervisors.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 640—An Act to amend Section 2642 of the Political Code of the State of California, relating to the powers and duties of highway officers.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Willis (by request of Code Commission): Senate Bill No. 641—An Act to amend Section 52 of the Political Code, relating to residence.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 642—An Act to amend Section 384c of the Penal Code, relating to the injuring of animals by persons hunting.

Bill read first time, and referred to Committee on Judiciary.

By Senator Carter: Senate Bill No. 643—An Act to provide for and regulate the deposit of public moneys in banks and banking corporations, and providing a penalty for the illegal deposit and use thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 644—An Act to appropriate \$2,500 for the construction of retaining walls and fences on the boundary lines of the site of the State Normal School at Los Angeles, California, and to authorize the Trustees of said school to construct said retaining walls and fences.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 645—An Act making an appropriation of \$4,000 to be expended by the Trustees of the State Normal School at Los Angeles, for any assessments levied by the City of Los Angeles, on the land of the State Normal School at Los Angeles, California, for pavement, sidewalk, curbs, gutters, and other improvements, on Grand Avenue and Fifth Street, fronting on said property.

Bill read first time, and referred to Committee on Finance.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 29—An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

After the word "any," in line 13, Section 4, page 2 of the printed bill, add the word "added," and in the same line, section, and page, after the word "other," add the word "added."

Amendment adopted.

Also:

On page 3, line 19 of the printed bill, after the word "fifth," strike out the following words: "if any package does not bear the name of the real manufacturers or jobbers, and the true grade or class of the product, the same to be expressed in clear and distinct English words in black type on a white background." Insert in lieu thereof the following: "When any package bears the name of the manufacturers, jobbers, or sellers, or the grade or class of the product, it must bear the name of the real manufacturers, jobbers, or sellers and the true grade or class of the product, the same to be expressed in clear and distinct English words in legible type."

Amendment adopted.

Also:

After the word "adulterated," in line 4, Section 10, page 4 of the printed bill, insert the following: " , mislabeled."

Amendment adopted.

Also:

After the word "adulterated," lines 15 and 16, page 5 of the printed bill, insert the following: " , mislabeled."

Amendment adopted.

Also:

At the end of Section 11, page 5 of the printed bill, strike out the period (.) after the word "violated," and insert in lieu thereof the following: "after the hearing provided in section sixteen of this Act."

Amendment adopted.

Also:

In line 4, Section 13, page 5 of the printed bill, after the word "health," strike out the following words: "; and shall promptly transmit a certificate of the facts so found to the district attorney of the county in which said adulterated food was found." Insert in lieu thereof a period (.).

Amendment adopted.

Also:

Strike out all of section sixteen after the words and figures "Sec. 16." Insert in lieu thereof the following:

"When an examination or analysis of the Director of the State Laboratory shows that any of the provisions of this Act have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained, or who executed the guaranty as provided in this Act, and a date shall be fixed by the Secretary of the State Board of Health at which said party or parties may be heard before the State Board of Health or before any two members thereof and the Secretary. The hearing shall be held in the City of Sacramento, and at least fifteen days' notice thereof shall be first served upon the party complained of. These hearings shall be private and confined to questions of fact. Parties interested therein may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the Director of the State Laboratory. If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing after notice duly served as provided herein, the Secretary of the State Board of Health shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled, or misbranded food was found. No publication as in this Act provided shall be made until after said hearing is concluded."

Amendment adopted.

Also:

After the word "showing," line 9, Section 22, page 8 of the printed bill, strike out the following words: "the names and quantity of."

Amendment adopted.

Also:

After the word "words," line 15, page 8 of the printed bill, strike out the following: "Guaranteed that the articles sold by him are not mislabeled, adulterated, or misbranded within the meaning of this Act, designating it." Insert in lieu thereof the following: "Guaranteed under the Food and Drugs Act, June 30, 1906."

Amendment adopted.

Also:

In line 19, page 2 of the printed bill, strike out the period (.) and insert thereafter as follows: "; provided, that an article of liquor shall not be deemed adulterated, mislabeled, or misbranded if it be blended or mixed with like substances so as not to reduce or lower or injuriously affect its quality, purity, or strength."

Amendment adopted.

Also:

After the period (.), after the figures "24," page 8 of the printed bill, strike out all of Section 24, and insert in lieu thereof the following: "No article of food as herein defined shall be manufactured or produced in violation of this Act from and after the first day of July, nineteen hundred and seven."

Amendment adopted.

Also:

After the word "of," line 2, Section 26, page 9 of the printed bill, strike out the following: "May, nineteen hundred and seven," and insert in lieu thereof as follows: "January, nineteen hundred and eight."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 105—An Act to prevent the waste of water from artesian wells, and prescribing penalties therefor, and defining artesian wells and waste.

On motion of Senator Willis, Senate Bill No. 105 was temporarily passed on file, to retain its place.

Senate Bill No. 165—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths.
Read third time.

On motion of Senator Lynch, Senate Bill No. 165 was temporarily passed on file, to retain its place.

Senate Bill No. 93—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Leavitt moved to refer to Senator Lynch, as a special committee of one, to amend as follows:

By striking out all of Section 21, and renumber Sec. 22, Sec. 21, and renumber Sec. 23, Sec. 22.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 93, with instructions to amend, respectfully reports the same back, amended as per instructions.

LYNCH, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 125—An Act to amend Section 69 of the Civil Code of California, relating to marriage licenses.

Read third time.

On motion of Senator Willis, Senate Bill No. 125 was temporarily passed on file, to retain its place.

Senate Bill No. 413—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and amended March 20, 1905.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Lynch moved to refer to Senator Sanford as a special committee of one, to amend as follows:

By inserting between the title and Section 1, the enacting clause as follows:

"The people of the State of California, represented in Senate and Assembly, do enact as follows."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 413, with instructions to amend, respectfully reports the same back, amended as per instructions.

SANFORD, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 3.

Resolution to amend Section 2½ of Article II of the Constitution.

The Legislature of the State of California, at its thirty-seventh session, commencing on the 7th day of January, nineteen hundred and seven, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that Section 2½ of Article II of the Constitution of the State of California, be amended so as to read as follows:

SECTION 2½. The Legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties; and also laws providing for the direct nomination of candidates for public office, by electors, political parties, or organizations of electors without conventions at elections to be known and designated as primary elections; also to determine the tests and conditions upon which electors, political parties, or organizations of electors may participate in any such primary election. It shall also be lawful for the Legislature to prescribe that any such primary election shall be mandatory and obligatory. The Legislature shall also have the power to establish the rates of compensation for primary election officers serving at such primary elections in any city, or city and county, or county, or other subdivision of a designated population, without making such compensation uniform, and for such purposes such law may declare the population of any city, city and county, county or political subdivision. *Provided, however,* that until the Legislature shall enact a direct primary election law under the provisions of this section, the present primary election law shall remain in force and effect.

Constitutional amendment read.

AMENDMENTS REFUSED ADOPTION.

The following amendments were offered by Senator Caminetti:

Amend Assembly Constitutional Amendment No. 3, by inserting after the word "candidates," on line 4, page 1, (Section 2½), printed copy, the following: "for Senator of the United States and."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Belshaw, Caminetti, and Wright.

The roll was called, and the amendment was refused adoption by the following vote:

AYES—Senators Bell, Caminetti, Cartwright, Curtin, and Sanford—5.

NOES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Carter, Hartman, Irish, Keane, Leavitt, Lynch, Mattos, McCartney, Nelson, Rambo, Reilly, Rolley, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—26.

Also:

Amend Assembly Constitutional Amendment No. 3 by inserting after the word "candidates," on line 4, page 1 (Section 2½), printed copy, the following: "for Senators of the United States, Representatives in Congress and."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Caminetti, Sanford, and Belshaw.

The roll was called, and the amendment was refused adoption by the following vote:

AYES—Senators Bell, Caminetti, Cartwright, Curtin, and Sanford—5.

NOES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Carter, Hartman, Irish, Keane, Leavitt, Lynch, Mattos, McCartney, Nelson, Rambo, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

Also:

Amend Assembly Concurrent Amendment No. 3 by inserting after the word "office," on line 4, page 1 (Section 2½), printed copy, the following: "State, county, municipal, township and district."

Amendment refused adoption.

Also:

Amend Assembly Constitutional Amendment No. 3 by inserting after the word "election," on line 9, page 1 (Section 2½), printed copy, the following: "for delegates to conventions of political parties, or for the direct nomination of candidates."

THE PREVIOUS QUESTION MOVED AND ORDERED.

Senator Leavitt moved the previous question.

The motion was duly seconded.

The question being "Shall the question be now put?"

Motion carried.

The previous question having been ordered, the question being on the adoption of the amendment.

AMENDMENT REFUSED ADOPTION.

The roll was called, and the amendment was refused adoption by the following vote:

AYES—Senators Bell, Caminetti, Curtin, and Sanford—4.

NOES—Senators Anderson, Bates, Belshaw, Black, Boynton, Carter, Hartman, Irish, Keane, Leavitt, Lynch, Nelson, Reily, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—20.

Also, pending since previous day:

Amend by adding after the word "effect," on line 21, page 2, the following: "Subject to the right of the Legislature to amend, modify, or repeal the same."

UNANIMOUS CONSENT TO ADDRESS THE SENATE WITHHELD.

Senator Caminetti asked for unanimous consent to address the Senate, in explanation of the above amendment.

Objection being made, the request was denied.

AMENDMENT REFUSED ADOPTION.

The question being on the adoption of the amendment.

The roll was called, and the amendment was refused adoption by the following vote:

AYES—Senators Bell, Caminetti, and Sanford—3.

NOES—Senators Anderson, Anthony, Bates, Belshaw, Boynton, Carter, Hartman, Irish, Keane, Leavitt, Lynch, Mattos, Nelson, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—24.

ASSEMBLY CONSTITUTIONAL AMENDMENT ADOPTED.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 3 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Constitutional amendment ordered transmitted to the Assembly.

EXPLANATION OF VOTE.

Senator Caminetti explained his vote as follows:

I voted for Assembly Constitutional Amendment No. 3 because I am pledged on the subject. I favored amendment thereof in various ways to make it mandatory, self-acting, and more certain; also less liable to misinterpretation. Under the previous question some of these amendments could not be offered by me. In my judgment, the proposed amendment should provide for the election of Senators of the United States and members of Congress by the direct primary election plan.

Again, the proviso therein providing "that until the Legislature shall enact a direct primary election law * * * the present primary election law shall remain in force

and effect," introduces an element not only of doubt, but of danger, for, should the Legislature, in case of its adoption by the people, fail for any reason to enact a direct primary election law, the present defective primary law would continue in force.

Hence, the reason for my amendment to make this proviso "subject to the right of the Legislature to amend, modify, or repeal the same." The adoption of this amendment would leave the Legislature free to enact not only direct primary election laws, but also legislate concerning the present primary election law.

Past experience in securing the present primary election law should impel us to use the utmost caution and care in acting upon an amendment to the Constitution on this important question.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Willis asked for and was granted unanimous consent to have Senate Bill No. 125 taken up for immediate consideration.

Senate Bill No. 125—An Act to amend Section 69 of the Civil Code of California, relating to marriage licenses.

Read third time heretofore this day.

On motion of Senator Leavitt, the further consideration of Senate Bill No. 125 was continued until two o'clock P. M. of this day.

RECESS.

At twelve o'clock and thirty minutes P. M., the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 125—An Act to amend Section 69 of the Civil Code of California, relating to marriage licenses.

Read third time heretofore this day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Carter as a special committee of one, to amend as follows:

By striking out of Section 1, line 26, the word "shall," and inserting in lieu thereof the following: "may, if he deems it necessary in order to satisfy himself as to matters in this section enumerated."

Strike out all of Section 1, after the word "parties," in line 29, page 2 of printed bill.

The question being on the motion to refer to a special committee of one.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bell, Belshaw, Black, Caminetti, Carter, Curtin, Keane, Leavitt, Nelson, Reilly, Rush, Sanford, Savage, Walker, Weed, Welch, Wolfe, and Wright—18.

NOES—Senators Anderson, Anthony, Irish, Lynch, McCartney, Rambo, and Willis—7.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 125, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTER, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 163—An Act to amend an Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901.

Read third time.

On motion of Senator Lynch, Senate Bill No. 163 was temporarily passed on file, to retain its place.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Senate Bill No. 27—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3692, 3695, 3699, 3700, 3702, 3738, 3897, and 3898 of the Political Code; to repeal Section 3701 of the Political Code, as it now exists, and to reenact said Section 3701, all of said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

Also: Senate Bill No. 392—An Act to add a new section to the Code of Civil Procedure, to be numbered as Section 2039, relative to taking depositions.

Also: Senate Bill No. 268—An Act to add a new section to the Penal Code of California, to be numbered 357a, relative to preserving marks, brands, description, and sex of animals slaughtered.

Also: Senate Bill No. 133—An Act to amend an Act entitled "An Act amending Sections 749 and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, which sections were added to said Code by an Act approved March 23, 1901," as amended by an Act approved March 9, 1903.

Also: Senate Bill No. 506—An Act to amend Sections 1115, 1118, and 1125 of the Code of Civil Procedure, relating to contesting certain elections.

Also: Senate Bill No. 336—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 182 thereof relating to the salaries and fees of county and township officers in counties of the twenty-fifth class, approved March 20, 1905.

Also: Senate Bill No. 160—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

Also: Senate Bill No. 74—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances and giving the city justice court jurisdiction and power of all records, registers, dockets, books, papers causes, actions and proceedings lodged, deposited or pending before the Recorder's Court.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 27, 392, 268, 133, 506, 336, 160, and 74 ordered on file for third reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator McCartney asked for, and was granted unanimous consent to have Senate Bill No. 27 and Senate Bill No. 91 taken up for the purpose of amendment.

Senate Bill No. 27—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3695, 3699, 3700, 3702, 3738, 3897, and 3898 of the Political Code; to amend subdivision 13 of Section 3692 of the Political Code; and to repeal Section 3701 of the Political Code, as it now exists, and to reenact and amend said Section 3701, all said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

By striking out all of Section 6 after the "period" after the word "taxes," line 13, page 8, printed bill.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 27, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 91—An Act to add a new section to the Penal Code, to be numbered Section 1520, relating to the holding of inquests by the Coroner.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Leavitt as a special committee of one, to amend as follows:

By striking out of Section 1 of the printed bill the following: all the words beginning with "and" and ending with word "inquest" at the end of the said section.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 91, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 127—An Act to amend Section 335 of the Code of Civil Procedure of California, relating to adverse possession of land or interest, and the payment of taxes thereon.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 127 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read.

The following amendment was offered by Senator Willis:

Amend by striking out of first line of title the word: "three hundred and thirty-five," and inserting the following: "three hundred and twenty-five."

Amendment adopted.

Title approved as amended

Bill ordered to print and to the Assembly.

Senate Bill No. 138—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

On motion of Senator Anderson, Senate Bill No. 138 was temporarily passed on file, to retain its place.

Senate Bill No. 459—An Act to amend Section 200 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the exemptions from jury duty.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

By striking out of Section 1, line 38, the word "one," and inserting in lieu thereof the word "five."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 459, with instructions to amend, respectfully report the same back, amended as per instructions.

LEAVITT, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 38—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six, of Sutter County, California," approved March 31, 1891, relating to the terms of officers' vacancies, and the assessment and collection of taxes.

On motion of Senator Boynton, Senate Bill No. 38 was temporarily passed on file, to retain its place.

Assembly Bill No. 308—An Act amending Sections 1715 and 1716 of the Political Code of the State of California, relating to school libraries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 308 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Curtin, Hartman, Irish, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Rambo, Reilly, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 66—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 66 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Hartman, Irish, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 92—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 92 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Hartman, Irish, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 481—An Act appropriating money to pay the rental, cost of moving, and other necessary expenses incurred, and to be incurred, by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 481 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Hartman, Irish, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 431—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eight fiscal year, the expenditure of which has been approved by the State Board of Examiners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 431 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Keane, Lynch, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 482—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel river from erosion by means of jetty work along the banks thereof," approved March 22, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 482 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Irish, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 476—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 476 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Irish, Keane, Lynch, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 67—An Act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 67 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Hartman, Irish, Keane, Leavitt, Lynch, Mattos, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 222—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 222 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Hartman, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 121—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District No. 70, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

On motion of Senator Boynton, Senate Bill No. 121 was temporarily passed on file, to retain its place.

Senate Bill No. 122—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a reclamation district, to be called 'Reclamation District No. 70,' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

On motion of Senator Boynton, Senate Bill No. 122 was temporarily passed on file, to retain its place.

Senate Bill No. 294—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing

of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874.

On motion of Senator Boynton, Senate Bill No. 294 was temporarily passed on file, to retain its place.

Senate Bill No. 392—An Act to add a new section to the Code of Civil Procedure, to be known as Section 2039, relative to taking depositions. Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 392 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Keane, Leavitt, Mattos, McCartney, McKee, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 268—An Act to add a new section to the Penal Code of California, to be numbered 357*a*, relative to preserving marks, brands, description, and sex of animals slaughtered.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 268 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Cartwright, Keane, Leavitt, Mattos, McCartney, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—Senator Boynton—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 133—An Act to amend an Act entitled "An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, which sections were added to said Code by an Act approved March 23, 1901," as amended by an Act approved March 9, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 133 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Broughton, Curtin, Hartman, Keane, Leavitt, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 126—An Act concerning trespassing of animals upon private land and the recovery of damages resulting therefrom.

Read third time.

On motion of Senator Leavitt, Senate Bill No. 126 was temporarily passed on file, to retain its place.

Senate Bill No. 139—An Act to amend an Act entitled "Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

On motion of Senator Anderson, Senate Bill No. 139 was temporarily passed on file, to retain its place.

Senate Bill No. 465—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigating districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Senate Bill No. 465 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 506—An Act to amend Sections 1115, 1118, and 1125 of the Code of Civil Procedure, relating to contesting certain elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 506 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Keane, Leavitt, Mattos, McCartney, Nelson, Rambo, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 280—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

On motion of Senator Rush, Senate Bill No. 280 was temporarily passed on file, to retain its place.

Senate Bill No. 267—An Act to amend an Act entitled "An Act to create the county of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties, equitably chargeable to San Benito County," approved March 11, 1887, rectifying and rendering more certain the boundaries thereof.

On motion of Senator Lynch, Senate Bill No. 267 was temporarily passed on file, to retain its place.

Senate Bill No. 336—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 182 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-fifth class, approved March 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 336 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Hartman, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 74—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation,

and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

On motion of Senator Bates, Senate Bill No. 74 was temporarily passed on file, to retain its place.

Senate Bill No. 160—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

On motion of Senator Leavitt, Senate Bill No. 160 was temporarily passed on file, to retain its place.

Assembly Bill No. 131—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in such channels, and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.

Read third time.

On motion of Senator Anderson, Assembly Bill No. 131 was temporarily passed on file, to retain its place.

Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 123 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Caminetti, Carter, Cartwright, Curtin, Keane, Leavitt, Lynch, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Weed, Willis, and Wolfe—24.

NOES—Senators Boynton, Mattos, and Walker—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 569—An Act to amend Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment.

Read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 569 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Keane, Leavitt, Lynch, Mattos, McKee, Nelson, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 433—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the fifty-seventh and fifty-eighth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 433 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 479—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Controller's office, for the fifty-eighth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 479 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 483—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-seventh and fifty-eighth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 483 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Hartman, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 9—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery, and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work, and the operation of the school of agriculture and educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 9 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Caminetti, Carter, Keane, Leavitt, Lynch, Mattos, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to the extension of the terms of existence of corporations.

On motion of Senator McCartney, Senate Constitutional Amendment No. 31 was temporarily passed on file, to retain its place.

SENATOR LEAVITT IN THE CHAIR.

At three o'clock and forty-five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

SECOND READING OF BILLS.

Senate Bill No. 411—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the additional territory thereto, and taxation thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 527—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1779, relating to grammar grade post-graduate courses of instruction in the public schools.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 528—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1681, relating to post-graduate courses of study in high schools.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 329—An Act to amend Section 1697 of the Political Code, defining the length of school month.

During second reading of bill, the following amendment was offered by Senator Mattos:

Amend by adding after the enacting clause the following:

SECTION 1. Section 1697 of the Political Code of the State of California is hereby amended to read as follows:

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 263—An Act entitled "An Act to amend Section 1669 of the Political Code, relating to the establishment of high schools."

Bill read second time, and ordered on file for third reading.

Senate Bill No. 397—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 500—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 386—An Act to repeal Sections 357, 3584, 3585, and 3586 of the Political Code, relating to the "Yosemite Valley and the Mariposa Big Tree Grove."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 487—An Act to add a new section to the Political Code, to be numbered and known as Section 757a, relating to the office hours of the Clerk of the Supreme Court.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 11—An Act entitled "An Act to amend Section 737 of the Political Code," relating to salaries of Superior Judges.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 6, strike out the words "Los Angeles," and insert in lieu thereof the following: "Santa Clara."

Amendment adopted.

Also:

On page 1, Section 1, line 11, strike out the words "Contra Costa," and insert in lieu thereof the following: "Mariposa, Ventura, Mono."

Amendment adopted.

Also:

On page 1, Section 1, line 4, insert after "San Francisco" the words "and the County of Los Angeles."

Amendment adopted.

Also:

On page 1, Section 1, line 5, insert after the word "Alameda" the words "Contra Costa."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 4—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 21, of reëngrossed bill, insert after the word "action" the words "for divorce or."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 385—An Act to repeal an Act entitled "An Act to provide for the management of the 'Yosemite Valley and Mariposa Big Tree Grove,'" approved April 15, 1880, and all Acts amendatory thereof or supplementary thereto.

During second reading of bill, the following amendment was submitted by committee:

On page 1 of title, line 3, insert after the word "all" the word "Acts."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 542—An Act to amend Section 1490 of the Code of Civil Procedure of the State of California, relating to notice to creditors.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 14, strike out the figures "40," and insert in lieu thereof the following word: "sixty."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 458—An Act to amend Section 655 of the Civil Code, relating to the things in which property may exist.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the words "in what property may exist."

Amendment adopted.

Also:

On page 1, Section 1, line 13, insert the following: "; and when the same shall come into the custody of any court or peace officer, it may at the discretion of such custodian be destroyed or returned to the person from whom it was taken."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 514—An Act to amend Section 2955 of the Civil Code of California, relating to what personal property may be mortgaged, by adding a new subdivision thereto, providing that saw-milling machinery and outfits used therewith may be mortgaged.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 10, add the following: "; all typesetting machines, their material and accessories."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 522—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending Sections 1, 12, 14, 16, and 17, and by adding a new section thereto.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 3, of title, strike out the word "in."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 570—An Act to amend Section 12 of an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascer-

taining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 299—An Act entitled "An Act to amend Section 1581 of the Political Code of the State of California," relating to the formation of new school districts.

During second reading of bill, the following amendment was submitted by committee:

Amend by striking out of line 4, page 1 of the printed bill, the following words: "Action creating new districts void in certain events."

Also: By striking out the period after the word "events," on line 4, page 1 of the printed bill.

Amendments adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 554—An Act to prevent the manufacture and sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight.

Bill read second time, considered engrossed, and ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Willis asked for and was granted unanimous consent to have Senate Bill No. 355 taken up for the purpose of amendment.

Senate Bill No. 355—An Act to amend Section 595 of the Political Code, relating to the general duties of insurance commissioners.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Wolfe, as a special committee of one, to amend as follows:

By inserting in Section 1, page 2, line 39 of the printed bill, after the word "if," the following: "in."

Also: Amend by striking out the word "any" of Section 1, line 40, page 2 of the printed bill, and inserting in lieu thereof the following: "the."

Also: Amend by inserting in Section 1, line 43, page 2 of the printed bill, after the word "transferred," the following: "remove or cause to be removed."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 355, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

SECOND READING OF CODE REVISION BILLS.

Senate Bill No. 303—An Act to repeal Sections 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, and 79 of the Code of Civil Procedure, all relating to the courts of justice.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 304—An Act to repeal Section 115 of the Code of Civil Procedure, relating to the criminal jurisdiction of justices' courts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 305—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 306—An Act to amend Section 139 of the Code of Civil Procedure and to repeal Section 140 thereof, both relating to proceedings in case of absence of judge.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 307—An Act to amend Section 144 of the Code of Civil Procedure, relating to places of holding courts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 308—An Act to repeal Sections 156 and 157 of the Code of Civil Procedure, both relating to the eligibility of judicial officers.

Senate Bill No. 312—An Act to amend Sections 352 and 355 of the Code of Civil Procedure, both relating to the time of commencing actions.

Senate Bill No. 314—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 315—An Act to add two new sections to the Code of Civil Procedure, to be numbered 417 and 418, both relating to actions for libel and slander.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 320—An Act to amend Sections 566 and 567 of the Code of Civil Procedure, both relating to receivers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 220—An Act to amend Sections 681, 687, 688, and 689 of the Code of Civil Procedure, all relating to execution in civil cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 359—An Act to amend Section 1475 of the Penal Code, relating to the issuance of writs of habeas corpus and to petitions therefor, and to service of copies thereof upon the district attorney in certain cases, and to the discharge of persons on such writs.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 330—An Act to amend Section 1365 of the Code of Civil Procedure, relating to persons entitled to administer on the estates of decedents.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 415—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 416—An Act to repeal Sections 288, 289, 290, 291, 292, 293, 294, and 295 of the Political Code, all relating to the contesting of elections.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 417—An Act to amend Section 4452 of the Political Code, relating to liabilities of counties and cities for injuries to property by mobs or riots.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 418—An Act to amend Section 1973 of the Code of Civil Procedure, relating to agreements which, or some note or memorandum whereof, must be in writing.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 423—An Act to add a new section to the Political Code, to be known as Section 3975a, providing for the transfer of certain moneys from one county to another, when a new county has been formed and organized.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 483—An Act to amend Section 3902 of the Political Code, relating to the division of the State into counties.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 485—An Act to repeal Section 3366 of the Political Code, relating to the imposition of license taxes.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 486—An Act to amend Section 7 of the Civil Code, relating to holidays.

Bill read second time, considered engrossed, and ordered on file for third reading.

WITHDRAWAL OF BILLS.

Senator Willis asked for and was granted unanimous consent to withdraw Senate Bill No. 445—An Act to repeal Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment.

Senate Bill No. 445 withdrawn and ordered stricken from the file.

Senator Willis asked for and was granted unanimous consent to withdraw Senate Bill No. 446—An Act to amend Section 1908 of the Code of Civil Procedure, referring to the effects of judgments of final orders.

Senate Bill No. 446 withdrawn and ordered stricken from the file.

SECOND READING OF CODE REVISION BILLS—(RESUMED).

Senate Bill No. 419—An Act to amend Section 172 of the Penal Code, relating to keeping of intoxicating liquors within or contiguous to certain State buildings and grounds.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, after the word "or," insert the words "within nineteen hundred feet of the land belonging to this State upon which any State."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 424—An Act to amend the Code of Civil Procedure by adding a new title thereto, to be known as Title XIV, of Part III, relating to special proceedings; said title to relate to proceedings for the adjustment, settlement, and payment of any indebtedness existing against any city or municipal corporation at the time of exclusion of territory therefrom, and the division of the property thereof.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 8, insert before the figures and letter "1822c" the word "Section."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 484—An Act to repeal Section 3977 of the Political Code, to add a new section thereto, to be known as Section 3975b, and to amend Sections 3976, 3981, and 3985 thereof, all relating to county seats and proceedings for the change thereof.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 11 and Section 12, of printed bill, on pages two and three thereof.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Welch: Senate Bill No. 646—An Act supplementary to an Act entitled "An Act creating a State Commission on Voting or Balloting Machines, defining their powers and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts in any county or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections; providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903, and providing for the testing and inspection of such machines.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Mattos: Senate Bill No. 647—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Black: Senate Bill No. 648—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county and township officers of counties of the fourth class.

Bill read first time, and referred to Committee on County Government.

By Senator Hartman (by request): Senate Bill No. 649—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as

a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, relating to the alteration of the boundaries of and for the annexation of territory to incorporate towns and cities.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Leavitt: Senate Bill No. 650—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

Bill read first time, and referred to Committee on Judiciary.

LEAVE OF ABSENCE.

Senator Savage was, on his own motion, granted leave of absence until Monday, February 11, 1907.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 499—An Act entitled "An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity Rivers, to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear"—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Finance.

MATTOS, Chairman.

Senate Bill No. 499 referred to Committee on Finance.

BILL RECALLED FROM COMMITTEE AND RE-REFERRED.

On motion of Senator Lynch, Assembly Bill No. 176—An Act to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of hospitals for the relief of the sick, and for training schools for nurses—was recalled from Committee on Hospitals and Asylums, and referred to Committee on Judiciary.

ADJOURNMENT.

At four o'clock P. M., on motion of Senator Irish, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Friday, February 8, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch,

Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

Quorum present.

LEAVES OF ABSENCE.

Senator Greenwell was, on motion of Senator Nelson, granted leave of absence for this day.

Senator Miller was, on motion of Senator Curtin, granted leave of absence for this day.

PRAYER.

Prayer by Rev. G. M. Richmond.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 7, 1907, the further reading was dispensed with, on motion of Senator Mattos.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Senate Bill No. 164—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants and their compensation.

Also: Assembly Bill No. 99—An Act to amend Section 1036 of the Code of Civil Procedure, relating to the right of a defendant to require security for costs when plaintiff is a non-resident or foreign corporation.

Also: Assembly Bill No. 135—An Act to amend Section 976 of the Code of Civil Procedure, relating to appeals to Superior Courts.

Also: Assembly Bill No. 105—An Act to add a new section to the Penal Code, to be numbered Section 600a, relating to malicious burning of forests.

Also: Assembly Bill No. 355—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1918 thereof and by adding a new section immediately after Section 1918, to be numbered Section 1918a, relating to rate of interest that may be agreed upon in written instruments.

Also: Assembly Bill No. 264—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California.

Also: Assembly Bill No. 123—An Act to amend Sections 3, 4, 9, 10, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities, and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration and fixing penalties for the violation of this Act," approved March 18, 1905.

Also: Assembly Bill No. 40—An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells.

Also: Assembly Bill No. 460—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 203 thereof, relating to the compensation of county and township officers in counties of the forty-sixth class.

Also: Assembly Bill No. 506—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 212 thereof, relating to the compensation of officers of counties of the fifty-fifth class.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bill No. 164 ordered to enrollment.

Assembly Bills Nos. 99, 135, 105, 355, and 40 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 264 read first time, and referred to Committee on Labor, Capital and Immigration.

Assembly Bill No. 123 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 460 and 506 read first time, and referred to Committee on County Government.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 8, 1907.

To the Senate of the State of California:

GENTLEMEN: Bills have been introduced in both the Senate and Assembly to create a department to be known as the Department of Engineering. The purpose is to have the engineering, building, and construction work of the State placed directly under the charge of one department, instead of having it left with several commissions. By doing so better results can be accomplished at a less cost to the State. The engineering work of the State at present is performed by the Department of Highways, Board of Public Works, Débris Commission, and San Francisco Harbor Board. The monthly salaries of the Department of Highways is \$515.00; of the Board of Public Works, \$890.00; of the Débris Commission, \$75.00, and the San Francisco Harbor Board, \$650.00. These several amounts do not include field assistants.

The total salaries of the engineering department of the State amount to the sum of \$2,130 per month.

Besides this amount there is expended by the State for architectural fees and outside engineering about \$20,000 per annum. Thus there is expended for this branch of the State service, in salaries and fees, the sum of \$45,590 per annum, and this amount will steadily increase.

Under modern methods of construction, the sciences of engineering and architecture are so allied that they can well be, and they should be, under one departmental head.

The making of all plans for public work, at least so far as the same affects our State institutions, numbering twenty or more, the improvement of our rivers and harbors, the construction of highways and bridges, should be under one department. This department should not only prepare all plans, but, with the advice and approval of an advisory board, should make all estimates, let all contracts, and supervise all work for which contracts are let. By doing this there would not only be a large saving in salaries and architectural fees, but a very large saving in the cost of the work to be performed, with the assurance that better work would be done.

There would also be kept in one office all plans of buildings, all contracts let and all the reports of engineers and architects affecting public work, and in doing so a proper check can better be kept of all work coming under its supervision. While, as stated before, there would be a large saving to the State in the way of salaries and fees, it is also unquestionably true that placing all this engineering and architectural work under one efficient responsible head, will result in saving many thousand dollars annually by insuring a strict compliance with the terms of all public contracts.

At the present time much of the work done at our public institutions is accepted by the board or commission having control of the same. From the fact that those men are unskilled and unfamiliar with engineering or architectural affairs, it necessarily follows that they are likely to be misled and deceived as to the kind and character of the work performed.

The recent earthquake has exposed in a striking manner the inadequacy of our present system—much of the loss suffered by the State by the total or partial destruction of some of its institutions is directly traceable to defective work done in the construction thereof. Had there been a responsible head, skilled in such work, whose duty compelled him to honestly determine the kind and character of the work done, much of this loss would have been avoided and many lives saved.

These institutions are about to be repaired or reconstructed, and it is a duty incumbent upon us to see that former mistakes are avoided. The bills referred to provide a scheme which in a large degree removes the possibility of a repetition of our former mistakes.

The establishment of a Department of Engineering, as provided in said bills, commends itself favorably to me.

I feel confident that better results can be obtained for the State, and large sums of money saved to the taxpayers. I commend the said bills to your most careful consideration, trusting that you will take such action thereon as to your judgment appears to be for the best interests of the business of the State.

Should this measure creating the Department of Engineering meet your approval I would commend to your favorable consideration the bill introduced amending Section 2521 of the Political Code. The purpose of this amendment is to place the Engineer of the Board of Harbor Commissioners of San Francisco under the control of the Department of Engineering.

I would further commend to your favorable consideration the bill amending "An Act to regulate contracts on behalf of the State, in relation to erections and buildings." The object to be attained by this amendment is to harmonize this measure with the Act

establishing a Department of Engineering. I desire, however, to particularly direct your attention to the amendment proposed in Section 3 of the above Act. Under the present law it is provided that all contracts must be let in seven subdivisions. Bids must be received and contracts let for the work embraced in each subdivision. The reception or acceptance of bids for the performance of the entire work is prohibited. Under these circumstances the State is most seriously handicapped. It is undoubtedly true that in many instances the State, if permitted, would receive bids for the entire work, which would be less than the aggregate of the separate bids. This being so, it is unwise and unfair to the State to prescribe a method of bidding which may and oftentimes does prevent the State from obtaining the best terms upon public contracts.

As our duty is primarily to the State of California, and not to the contractors, I would suggest that the amendment embraced in Section 3 of the above Act be adopted. It will permit the advisory board of the Department of Engineering to submit all bids in an alternative form, and places it within their power to adopt the one that will result in the greatest benefit and saving to the people of the State of California.

J. N. GILLET,
 Governor of the State of California.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At ten o'clock and twenty-five minutes A. M., President pro tem. E. I. Wolfe in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 235—An Act to amend Sections 2153*a* and 2154 of the Political Code of the State of California, relating to State hospitals for the care and treatment of the insane.

Senate Bill No. 411—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the addition of territory thereto, and taxation thereof.

Senate Bill No. 527—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1779, relating to grammar grade post-graduate courses of instruction in the public schools.

Senate Bill No. 528—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1681, relating to post-graduate courses of study in high schools.

Senate Bill No. 397—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Senate Bill No. 500—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Senate Bill No. 386—An Act to repeal Sections 357, 358*a*, 358*b*, and 358*c* of the Political Code, relating to the "Yosemite Valley and the Mariposa Big Tree Grove."

Senate Bill No. 487—An Act to add a new section to the Political Code, to be numbered and known as Section 757*a*, relating to the office hours of the Clerk of the Supreme Court.

Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1874, and to extend the provisions of said Act to Sutter County.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 235, 411, 527, 528, 397, 500, 386, 487, and 148 ordered on file for third reading.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, February 8, 1907.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

BATES, Chairman

Senate Bill No. 396 ordered on file for second reading.

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 8, 1907.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Senate Bill No. 162—An Act creating and defining the liability of railroad companies for injuries to employes from the negligence of co-employes.

Also: Senate Bill No. 440—An Act to regulate the practice of barbering, and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Also: Senate Bill No. 480—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Senate Bill No. 549—An Act to amend an Act entitled "An Act to regulate the work and hours of employes engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof."

Also: Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads, and regulating the hours of employment thereof.

Also: Senate Bill No. 457—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Also: Senate Bill No. 540—An Act to regulate the practice of horseshoeing in the State of California, and to provide for the examination and registration of persons engaged in such pursuit.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

KEANE, Chairman.

Senate Bills Nos. 162, 440, 480, 549, 491, 457, and 540 ordered on file for second reading.

ON INSURANCE AND INSURANCE LAWS.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 425—An Act to amend Section 439 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

LEAVITT, Chairman.

Senate Bill No. 425 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 8, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to counties of the fifty-first class.

Also: Senate Bill No. 582—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, March 19, 1903, and March 20, 1905, by amending Section 185 thereof, relating to salaries and fees of county and township officers of the twenty-eighth class.

Also: Assembly Bill No. 412—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, and again amended March 12, 1903, relating to the officers of a township.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CARTER, Chairman.

Senate Bills Nos. 583 and 582 ordered on file for second reading.

Assembly Bill No. 412 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 296—An Act to amend Section 476 of the Code of Civil Procedure, relating to ruling on demurrer—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 228—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation.

Also: Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of said State amending Article XII thereof, by amending Section 3 thereof, relating to the liability of stockholders of a corporation or joint stock association.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 179—An Act to amend section thirteen hundred and sixty-five (1365) of the Code of Civil Procedure, relating to persons entitled to administer on the estates of decedents.

Also: Senate Bill No. 173—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil actions.

Have had the same under consideration, and respectfully report the same back, and recommend that the author be requested to withdraw the same.

WOLFE, Chairman.

Senate Bills Nos. 296 and 228 ordered on file for second reading.

Senate Constitutional Amendment No. 33 ordered on file.

WITHDRAWAL OF BILLS.

Senator McCartney asked for and was granted unanimous consent to withdraw Senate Bills Nos. 179 and 173.

Senate Bills Nos. 179 and 173 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 139—An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines, in the Bay of San Diego, or in the entrance thereto.

Also: Senate Bill No. 545—An Act to provide for the acquisition, equipment, and use of a railway car for the purpose of distributing live fish and stocking the waters of this State with fish, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 265—An Act to amend Sections 626, 626a, 626d, 626g, 626j, 627b, and 637a of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637b, all relating to the protection and preservation of game and fish.

Also: Senate Bill No. 113—An Act to amend Sections 628, 628a, 628b, 632, and 634 of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 632b, all relating to the protection and preservation of fish.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act—have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

Also: Senate Bill No. 132—An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines in the Bay of San Diego, or in the entrance thereto—have had the same under consideration, and respectfully report the same back, and recommend that the same be withdrawn.

WELCH, Chairman.

Assembly Bill No. 139 ordered on file for second reading.

Senate Bills Nos. 545, 265, 113, and 247 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Wright asked for and was granted unanimous consent to withdraw Senate Bill No. 132.

Senate Bill No. 132 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON RULES.

SENATE CHAMBER, SACRAMENTO, February 6, 1907.

MR. PRESIDENT: Your Committee on Rules, to whom was referred resolution by Senator Wolfe:

Resolved, That commencing with Monday evening, February 11, 1907, this Senate shall meet for the transaction of business at eight P. M.

Have had the same under consideration, and respectfully report the same back, and recommend that the resolution be adopted.

GREENWELL, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Muentzer, Price, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Wright: Senate Bill No. 651—An Act to amend Section 2580 of the Political Code of the State of California, relating to the powers of the State Board of Harbor Commissioners for the Bay of San Diego.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 652—An Act to amend Section 139 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the duties of the county surveyor.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 653—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 10½.

Bill read first time, and referred to Committee on Irrigation.

By Senator McKee: Senate Bill No. 654—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, and to repeal Chapter XXXII of the Statutes of 1883.

Bill read first time, and referred to Committee on Finance.

By Senator Anthony (by request): Senate Bill No. 655—An Act to amend Section 789 of the Civil Code, relating to notice required in terminating tenancies or other estates at will, however created.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 656—An Act to amend Section 827 of the Civil Code, relating to notice required for changing terms of tenancies or other estates at will, however created, and of all leases of lands or tenements, or of any interest therein, from month to month.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Concurrent Resolution No. 10—Relative to the formation of rifle clubs throughout California, under Act of Congress, approved March 3, 1905, and message of President of the United States, dated December 3, 1906.

Senate Concurrent Resolution referred to Committee on Military Affairs.

By Senator McCartney: Senate Bill No. 657—An Act authorizing the State Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 658—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 659—An Act to prohibit the sale of intoxicating liquors within certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 660—An Act to amend Sections 3804 and 3005a of the Political Code, relating to the refunding of taxes and the cancellation of certificate of tax sales.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Irish: Senate Bill No. 661—An Act to amend Section 61 of the Civil Code, relating to marriage contracts during life of former husband or wife, and to repeal Sections 131 and 132 of the Civil Code, relating to judgments in actions for divorce.

Bill read first time, and referred to Committee on Judiciary.

By Senator Muentner: Senate Bill No. 662—An Act to provide for the erection on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward and for the treatment of acute cases by hydrotherapy and electricity.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Anderson: Senate Bill No. 663—An Act to amend Section 102 of the Civil Code of the State of California, relating to desertion in connection with actions of divorce.

Bill read first time, and referred to Committee on Judiciary.

By Senator Broughton: Senate Bill No. 664—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered Section 1271a, relating to the subject of escheated estates.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 665—An Act to amend Section 1 of an Act entitled "An Act for the regulation of the practice of medicine in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulations," which became a law under the constitutional provision, without the Governor's approval, February 27, 1901.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Willis: Senate Bill No. 666—An Act to amend Section 20 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks for the construction of sewers within municipalities," approved March 18, 1885.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Leavitt: Senate Bill No. 667—An Act to appropriate the sum of sixty and fifty one-hundredths dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 668—An Act to appropriate the sum of one thousand five hundred and thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 669—An Act to appropriate the sum of two hundred and twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 670—An Act to appropriate the sum of three thousand four hundred and sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 671—An Act to appropriate the sum of three hundred and forty-nine and sixty one-hundredths dollars to pay the claim of the Minnesota Mutual Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 672—An Act to appropriate the sum of nine hundred and three and seventy-two one-hundredths dollars to pay the claim of the Massachusetts Mutual Life Insurance Company, of Springfield, against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 673—An Act to appropriate the sum of eleven and thirty one-hundredths dollars to pay the claim of The Life Association of America against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 674—An Act to appropriate the sum of one thousand seven hundred and sixty-two and seventy-nine one-hundredths dollars to pay the claim of the Germania Life Insurance Company of New York against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 675—An Act to appropriate the sum of eight hundred and eighty-nine and ninety-five one-hundredths dollars to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 676—An Act to appropriate the sum of two thousand five hundred and thirty-six and seventy-six one-hundredths dollars to pay the claim of the Aetna Life Insurance Company of Hartford, Connecticut, against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 677—An Act to repeal an Act entitled "An Act to extend the time for filing with the Insurance Commissioner statements of insurance business transacted during the year ending Decem-

ber 31, 1905, within the time prescribed by law, and to remit penalties for failing to file the same," approved June 14, 1906.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 678—An Act to amend Section 428 of the Civil Code, relating to the limitations of risks of insurance corporations.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 679—An Act to amend Section 431 of the Civil Code of the State of California, relating to amounts to be reserved by Life Insurance Companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 680—An Act to repeal Section 444 of the Civil Code, relating to investments by certain life, health, and accident insurance corporations.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 681—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 3, 1905.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 682—An Act to amend an Act entitled "An Act to repeal Section 427 of an Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto to be numbered 421, both in relation to how funds of insurance may be invested," approved March 21, 1905.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 683—An Act relating to annual reports of life insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 684—An Act permitting the retirement of capital stock of mutual life insurance companies in certain cases.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 685—An Act relating to vouchers for certain disbursements by life insurance companies in this State.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 686—An Act relating to the compensation and contracts with officers, trustees, directors, and employes of life insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 687—An Act providing for and regulating the election of directors, trustees, or governing boards of mutual life insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 688—An Act to prohibit discrimination by life insurance companies, and to provide penalties for violation thereof.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 689—An Act to prohibit certain misrepresentations as to life insurance, and to provide penalties therefor.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 690—An Act defining the status of persons soliciting life insurance.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 691—An Act providing that life insurance policies shall constitute the entire contract.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 692—An Act prohibiting the use for political purposes of property of certain life insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 693—An Act providing for an annual apportionment and accounting of surplus of certain life insurance companies on policies heretofore issued.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 694—An Act to acquire an annual apportionment and accounting of surplus of certain life insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 695—An Act to establish standard forms in which policies of life insurance may be issued in this State and in which policies of life insurance companies organized under the laws of this State may be issued; and regulating the conditions and provisions to be contained in policies of life insurance companies that do not adopt such standard forms.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 105—An Act to prevent the waste of water from artesian wells, and prescribing penalties therefor, and defining artesian wells and waste.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 105 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Kennedy, Leavitt, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Carter gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 105 was this day passed.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER RESET.

In compliance with his notice given on previous day, Senator Anderson moved that the vote whereby Senate Bill No. 239—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1873, by amending Section 465, relating to the powers of railroad corporations—was refused passage, be now reconsidered.

The motion was duly seconded.

Senator Anderson moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 239 was refused passage, be postponed and made a special order for Monday, February 11, 1907, at eleven o'clock A. M.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 165—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 165 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Willis, Wolfe, and Wright—82.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 163—An Act to amend an Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 163 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Caminetti, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 138—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

On motion of Senator Anderson, Senate Bill No. 138 was temporarily passed on file, to retain its place.

Senate Bill No. 38—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.

Senate Bill No. 38 was temporarily passed on file, in the absence of the author, to retain its place.

Assembly Bill No. 429—An Act making an appropriation to pay the claim of C. W. R. Koke, for services performed as acting guardian at the Marshall monument at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same (the payment of which claim has been approved by the State Board of Examiners, in accordance with the provisions of law).

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 429 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Mattos, McCartney, Muenster, Nelson, Price, Rambo, Kelly, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 121—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District No. 70, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

Senate Bill No. 121 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 122—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a reclamation district, to be called 'Reclamation District No. 70,' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

Senate Bill No. 122 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 294—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874.

Senate Bill No. 294 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 126—An Act concerning trespassing of animals upon private land and the recovery of damages resulting therefrom.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

By striking out of Section 1, lines 1 to 4, the words beginning with "It is unlawful" and all following down to and including "animal," in line 4, page 1, Section 1, and inserting in lieu thereof the following: "It is unlawful for any person, firm, or corporation owning, or having possession of, any animal, to suffer or permit such animal to break into and enter upon any land owned by, or lawfully in the possession of any person, firm, or corporation, other than the owner of such animal, in all cases where such land is planted to growing crops, vines, fruit trees, or vegetables, and is at the time entirely enclosed by a substantial fence or other enclosure."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 126, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Special Committee.

Report of special committee of one, and amendment, adopted.

MOTIONS TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

By inserting after the word "all," in Section 2, line 6, page 1, the following: "actual."

Motion carried.

Senator Willis moved to refer to Senator Curtin as a special committee of one, to amend as follows:

By striking out Section 5, page 2, and Section 7, page 3, and by striking out of Section 6, line 1, the figure "6," and inserting in lieu thereof the figure "5," and by striking out of Section 8, line 1, the figure "8," and inserting in lieu thereof the figure "6," and by striking out of Section 9, line 1, the figure "9," and inserting in lieu thereof the following: "7."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 126, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

PRIVILEGES OF THE SENATE EXTENDED.

On motion of Senator Belshaw, unanimously carried, the privileges of the Senate were extended to ex-Senators Shortridge, Ralston, and Hahn.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 139—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

On motion of Senator Anderson, Senate Bill No. 139 was temporarily passed on file, to retain its place.

Senate Bill No. 465—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigating districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Senate Bill No. 465 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 280—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government."

approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

On motion of Senator Rush, Senate Bill No. 280 was temporarily passed on file, to retain its place.

Senate Bill No. 267—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties, equitably chargeable to San Benito County," approved March 11, 1887, rectifying and rendering more certain the boundaries thereof.

Read third time on a previous day.

RE-REFERENCE OF BILL.

On motion of Senator Lynch, Senate Bill No. 267 was re-referred to Committee on County Government.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 74—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

On motion of Senator Bates, Senate Bill No. 74 was temporarily passed on file, to retain its place.

Senate Bill No. 160—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

On motion of Senator Leavitt, Senate Bill No. 160 was temporarily passed on file, to retain its place.

Assembly Bill No. 131—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in such channels, and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.

On motion of Senator Anderson, Assembly Bill No. 131 was temporarily passed on file, to retain its place.

Assembly Bill No 111—An Act relating to senior rights of members of paid police departments in counties, cities and counties, cities, or towns.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 111 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McArthur, Muenter, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE CONSTITUTIONAL AMENDMENT No. 31.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California relating to the extension of the terms of existence of corporations.

The Legislature of the State of California, at its thirty-seventh session, two thirds of all members elected to the Senate and Assembly voting therefor, proposes to the qualified electors of the State of California the following amendment to Section 7 of Article XII of the Constitution:

Section 7 of Article XII of the Constitution is hereby amended so as to read as follows: Section 7. The Legislature shall not extend any franchise or charter nor remit the forfeiture of any franchise or charter of any quasi-public corporation now existing or which shall hereafter exist under the laws of this State. The term of existence of any other corporation now or hereafter existing under the laws of this State may be extended, at any time prior to the expiration of its corporate existence, for a period not exceeding fifty years from the date of such extension, by the vote or written consent of stockholders representing two thirds of its capital stock or of two thirds of the members thereof. A certificate of such vote or consent shall be signed and sworn to by the president and secretary, and by a majority of the directors of the corporation, and filed and certified in the manner and upon payment of fees required by law for filing and certifying articles of incorporation, and thereupon the term of the corporation shall be extended for the period specified in such certificate, and such corporation shall thereafter pay all annual or other fees required by law to be paid by corporations.

Constitutional amendment read.

RE-REFERENCE OF CONSTITUTIONAL AMENDMENT.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 31 was referred to Committee on Judiciary, to retain its place.

THIRD READING OF BILLS—(RESUMED).

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two (2) of Article IV thereof, relating to sessions of the Legislature, and the limitation of pay of members thereof in extraordinary sessions.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 28 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 1, of Article IV thereof, relating to the legislative power and to certain reservations thereof by the people.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 25 was temporarily passed on file, to retain its place.

SENATE CONSTITUTIONAL AMENDMENT No. 2.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State amending Article XII thereof by amending sections 19 and 22 thereof and by striking therefrom Section 23 of said article and renumbering said article so that Section Number 24 of said article shall be Number 23, thereby abolishing the office of Railroad Commissioner, and transferring the duties now prescribed for said Railroad Commissioners to the State Board of Equalization.

The Legislature of the State of California, at its thirty-seventh session, commencing

on the seventh day of January, nineteen hundred and seven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that Article XII of the Constitution of the State of California be amended by amending Sections 19 and 22 thereof and by striking therefrom Section 23 of said article and renumbering said article so that section number 24 of said article shall be number 23, thereby abolishing the office of Railroad Commissioner, and transferring the duties now prescribed for said Railroad Commissioners to the State Board of Equalization.

Sec. 19. No railroad or other transportation company shall grant free pass or passes, or tickets at a discount, to any person holding any office of honor, trust, or profit in this State; and the acceptance of any such pass or passes, or tickets by a member of the Legislature, or any public officer, other than a member of the State Board of Equalization, shall work a forfeiture of his office.

Sec. 22. Said State Board of Equalization shall have the power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies, and publish the same from time to time, with such changes as they may make; to examine the books, records, and papers of all railroad and other transportation companies, and for this purpose they shall have power to issue subpoenas and all other necessary process; to hear and determine complaints against railroad and other transportation companies, to send for persons and papers, to administer oaths, take testimony, and punish for contempt of their orders and processes, in the same manner and to the same extent as courts of record, and enforce their decisions and correct abuses through the medium of the courts. Said State Board of Equalization shall prescribe a uniform system of accounts to be kept by all such corporations and companies. Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by said State Board of Equalization, or shall charge rates in excess thereof, or shall fail to keep their accounts in accordance with the system prescribed by the said State Board of Equalization, shall be fined not exceeding twenty thousand dollars for each offense; and every officer, agent, or employé of any such corporation or company, who shall demand or receive rates in excess thereof, or who shall in any manner violate the provisions of this section, shall be fined not exceeding five thousand dollars, or be imprisoned in the county jail not exceeding one year. In all controversies, civil or criminal, the rates of fares and freights established by said State Board of Equalization shall be deemed conclusively just and reasonable, and in any action against such corporation or company for damages sustained by charging excessive rates, the plaintiff, in addition to the actual damage, may, in the discretion of the judge or jury, recover exemplary damages. Said State Board of Equalization shall report to the Governor, annually, their proceedings, and such other facts as may be deemed important. Nothing in this section shall prevent individuals from maintaining actions against any of such companies. The Legislature may, in addition to any penalties herein prescribed, enforce this article by forfeiture of charter or otherwise, and may confer such further powers on the said State Board of Equalization as shall be necessary to enable them to perform the duties enjoined on them in this and the foregoing section. The Legislature shall have power by a two-thirds vote of all the members elected to each house, to remove any one or more of said State Board of Equalization from office for dereliction of duty, or corruption, or incompetency; and whenever, from any cause, a vacancy in office shall occur in said State Board of Equalization, the Governor shall fill the same by appointment of a qualified person thereto, who shall hold office for the residue of the unexpired term, and until his successor shall have been elected and qualified. Said State Board of Equalization shall not be interested in any railroad or corporation or other transportation company as stockholder, creditor, agent, attorney, or employé, and the act of a majority of said State Board of Equalization shall be deemed the act of said State Board of Equalization.

Section 23 of Article XII of the Constitution of California is hereby repealed.

Section 24 of said Article XII of the Constitution of California is hereby renumbered so the same shall be Section 23.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.
The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Curtin moved a call of the Senate.

Motion carried.

Time, eleven o'clock and thirty-five minutes A. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—34.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and forty-five minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll was called.

Whereupon the President pro tem. announced that Senate Constitutional Amendment No. 2 was refused adoption by the following vote:

AYES—Senators Anderson, Bell, Caminetti, Carter, Cartwright, Irish, Kennedy, Mattos, Muentzer, Rambo, Rush, Sanford, Walker, and Wright—14.

NOES—Senators Anthony, Bates, Belshaw, Black, Boynton, Broughton, Curtin, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Price, Reily, Rolley, Weed, Welch, Willis, and Wolfe—22.

NOTICE OF MOTION TO RECONSIDER.

Senator Curtin gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 2 was this day refused adoption.

EXPLANATION OF VOTE.

Senator Cartwright explained his vote as follows:

MR. PRESIDENT: I am in favor of the resolution, not because I believe that the Railroad Commission should be abolished absolutely, but that as at present constituted it serves no useful purpose to the people of this State. After a careful examination of the laws of Illinois and the results to the people of that State, I believe that Illinois has come more nearly to the solution of her railroad problems than any other State in the Union. In Illinois the Governor appoints and removes the members of the Railroad Commission at will and public opinion compels him to remove any commissioner who fails to do his duty.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 411—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the additional territory thereto, and taxation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 411 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR KEANE IN THE CHAIR.

At eleven o'clock and forty minutes A. M., Senator George B. Keane, of the Twenty-third District, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 527—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1779, relating to grammar grade post-graduate courses of instruction in the public schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 527 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentzer, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 528—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1681, relating to post-graduate courses of study in high schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 528 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 263—An Act entitled "An Act to amend Section 1669 of the Political Code," relating to the establishment of high schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 263 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Nelson, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 397—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Senate Bill No. 397 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 500—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Wolfe, Senate Bill No. 500 was referred to Committee on Finance, to retain its place.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 386—An Act to repeal Sections 357, 3584, 3585, and 3586 of the Political Code, relating to the "Yosemite Valley and the Mariposa Big Tree Grove."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 386 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Nelson, Price, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 487—An Act to add a new section to the Political Code, to be numbered and known as Section 757a, relating to the office hours of the Clerk of the Supreme Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 487 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Muentner, Nelson, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Read third time.

On motion of Senator Boynton, Senate Bill No. 148 was temporarily passed on file, to retain its place.

SECOND READING OF BILLS.

Senate Bill No. 494—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 552—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the proof of lost and destroyed wills.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, line 7, insert after the word "violently" the words "or by public calamity."

Amendment adopted.

Also:

On page 1, title, line 3, strike out the word "and," and insert in lieu thereof the following: "or."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 348—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, and at end of line after the word "will," insert " , ,".

Amendment adopted.

Also:

On page 1, Section 1, line 6, strike out the word "proved," and insert in lieu thereof the word "shown."

Amendment adopted.

Also :

On page 1, Section 1, line 7, strike out the word "accidentally," and insert in lieu thereof the following: "by public calamity."

Amendment adopted.

Also:

On page 1, Section 1, line 8, after the word "testator," at beginning of line, insert " , without his knowledge."

Amendment adopted.

Also:

On page 1, Section 1, lines 8 and 9, strike out the words "and that the testator died in ignorance of such destruction."

Amendment adopted.

Also :

On page 1, Section 1, line 9, after the word "are," insert the words "clearly and."

Amendment adopted.

Also:

On page 1, Section 1, line 10, strike out the "." after the word "witnesses" and insert in lieu thereof the following: "*provided, however,* that if the testator be committed to any State hospital for the insane in this State, and after such commitment his last will and testament be destroyed by public calamity, and the testator is never restored to competency, then after the death of the said testator, his said last will may be probated as though it were in existence at the time of the death of the testator."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 407—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued license to practice in all the courts of this State.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 1, insert after the enacting clause the word and figure "Section 1."

• Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 504—An Act to amend Section 11 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the use of books in such libraries.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 4, strike out the word "section."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third

Senate Bill No. 492—An Act to amend Sections 1171 and 1174 of the Penal Code of California, relating to the preparation and settlement of bills of exception in criminal cases.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, add the letter "s" to the word "exception."

Amendment adopted.

Also:

On page 2, Section 1, line 9, insert after the word "the" and before the word "Supreme" the words "District Court of Appeal or of the."

Amendment adopted.

Also:

On page 2, Section 2, line 17, insert before the word "Supreme" the words "District Court of Appeal or of the."

Amendment adopted.

Also:

On page 2, Section 2, line 20, insert after the word "justice" the words "or presiding justice."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 558—An Act entitled "An Act to grant rights of way over the public land of the State of California for ditches, tunnels, and telephone and transmission lines."

On motion of Senator Wright, Senate Bill No. 558 was temporarily passed on file, to retain its place.

Assembly Bill No. 335—An Act to amend an Act entitled "An Act to amend an Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 521—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 168—An Act to amend Section 718 of the Civil Code, relating to leases of town and city lots.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 452—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 45—An Act to enable the people of the State of Cali-

fornia to express by ballot their preference for some person for the office of United States Senator.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 227—An Act to provide the manner in which proposed amendments to the Constitution shall be introduced and submitted to the voters of the State.

Senate Bill No. 346—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, and providing for the publication and distribution of a pamphlet showing the comparative statement of the operations of the present section or article of the Constitution and of the result to be effected by the proposed amendment.

During second reading of bills, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 227 AND 346.

An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Whenever the Legislature shall propose any amendment to the Constitution of this State, which amendment shall have been passed in the manner required by section one of article eighteen of the Constitution, the author of such amendment and one member of the same House who voted with the majority on the submission of such amendment and one member of the same House as the author who voted with the minority against the submission of such amendment, both of whom shall be selected by the presiding officer of such House before the adjournment of the Legislature, and they shall within one year after the adjournment of the Legislature prepare a brief statement showing the purpose of said amendment, and a comparative statement of the operation of the present section or article of the Constitution, and the reasons advanced by the majority for its adoption, and the reasons advanced by the minority against its adoption, and any other reason why such amendment should be adopted, or be not adopted, and forward such article to the Secretary of State, and the Secretary of State shall cause to be printed at the State Printing Office, in convenient form, one and one half times as many copies of such statement as there are registered voters in this State, and in case the Legislature shall submit any proposition to a vote by the qualified electors of the State, the Secretary of State shall duly, and not less than twenty-five days before the election next ensuing, certify such amendment and proposition to the County Clerk of each county of the State, and shall cause to be printed at the State Printing Office one and one half times as many copies of said amendment and proposition as there are registered voters in the State, and at least thirty days before any election at which said proposition and amendment is to be voted on the Secretary of State shall furnish each County Clerk in the State with one and one half times as many copies of said amendment, proposition and statement as there are registered voters in his county. The Clerk of each county shall thereafter cause to be mailed to each voter a copy of such amendment or proposition and of said statement, at the same time, in the same manner and in the same envelope provided for in Section 1194 of this Code, and no other publication of said amendment or proposition shall be necessary or authorized.

Substitute read and adopted.

Bill read second time and ordered to print, engrossment, and third reading.

Senate Bill No. 475—An Act to amend Section 209 of the County Government Act, relating to the compensation of the various county officers in counties of the fifty-second class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 533—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating

to the salaries of county and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 503—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Bill read second time, considered engrossed, and ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wright asked for and was granted unanimous consent to have Senate Bill No. 558 taken up for the purpose of amendment.

Senate Bill No. 558—An Act entitled "An Act to grant rights of way over the public land of the State of California for ditches, tunnels, and telephone and transmission lines."

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 1, insert after the enacting clause the word and figure "Section 1."

Amendment adopted.

Also, offered by Senator Wright:

Amend by inserting after the word "ditches," on line 2, page 1 of Senate Bill No. 558, the words "roads, levees, dams, canals, dikes, tramways, mounds, embankments."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

SECOND READING OF CODE REVISION BILLS.

Senate Bill No. 357—An Act to amend Section 1239 of the Penal Code, relating to the time in which appeals may be taken in criminal actions.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, strike out the word "sixty," and insert in lieu thereof the following: "ninety."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 324—An Act to amend Section 625 of the Code of Civil Procedure, relating to when a general or special verdict may be rendered.

Bill read second time, considered engrossed, and ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Leavitt: Senate Bill No. 696—An Act making an appropriation to pay the claim of Victor Heck against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Price: Senate Bill No. 697—An Act making an appropriation of \$4,000, to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the old Theatre property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties," approved February 21, 1905.

Bill read first time, and referred to Committee on Finance.

By Senator Lynch: Senate Bill No. 698—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, and the Act amendatory thereof, approved March 11, 1887, by changing the division line between said San Benito County and Monterey County, so as to include in said San Benito County a part of said Monterey County, and in said Monterey County a part of said San Benito County.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 699—An Act to form agricultural districts, to provide for the organization of agricultural associations therein and for the management and control of the same by the State, and repealing all Acts or portions of Acts in conflict herewith.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator McKee: Senate Bill No. 700—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to officers and their salaries, in counties of the fifth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 701—An Act to amend Subdivision 15 of Section 162 of an Act entitled "An Act to amend Section 162 of an Act entitled 'An Act to establish a uniform system of county and township government,'" approved April 1, 1897, and amended March 19, 1903, approved March 20, 1905.

Bill read first time, and referred to Committee on County Government.

By Senator Wolfe: Senate Constitutional Amendment No. 34—Relative to dealing in stocks on margins.

Senate Constitutional Amendment referred to Committee on Judiciary.

By Senator Anthony (by request): Senate Bill No. 702—An Act amending the Political Code of the State of California by adding thereto a new section, to be numbered 3571½, relating to the public lands of this State.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 703—An Act to amend Sections 1925, 1928, 1934, and 1956, and to repeal Sections 1930, 1932, and 2004, of Chapter II, of Title IV, of an Act entitled "An Act to establish a Political Code of the State of California," relating to the National Guard.

Bill read first time, and referred to Committee on Military Affairs.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Bates:

Resolved, That the Sergeant-at-Arms provide for the use of the Press Mailing Clerks \$100 worth of postage stamps, the same payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant for, and the Treasurer to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Broughton:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of the Sergeant-at-Arms for the sum of \$610.55 in payment of the bills attached hereto:

J. W. Gudgel	\$ 17 00
Kane-Trainor Ice Co.	21 00
Capital Telephone and Telegraph	12 00
J. L. Martin	1 40
Siller Bros.	5 00
Levees	4 50
H. S. Crocker Co.	4 50
John Breuner Co.	76 40
Scott, Lyman & Stack.	100 30
Rochdale Co.	2 50
M. Fraser	40 00
F. R. Pulford	56 45
J. Gudgel	40 00
H. S. Crocker Co.	5 00
H. S. Crocker Co.	9 50
H. S. Crocker Co.	215 00
Total	\$610 55

Resolution read, and referred to Committee on Contingent Expenses.
By Committee on Contingent Expenses:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Red Men's Hall Association in the sum of \$1,250, payable out of the Contingent Fund of the Senate, the same being for one-half of the expense of fitting, furnishing, and repairing the Legislative Hall, now occupied by the Legislature of the State of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Leavitt, Lynch, Mattos, McCartney, Nelson, Price, Reilly, Sanford, Wolfe, and Wright—25.

NOES—None.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the hour of recess was extended ten minutes.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 8, 1907.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 92—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District No. 70, of Sutter County, and to provide for the construction, maintenance and repairs of levees therein," approved March 27, 1878.

Also: Assembly Bill No. 94—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District No. 6

of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.

Also: Assembly Bill No. 95—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a reclamation district, to be called 'Reclamation District No. 70,' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

PRICE, Chairman.

Assembly Bills Nos. 92, 94, and 95 ordered on file for second reading.

ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, February 8, 1907.

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Senate Joint Resolution No. 10—Relative to modification of rules regarding issuance of patents to mining claims—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BOYNTON, Chairman.

Senate Joint Resolution No. 10 ordered on file.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 8, 1907.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Assembly Bill No. 176—An Act to promote the public welfare, by providing for the conveyance, holding and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of hospitals for the relief of the sick and for training schools for nurses—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MUENTER, Chairman.

Assembly Bill No. 176 ordered on file for second reading.

ADJOURNMENT.

At twelve o'clock and thirty-five minutes P. M., on motion of Senator Leavitt, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Saturday, February 9, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Savage, Welch, Willis, Wolfe, and Wright—29.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVES OF ABSENCE.

Senator Wright was, on motion of Senator Belshaw, granted leave of absence for this day.

Senator Hartman was, on motion of Senator Keane, granted leave of absence for this day.

Senator Welch was, on motion of Senator Wolfe, granted leave of absence for this day.

Senator Miller was, on motion of Senator Sanford, granted leave of absence for this day.

Senator Greenwell was, on motion of Senator Markey, granted leave of absence for this day.

Senator Kennedy was, on motion of Senator Rush, granted leave of absence for this day.

Senator Weed was, on motion of Senator Leavitt, granted leave of absence for this day.

Senator Cartwright was, on motion of Senator Bell, granted leave of absence until Tuesday, February 12, 1907.

Senator Curtin was, on motion of Senator Leavitt, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 8, 1907, the further reading was dispensed with, on motion of Senator Mattos.

PRIVILEGES OF THE SENATE FLOOR EXTENDED.

On motion of Senator Wolfe, unanimously carried, the privileges of the Senate floor were extended to ex-Senator Shortridge, who thereupon addressed the Senate.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate Concurrent Resolution No. 7—Approving four certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein on the fourth day of December, 1906.

Also: Passed Senate Bill No. 141—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and prohibiting the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

Also: Senate Bill No. 447—An Act providing for the cancellation of bonds given to secure the performance of the conditions of franchises or privileges, the exoneration of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

Also: Assembly Bill No. 310—An Act to amend Section 5 of "An Act regulating the employment and hours of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Assembly Bill No. 311—An Act to amend Section 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Assembly Bill No. 341—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Also: Assembly Bill No. 361—An Act to amend the Penal Code of the State of California, by adding three new sections thereto, to be numbered 556, 556a, and 556b, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State.

Also: Assembly Bill No. 393—An Act to amend Section 486 of the Civil Code.

Also: Assembly Bill No. 406—An Act to amend Section 1174 of the Code of Civil Procedure of the State of California, relating to the verdict of the jury and judgment of the court, in forcible entry, or forcible or unlawful detainer cases.

Also: Assembly Bill No. 581—An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Also: Assembly Bill No. 459—An Act to amend Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Also: Assembly Bill No. 485—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the addition of territory thereto and taxation thereof.

Also: Assembly Bill No. 565—An Act providing for the appointment of police judges in municipalities having a freeholders' charter, wherein provision is made for a police court judge but no provision is made for the appointment or election of such police judge.

Also: Assembly Bill No. 528—An Act to provide for the issuance of duplicates of bonds, warrants and other municipal securities which have become defaced or mutilated.

Also: Assembly Bill No. 383—An Act to amend the Civil Code, by adding a new section thereto, to be numbered 1828, relating to delivery or payment of deposit made in the names of two or more persons.

Also: Assembly Bill No. 563—An Act to repeal an Act entitled "An Act to repeal an Act entitled 'An Act to increase the number of clerks for the limited period of six (6) months, commencing in the month of January of each year, in the office of the Treasurer of State, and for the appointment of such additional clerk,' approved March 16, 1889, and authorizing the Treasurer of State to appoint one clerk, at an annual salary of \$1,600," approved March 26, 1895.

Also: Assembly Bill No. 306—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and amended March 20, 1905, by amending Sections 3, 4, 5, and 6 of said Act, and by adding a new section to said Act to be numbered Section 7½.

Also: Assembly Bill No. 30—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Also: Assembly Bill No. 15—An Act to add a new section to the Civil Code of California, to be known as Section 1669, authorizing the recovery by suit of money put up, staked, or lost at gaming.

Also: Assembly Bill No. 217—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Also: Assembly Bill No. 167—An Act to amend an Act entitled "An Act appropriating money for building an assembly hall at the Preston School of Industry," approved March 22, 1905.

Also: Assembly Bill No. 106—An Act to create a State Board of Forestry, to prescribe its duties, to establish a Forestry Fund, to provide for the enforcement of forest protection laws, and to repeal an Act approved March 18, 1905, entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor."

Also: Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code relating to State and county school moneys being used for the payment of teachers.

Also: Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code relative to duties of the text-book committee.

Also: Assembly Bill No. 449—An Act to grant permission to the "Sacramento Society of California Pioneers" to erect a memorial building on the grounds of the Sutter's Fort Park, in Sacramento City.

Also: Assembly Bill No. 570—An Act to amend Section 1 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof," approved March 19, 1889, and March 31, 1891.

Also: Assembly Bill No. 548—An Act to prevent deception in the manufacture and sale of California wines, by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

Also: Assembly Bill No. 212—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Also: Assembly Bill No. 242—An Act to amend Section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates.

Also: Assembly Bill No. 101—An Act to amend Sections 3346 and 3346a of the Civil Code, and to add thereto a new section, to be denominated Section 3346b, all relating to the measure of damages for injuries to timber and timber lands.

Also: Assembly Bill No. 349—An Act to amend Sections 4332 and 4333 of the Political Code of the State of California, relating to fees of public officers.

Also: Assembly Bill No. 500—An Act to add a new section to the Code of Civil Procedure relating to juries, to be known and numbered as Section 605.

Also: Assembly Bill No. 24—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be known and designated as Section 602½, relating to the tearing down of fences and the opening of gates, bars and fences, and the hunting upon lands of another, and the killing, maiming or wounding of any animal, and the leaving of camp fires burning or unextinguished.

Also: Assembly Bill No. 462—An Act to amend Section 443 of the Political Code relative to State school tax.

Also: Assembly Bill No. 509—An Act to amend Section 1663 of the Political Code, relating to duties of county boards of education.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Concurrent Resolution No. 7 ordered to enrollment.

Senate Bills Nos. 141 and 447 ordered to enrollment.

Assembly Bills Nos. 310, 311, and 30 read first time, and referred to Committee on Labor, Capital and Immigration.

Assembly Bill No. 341 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bills Nos. 361, 393, 406, 581, 459, 15, 212, 242, 101, 349, 500, and 24 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 485, 306, 541, 543, and 509 read first time, and referred to Committee on Education.

Assembly Bills Nos. 565 and 528 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 383 read first time, and referred to Committee on Banking.

Assembly Bills Nos. 563 and 167 read first time, and referred to Committee on Finance.

Assembly Bill No. 217 read first time, and referred to Committee on County Government.

Assembly Bill No. 106 read first time, and referred to Committee on Forestry and Water Preservation.

Assembly Bill No. 570 read first time, and referred to Committee on Fruit and Vine Interests.

Assembly Bill No. 449 read first time, and referred to Committee on Public Buildings and Grounds.

Assembly Bill No. 548 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 462 read first time, and referred to Committee on Revenue and Taxation.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 9, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Concurrent Resolution No. 8—Relative to Joint Rules.

Senate Bill No. 6—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 23, 1893, by adding one new section thereto, to be numbered Section 31, relating to the transfer of boys from State prisons thereto, and of the powers and duties of certain public officers in connection therewith.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 7th day of February, 1907, at four o'clock P. M.

Senate Bill No. 570—An Act to amend Section 12 of an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers, and provid-

ing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Senate Bill No. 554—An Act to prevent the manufacture and sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight.

Senate Bill No. 303—An Act to repeal Sections 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, and 79 of the Code of Civil Procedure, all relating to courts of justice.

Senate Bill No. 304—An Act to repeal Section 115 of the Code of Civil Procedure, relating to the criminal jurisdiction of justices' courts.

Senate Bill No. 305—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

Senate Bill No. 306—An Act to amend Section 139 of the Code of Civil Procedure and to repeal Section 140 thereof, both relating to proceedings in case of absence of judge.

Senate Bill No. 307—An Act to amend Section 144 of the Code of Civil Procedure, relating to places of holding courts.

Senate Bill No. 308—An Act to repeal Sections 156 and 157 of the Code of Civil Procedure, both relating to the eligibility of judicial officer.

Senate Bill No. 312—An Act to amend Sections 352 and 355 of the Code of Civil Procedure, both relating to the time of commencing actions.

Senate Bill No. 314—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Senate Bill No. 315—An Act to add two new sections to the Code of Civil Procedure, to be numbered 417 and 418, both relating to actions for libel and slander.

Senate Bill No. 320—An Act to amend Sections 566 and 567 of the Code of Civil Procedure, both relating to receivers.

Senate Bill No. 220—An Act to amend Sections 681, 687, 688, and 689 of the Code of Civil Procedure, all relating to executions in civil cases.

Senate Bill No. 359—An Act to amend Section 1475 of the Penal Code, relating to the issuance of writs of habeas corpus and to petitions therefor, and to service of copies thereof upon the district attorney in certain cases, and to the discharge of persons on such writs.

Senate Bill No. 330—An Act to amend section thirteen hundred and sixty-five (1365) of the Code of Civil Procedure, relating to persons entitled to administer on the estates of decedents.

Senate Bill No. 415—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Senate Bill No. 416—An Act to repeal Sections 288, 289, 290, 291, 292, 293, 294, and 295 of the Political Code, all relating to the contesting of elections.

Senate Bill No. 417—An Act to amend Section 4452 of the Political Code, relating to liabilities of counties and cities for injuries to property by mobs or riots.

Senate Bill No. 418—An Act to amend Section 1973 of the Code of Civil Procedure, relating to agreements which, or some note or memorandum whereof, must be in writing.

Senate Bill No. 423—An Act to add a new section to the Political Code, to be known as Section 3975a, providing for the transfer of certain moneys from one county to another, when a new county has been formed and organized.

Senate Bill No. 483—An Act to amend Section 3902 of the Political Code, relating to the division of the State into counties.

Senate Bill No. 485—An Act to repeal Section 3366 of the Political Code, relating to the imposition of license taxes.

Senate Bill No. 486—An Act to amend Section 7 of the Civil Code, relating to holidays.

Senate Bill No. 71—An Act to amend Section 3381 of the Political Code, relating to the correction of clerical omissions, errors, or defects in assessment books.

Senate Bill No. 432—An Act to amend the title and Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 20, 1903.

Senate Bill No. 348—An Act to prohibit the use of chemicals and other materials, in milk and milk products to prevent fermentation therein.

Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Committee Substitute for Senate Bill No. 433—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, and to add a new section thereto, to be numbered 18½, all relating to the practice of pharmacy, and providing a penalty for the violation thereof, and for the appointment of a board, to be known as the California State Board of Pharmacy.

Senate Bill No. 244—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Senate Bill No. 60—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California.

Senate Bill No. 260—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen (\$101,314) dollars for the use and benefit of the

University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Senate Bill No. 291—An Act making an appropriation of one thousand six hundred and twenty-one (\$1,621) dollars to repay the Regents of the University of California for moneys appropriated by them to rebuild the barn of the Lick Observatory at Mount Hamilton, California, which was destroyed by fire, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Senate Bill No. 292—An Act making an appropriation of five thousand (\$5,000) dollars for the purpose of completing the photographic laboratory in combination with a fire-proof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Senate Bill No. 313—An Act to amend Sections 387, 388, and 389 of the Code of Civil Procedure, all relating to parties to civil actions.

Senate Bill No. 317—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Senate Bill No. 321—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court, and to repeal Section 2104 of said Code.

Senate Bill No. 29—An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor.

Senate Bill No. 494—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

Senate Bill No. 521—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.

Senate Bill No. 168—An Act to amend Section 718 of the Civil Code, relating to leases of town and city lots.

Senate Bill No. 452—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Senate Bill No. 45—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Senate Bill No. 475—An Act to amend Section 209 of the County Government Act, relating to the compensation of the various county officers in counties of the fifty-second class.

Senate Bill No. 533—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts.

Senate Bill No. 503—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Senate Bill No. 324—An Act to amend Section 625 of the Code of Civil Procedure, relating to when a general or special verdict may be rendered.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 570, 554, 303, 304, 305, 306, 307, 308, 312, 314, 315, 320, 220, 359, 330, 415, 416, 417, 418, 423, 483, 485, 486, 71, 432, 348, 100, 244, 60, 260, 291, 292, 313, 317, 321, 29, 494, 521, 168, 452, 45, 475, 533, 503, 324, and Committee Substitute for Senate Bill No. 433, ordered on file for third reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 9, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 87—An Act transferring money from the traveling expense fund of the Bureau of Building and Loan Supervision to a special fund to defray the expenses of restoring the office furniture and fixtures of said bureau, lost or destroyed by conflagration or other public calamity, and directing the State Controller and State Treasurer to make such transfer and to draw and pay warrants for the disbursement thereof.

Also: Assembly Bill No. 220—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Also: Assembly Bill No. 324—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor General.

Also: Assembly Bill No. 430—An Act making an appropriation to pay the deficiency in the appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Also: Assembly Bill No. 432—An Act appropriating money to pay the funeral expenses of the late Controller, Edward P. Colgan.

Also: Assembly Bill No. 477—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Also: Assembly Bill No. 480—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

Also: Senate Bill No. 14—An Act to appropriate money for the finishing of an assembly hall at the Preston School of Industry.

Also: Senate Bill No. 16—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school; and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings.

Also: Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

Also: Senate Bill No. 61—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of lands claimed by the State of California fronting on the Bay of San Diego.

Also: Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of, and for repairs at the Preston School of Industry.

Also: Senate Bill No. 107—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Also: Senate Bill No. 114—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Also: Senate Bill No. 115—An Act appropriating money for the construction and equipment of a cold storage plant at the Preston School of Industry.

Also: Senate Bill No. 384—An Act to convert, transfer, and return to the general fund of the State treasury all unexpended moneys heretofore appropriated for the care, management or improvement, or for any other purpose, with reference to the "Yosemite Valley and Mariposa Big Tree Grove," or any money which may be or hereafter come into the "Yosemite Valley and Mariposa Big Tree Grove."

Also: Senate Bill No. 456—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor," approved March 18, 1905, and to change and re-direct the manner of the expenditure thereof.

Also: Senate Bill No. 500—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Also: Senate Bill No. 517—An Act providing for an appropriation of six hundred dollars (\$600) for the purpose of putting a new roof and floor to the "Distillery" at Sutter's Fort.

Also: Senate Bill No. 519—An Act providing for an appropriation of three thousand dollars (\$3,000) for the purpose of improving the grounds of Sutter's Fort.

Also: Senate Bill No. 581—An Act to amend Section 3 of an Act entitled "An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto," approved March 18, 1905.

Also: Senate Bill No. 590—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employes thereof, defining its powers, and prescribing the duties of said department, its officers and employes, to provide the compensation of such officers and employes, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such Commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing

the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof.

Also: Senate Bill No. 607—An Act to amend Section 2521 of the Political Code, relating to employes of the State Harbor Commission of the Port of San Francisco.

Also: Senate Bill No. 608—An Act making an appropriation for the furnishing of meals, lodging, transportation, medicines, and other necessities of life to ex-convicts, for defraying the expenses of the State Board of Prison Directors in securing employment for ex-convicts, and for defraying all necessary expenses in carrying out the purposes of this Act.

Also: Senate Bill No. 609—An Act creating a contingent fund for the use of the State Prison at San Quentin, and making an appropriation therefor, to be expended for the objects hereinafter specified: for the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the purchase and installation of a ventilating system for the jute mill, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Also: Senate Bill No. 610—An Act creating a contingent fund for the use of the State Prison at Folsom, and making an appropriation therefor, to be expended for the objects hereinafter specified: for the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Also: Senate Bill No. 627—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employes thereof.

Have had the same consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 611—An Act providing for the maintenance of a residence for the Governor of the State of California, and providing the salaries of the necessary employes and servants selected and employed by the Governor therein, and for the appropriation of necessary moneys for such purpose, and directing the State Controller to issue warrants upon the general fund, and directing the State Treasurer to pay said warrants.

Also: Senate Bill No. 275—An Act to appropriate money to protect the banks of Eel River from erosion, by means of jetty work and riprap along the banks thereof.

Also: Senate Bill No. 341—An Act providing for an appropriation of \$8,000 for the purpose of purchasing additional land along the south line of "L" Street, between Twenty-sixth and Twenty-eighth streets, in Sacramento City, so as to extend and improve the grounds in and about Sutter's Fort.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 277—An Act transferring money from the traveling expense fund of the Bureau of Building and Loan Supervision to a special fund, to defray the expenses of restoring the office furniture and pictures of said bureau, lost or destroyed by conflagration or other public calamity, and directing the State Controller and State Treasurer to make such transfer and to draw and pay warrants for the disbursement thereof.

Also: Senate Bill No. 295—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor-General.

Also: Senate Bill No. 520—An Act providing for an appropriation of one thousand dollars (\$1,000) for the purpose of constructing cement curbing and gutters around the grounds of Sutter's Fort.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors be allowed to withdraw the same.

BELSHAW, Chairman.

Assembly Bills Nos. 87, 220, 324, 430, 432, 477, and 480 ordered on file for second reading.

Senate Bills Nos. 14, 16, 54, 61, 106, 107, 114, 115, 384, 456, 500, 517, 519, 581, 590, 607, 608, 609, 610, 627, 611, 275, and 341 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Belshaw asked for and was granted unanimous consent to withdraw Senate Bill No. 277.

Senate Bill No. 277 withdrawn, and ordered stricken from the file.

Senator McCartney asked for and was granted unanimous consent to withdraw Senate Bill No. 295.

Senate Bill No. 295 withdrawn, and ordered stricken from the file.

Senator McKee asked for and was granted unanimous consent to withdraw Senate Bill No. 520.

Senate Bill No. 520 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 9, 1907.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 79—An Act to provide for the erection of an aseptic and sanitary dairy barn, and to purchase and install necessary furnishings and machinery therein, at the Southern California State Hospital, and to make appropriation for the same, have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Finance, without recommendation.

Also: Senate Bill No. 80—An Act to provide for the erection of a horse barn, carriage house, and implement shed at the Southern California State Hospital, and to make appropriation for the same.

Also: Senate Bill No. 233—An Act to provide for laying a cement sidewalk on California street, along the property of the Stockton State Hospital, in the city of Stockton, to appropriate money therefor, and to authorize the expenditure of the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to Committee on Finance.

MUENTER, Chairman.

Senate Bills Nos. 79, 80, and 233 referred to Committee on Finance.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 9, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 428—An Act to provide for the transfer of certain moneys from the county treasury to municipal corporations formed within such counties.

Also: Senate Bill No. 513—An Act to authorize municipal corporations organized under the Act of the Legislature entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, or the Acts of which the same are amendatory of, or any Act amendatory thereof, to commence and prosecute an action, or actions, to recover real or personal property within the limits of such municipal corporations, acquired, or held by the Board of Fire Commissioners, created by an Act of the Legislature entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, and to provide for the procedure in such action or actions.

Also: Senate Bill No. 565—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof approved March 23, 1901, and the amendment thereof approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CARTER, Chairman.

Senate Bills Nos. 428, 513, and 565 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 9, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the Sergeant-at-Arms provide for the use of the Press Mailing Clerks \$100 worth of postage stamps, the same payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant for, and the Treasurer to pay the same.

Resolved, That the Controller of State be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of the Sergeant-at-Arms for the sum of \$610.55 in payment of the bills attached hereto:

J. W. Gudgel	\$17 00
Kane-Traylor Ice Co.	21 00
Capital, Telephone and Telegraph	12 00
J. L. Martin	1 40

Siller Bros.....	\$5 00
Levees.....	4 50
H. S. Crocker Co.....	4 50
John Breuner Co.....	76 40
Scott, Lyman & Stack.....	100 30
Rochdale Co.....	2 50
M. Fraser.....	40 00
F. R. Pulford.....	56 45
J. Gudgel.....	40 00
H. S. Crocker Co.....	5 00
H. S. Crocker Co.....	9 50
H. S. Crocker Co.....	215 00
Total.....	\$610 55

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Caminetti, Carter, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Price, Reily, Sanford, Walker, Willis, and Wolfe—21.

NOES—None.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

ON VISITING PUBLIC INSTITUTIONS.

MR. PRESIDENT: Your committee, appointed under the following resolution:

Resolved, That the chairmen of the Committees on Hospitals and Asylums, Prisons and Reformatories, and Public Buildings and Grounds be and they are hereby authorized to appoint two members of each of said committees, as a sub-committee, and that such sub-committee constitute a committee to visit such public institutions as they may deem necessary, in order that they may inquire into and report upon, as to the financial needs of such institutions, and that they be allowed only their actual expenses while so engaged, and that they be granted the necessary leaves of absence.

Beq leave to report that they have visited the following institutions and places called for by appropriation bills before the Senate, and have made a thorough inspection of the same: Southern California Insane Asylum at Patton; San Diego Normal School; San Diego Harbor; Whittier Reform School; Los Angeles Normal School; San Luis Obispo Polytechnic School; Agnews Insane Asylum; San José Normal School; and in the performance of said duties have incurred expenses amounting to \$495.95, and we recommend the adoption of the following resolution, to wit:

Resolved, That the sum of \$495.95 is hereby appropriated out of the Contingent Fund of the Senate to pay the traveling expenses of all the members of the committee in visiting the places named, and that the State Controller is hereby directed to draw his warrant in favor of Senator W. F. Price for said sum, and the State Treasurer is hereby directed to pay the same.

PRICE, Chairman.

Resolution read, and referred to Committee on Contingent Expenses.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER RESET.

In compliance with the notice given on yesterday by Senator Curtin, Senator Leavitt moved that the vote whereby Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State amending Article XII thereof by amending Sections 19 and 22 thereof, and by striking therefrom Section 23 of said article and renumbering said article so that section number 24 of said article shall be number 23, thereby abolishing the office of Railroad Commissioner, and transferring the duties now prescribed for said Railroad Commissioners to the State Board of Equalization—was refused adoption, be now considered.

The motion was duly seconded.

Senator Leavitt moved that further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 2 was refused adoption be postponed and made a special order for Monday, February 11, 1907, at eleven o'clock A. M.

Motion carried.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER SET.

In compliance with his notice given on previous day, Senator Carter moved that the vote whereby Senate Bill No. 105—An Act to prevent the waste of water from artesian wells, and prescribing penalties therefor, and defining artesian wells and waste—was passed, be now reconsidered.

The motion was duly seconded.

Senator Carter moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 105 was passed be postponed and made a special order for Monday, February 11, 1907, at eleven o'clock A. M.

Motion carried.

LEAVE OF ABSENCE.

Senator Wolfe was, on his own motion, granted leave of absence for the remainder of this day.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Leavitt: Senate Bill No. 704—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to said Political Code, to be designated as Section 881, to provide for a uniform term of office for certain public officers and officials, whose office is or has been created by Act of the Legislature of this State, where the appointment of such officer or official is given by law to the Governor, or to the Governor with the advice and consent of the Senate; and to provide for the termination of the present term of office of such officer or official or officials; and to provide for the appointment of their successors in office, and the duration of their terms of office respectively, and also for the removal of such appointees; and to prevent restraining or delaying of such appointments, or the restraining or delaying of the taking possession of any such office by any appointee; and to repeal all Acts or parts of Acts inconsistent with this Act.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 705—An Act to add a new section to the Penal Code, to be known as Section 273g, relating to indulging in degrading, lewd, immoral, or vicious habits or practices, or being habitually drunk in the presence of children.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 706—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May and June, 1906," approved June 14, 1906.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 707—An Act appropriating \$4,500 to pay the claim of J. B. Lauck.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 708—An Act to amend Section 608 of the Penal Code and to add two new sections thereto, to be numbered 608*a* and 608*b*, all relating to the burning, injuring, or setting adrift rafts or vessels.

Bill read first time, and referred to Committee on Judiciary.

By Senator Carter: Senate Bill No. 709—An Act to change the boundaries of the County of Los Angeles.

Bill read first time, and referred to Committee on County Government.

By Senator McKee: Senate Bill No. 710—An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

Bill read first time, and referred to Committee on Public Health and Quarantine.

RUSH ORDER TO PRINTER.

On motion of Senator McKee, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 710.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator McCartney: Senate Bill No. 711—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the terms of existence of corporations.

Bill read first time, and referred to Committee on Corporations.

By Senator Anthony (by request): Senate Bill No. 712—An Act to amend Section 1880 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to persons who can not testify upon claims against estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE.

On motion of Senator Leavitt, the second-reading file was taken up for consideration.

SECOND READING OF BILLS—(OUT OF ORDER).

Assembly Bill No. 432—An Act appropriating money to pay the funeral expenses of the late Controller, Edward P. Colgan.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 139—An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines, in the Bay of San Diego, or in the entrance thereto.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 545—An Act to provide for the acquisition, equipment, and use of a railway car for the purpose of distributing live fish, and

stocking the waters of this State with fish, and making an appropriation therefor.

Bill read second time, and, on motion of Senator Belshaw, referred to Committee on Finance, to retain its place.

Senate Bill No. 265—An Act to amend Sections 626, 626*a*, 626*d*, 626*g*, 626*j*, 627*b*, and 637*a*, of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637*b*, all relating to the protection and preservation of game and fish.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, strike out all of lines 3 to 20 inclusive, and insert in lieu thereof the following:

SEC. 626. Every person who, between the fifteenth day of February and the first day of October of any year, hunts, pursues, takes, kills, or destroys, or has in his possession, any kind of wild duck; or who between the fifteenth day of February and the fifteenth day of October of any year, hunts, pursues, takes, kills, or destroys, or has in his possession, any valley quail, or partridge, or any rail, or any curlew, ibis, plover, or other shore birds (*Limicola*); or who, between the first day of April and the fifteenth day of October of any year, hunts, pursues, takes, kills, or destroys, or has in his possession, any Wilson snipe; or who, between the fifteenth day of February and the first day of September of any year, hunts, pursues, takes, kills, or destroys, or has in his possession, any mountain quail; or who, at any time prior to the first day of September, one thousand nine hundred and nine, hunts, pursues, takes, kills, or destroys, or has in his possession, any grouse or sage hen, is guilty of a misdemeanor.

Amendment adopted.

Also:

On page 3, Section 6, line 8, strike out the word "twenty-five," and insert in lieu thereof the word "fifty."

Amendment adopted.

Also:

On page 2, Section 3, line 6, strike out the word "twenty-five," and insert in lieu thereof the word "fifty,"

Amendment adopted.

MOTION TO RECONSIDER.

Senator Leavitt moved to reconsider the vote whereby the above committee amendments were adopted.

Motion carried.

OTHER AMENDMENTS TO SENATE BILL NO. 265.

The vote on the committee amendments having been reconsidered, other amendments were offered as follows:

By Senator Walker:

Amend by striking out Section 5.

By Senator Anthony:

Amend by striking out of lines 3 and 4 of Section 1, on page 1 of printed bill the following: "fifteenth day of February" and inserting in lieu thereof the following: "first day of March."

BILL ORDERED TO PRINT WITH AMENDMENTS PENDING.

On motion of Senator Leavitt, Senate Bill No. 265 was ordered to print with the above amendments pending, said amendments to be printed in brackets in said bill.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 113—An Act to amend Sections 628, 628a, 628b, 632, and 634 of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 632b, all relating to the protection and preservation of fish.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the words "lobster, crawfish, shrimp, etc."

On page 2, Section 2, line 3, strike out the words "striped bass."

On page 2, Section 3, line 3, strike out the words "black bass."

On page 4, Section 5, line 3, strike out the words "Sacramento perch."

On page 4, Section 6, lines 3 and 4, strike out the words "taking, sale, or possession of salmon, when prohibited."

On page 5, Section 7, line 1, strike out the words "repeal of conflicting Acts."

Amend title by striking out the words "a new section, to be numbered 632b," and to insert in lieu thereof the words "two new sections to be numbered 632½ and 632b, respectively."

Also, offered by Senator Nelson:

Amend by striking out of Section 2, page 2, line 5, the word "five" after the word "than" and inserting the following: "three."

Also, offered by Senator Belshaw:

Amend by adding a new section numbered 4½ to the bill after Section 4, to read as follows:

Sec. 4½. A new section is hereby added to the Penal Code of the State of California, to be numbered 632½, to read as follows:

Section 632½. Every person who, between the first day of February and the first day of April of any year, or who, between the seventeenth day of September and the twenty-third day of October of any year, buys, sells, takes, catches, kills, or has in his possession any steelhead trout, or who between the first day of April, and the first day of May of any year, takes, catches, or kills, any steelhead trout above tide water, or who, at any time takes, catches or kills, any steelhead trout, except with hook and line, or has in his possession any steelhead trout which have been taken, caught or killed, except with hook and line; or who, at any time takes, catches, kills or has in his possession, during any one calendar day, more than fifty steelhead trout, is guilty of a misdemeanor. Every person who offers for shipment, ships, or receives for shipment or transportation from the State of California to any place in any other state, territory or foreign country, any steelhead or other trout caught or taken in the waters of this State, is guilty of a misdemeanor; provided that the possession of such steelhead or other trout shall be prima facie evidence of the fact that such steelhead or other trout were caught or taken in the waters of this State. Every person found guilty of any violation of any of the provisions of this section must be fined in a sum not less than twenty dollars, or be imprisoned in the county jail in the county in which the conviction shall be had, not less than ten days, or to be punished by both such fine and imprisonment, and all fines collected for any violation of any of the provisions of this section must be paid into the State Treasury to the credit of the "Fish Commission Fund." Nothing in this section prohibits the United States Fish Commission and the Fish Commission of this State from taking at all times such trout as they deem necessary for the purpose of propagation or for scientific purposes.

Also: Strike out all of Section 4 beginning at line 3, on page 2, printed bill, down to and including line 42, page 4, and insert in lieu thereof the following:

Section 632. Every person who, between the fifteenth day of November in any year and the first day of May of the year following, buys, sells, takes, catches, kills, or has in his possession, any variety of white fish or trout, except steelhead trout; or who between the first day of April, 1907, and the first day of May, 1909, takes, catches, kills, or has in his possession, any variety of golden trout; or who at any time buys, sells, or offers for sale any trout of less than one pound in weight; or who, at any time takes, catches or kills any trout, except with hook and line; or who, at any time, takes, catches, kills, or has in his possession, during any one calendar day, more than fifty trout; or who at any time takes or catches any trout, steelhead trout, or salmon of less than six inches in length, without at once returning the same to the water from which it was taken or caught; or who, at any time, takes, catches, kills, or has in his possession, during any one calendar day, trout, other than steelhead trout, the total weight of which exceeds twenty-five pounds, is guilty of a misdemeanor. Every person found guilty of any violation of any of the provisions of this section must be fined in a sum not less than twenty dollars or be imprisoned in the county jail in the county in which the conviction shall be had, not less than ten days, or be punished by both such fine and imprisonment; and all fines collected for any violation of any of the provisions of this section must be paid into the State Treasury to the credit of the "Fish Commission Fund." Nothing in this

section prohibits the United States Fish Commission and the Fish Commission of this State from taking at all times such trout as they deem necessary for the purpose of propagation or for scientific purposes.

Also: All of line 3, page 1, printed bill, and all the succeeding portion of Section 1, be stricken out, and in lieu thereof to insert the following:

628. Every person who, between the fifteenth day of February and the fifteenth day of September of each year, buys, sells, takes, catches, kills, or has in his possession, any lobster or crawfish; or who at any time has in his possession, any lobster or crawfish of less than eleven inches in length, measured from one extremity to the other, exclusive of legs, claws, or feelers; or who, at any time, offers for shipment, ships, or receives for shipment or transportation, from the State of California to any place in any other State, territory or foreign country, any dried shrimp or shrimp shells of shrimp caught or taken in the waters of this State, is guilty of a misdemeanor; *provided*, that the possession of such dried shrimp or shrimp shells shall be prima facie evidence of the fact that such dried shrimp or shrimp shells are of shrimp which were caught or taken in the waters of this State; and every person who, between the first day of September and the first day of November of each year, buys, sells, takes, catches, kills, or has in his possession, any crab; or who, at any time, buys, sells, offers for sale, takes, catches, kills, or has in his possession, any sturgeon, or fresh sturgeon eggs, or any female crab, or any crab which shall measure less than six inches across the back, or any abalones or abalone shells of the kind known to commerce as the black abalone (*Haliotis californica*), the shell of which shall measure less than twelve inches around the outer edge of the shell, or any other abalone shells, or abalones, the shell of which shall measure less than fifteen inches around the outer edge of the shell; or every person who takes, catches, kills, or has in his possession, any abalones or abalone shells taken from any of the waters of this State by the use of diving suits or diving paraphernalia of any kind, is guilty of a misdemeanor.

BILL ORDERED TO PRINT WITH AMENDMENTS PENDING.

On motion of Senator Leavitt, Senate Bill No. 113 was ordered to print with the above amendments pending, said amendments to be printed in brackets in said bill.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto.

During second reading of bill, the following amendments were submitted by committee:

On page 1, amend the title by adding, after the word "thereto," in line 5 thereof, "and repealing Section 580 of the Civil Code."

Amendment adopted.

Also:

On page 6, Section 7, strike out all of Section 7, and insert in lieu thereof the following:

Section 7. A new section is hereby added to the said Act, and is hereby numbered section nineteen *a*, so as to read as follows:

Sec. 19a. Every person, company, or corporation, except savings and loan corporations, which is now transacting or which may hereafter transact the business of a bank, or banking corporation, must at all times have actually paid in a capital equal to at least 10 per cent of the total amount owing to the depositors, banks, and bankers, and to its creditors by such bank or banking corporation; *provided*, that the minimum amount of such capital, to be actually paid in, shall in no instance be less than the sum of twenty-five thousand (\$25,000) dollars; and *provided further*, that the maximum amount of such capital, so required to be actually paid in, shall, in no instance, be required to exceed the sum of one million (\$1,000,000) dollars. The Bank Commissioners of the State of California shall not issue to any bank or banking corporation a license to transact business until this section shall be complied with, and said commissioners shall thereafter have full power to make such order, or orders, from time to time, as may be necessary to compel a full compliance with the provisions thereof, and may, in this behalf, revoke any and all licenses heretofore or hereafter granted. In construing the provisions of this section, net surplus shall be treated and considered as part of the paid-in capital.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 162—An Act creating and defining the liability of railroad corporations for injuries to employes, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employé.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 480—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 549—An Act to amend an Act entitled "An Act to regulate the work and hours of employes engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof," approved February 28, 1905.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads, and regulating the hours of employment thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 457—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 540—An Act to regulate the practice of horseshoeing in the State of California, and to provide for the examination and registration of persons engaged in such pursuit.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 228—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, line 21, strike out the figure "4."

Amendment adopted.

Also:

On page 2, Section 1, line 44, insert before the word "corporation" the word "such."

Amendment adopted.

Also:

On pages 2 and 3, Section 1, lines 50 to 56, strike out the words after "trustee," and all of lines 51 to 56, inclusive.

Amendment adopted.

Also, offered by Senator Keane:

Amend by striking out after the word "State" of Section 1, line 5, page 1, the words "such bond or bonds" is a portion of the whole of a bonded indebtedness of such incorporation," and inserting the following: "or of any other State, or any territory of the United States."

Amendment adopted.

Also:

Amend Section 1, on line 6, by inserting after the word "has," the words "or have."

Amendment adopted.

Also:

Amend Section 1, on line 10, by inserting after the word "which" the following: "such bond or bonds were lost or destroyed—or in which such owner resides, or in which."

Amendment adopted.

Also:

Amend Section 1, on line 7, after the word "destroyed," by inserting the words: "in this State."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 296—An Act to amend Section 476 of the Code of Civil Procedure, relating to ruling on demurrer.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 425—An Act to amend Section 439 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to counties of the fifty-first class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 582—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, March 19, 1903, and March 20, 1905, by amending Section 185 thereof, relating to salaries and fees of county and township officers of the twenty-eighth class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 412—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the officers of a township.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 176—An Act to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of hospitals for the relief of the sick, and for training schools for nurses.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 92—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 94—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 95—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a reclamation district, to be called Reclamation District Number Seventy," and providing for the control and management thereof," approved March 12, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

Bill read second time, and ordered on file for third reading.

ADJOURNMENT.

At eleven o'clock and thirty minutes A. M., on motion of Senator Leavitt, the President declared the Senate adjourned until Monday, February 11, 1907, at ten o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Monday, February 11, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—83.

Quorum present.

PRAYER.

Prayer by Rev. Seren S. Marsh.

LEAVES OF ABSENCE.

Senator Lukens was, on motion of Senator Leavitt, granted leave of absence for this day.

Senator Welch was, on motion of Senator Wolfe, granted leave of absence for this day.

Senator Greenwell was, on motion of Senator Nelson, granted leave of absence for this day.

Senator Miller was, on motion of Senator Sanford, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, February 9, 1907, the further reading was dispensed with, on motion of Senator Mattos.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTION AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. PRESIDENT: Your Committee on Election and Election Laws, to whom was referred Senate Bill No. 560—An Act to amend Sections 1189, 1192, 1358, 1079, 1361, 1186, and 1188 of the Political Code, relating to elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WALKER, Chairman.

Senate Bill No. 560 ordered on file for third reading.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 662—An Act to provide for the erection on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward and for the treatment of acute cases by hydrotherapy and electricity.

Also: Senate Bill No. 400—An Act authorizing and directing the remodeling and refurbishing of the main kitchen at the Napa State Hospital, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to Committee on Finance.

MUENTER, Chairman.

Senate Bills Nos. 662 and 400 referred to Committee on Finance.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 13—An Act to amend an Act entitled "An Act appropriating money for building an assembly hall at the Preston School of Industry," approved March 22, 1905.

Also: Senate Bill No. 477—An Act to amend Section 109 of the Penal Code, relating to assisting prisoners, paroled prisoners, and escapes to escape.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LYNCH, Chairman.

Senate Bills Nos. 13 and 477 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 9, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to the extension of the terms of existence of corporations—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Bill No. 462—An Act amending an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," approved February 25, 1901, by amending Sections 2, 5, and 9 thereof.

Also: Senate Bill No. 550—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles, and other articles; providing for the collection thereof, and making the violation of this Act a misdemeanor.

Also: Senate Bill No. 442—An Act to amend an Act entitled "An Act to establish the fees of the county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895, by adding thereto a new section, to be numbered 5.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 464—An Act to amend the Political Code of the State of California, by adding eight new sections thereto, to be numbered 338, 338a, 338b, 339, 339a, 339b, 340, and 340a, under a new Article, to be numbered thirteen (13), to be added to Chapter Two (2), Title One (1), Part Three (3), of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the secretary of State—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 496—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by amending Section 5 thereof, in relation to practicing without a certificate—have had the same under consideration, and respectfully report the same back, and recommend that the author be requested to withdraw the same.

WOLFE, Chairman.

Senate Constitutional Amendment No. 31 ordered on file.

Senate Bills Nos. 462, 550, 442, 464, and 496 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 93—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Senate Bill No. 125—An Act to amend Section 69 of the Civil Code of California, relating to marriage licenses.

Senate Bill No. 413—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and as amended March 20, 1905.

Senate Bill No. 27—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3692, 3695, 3699, 3700, 3702, 3738, 3897, and 3898 of the Political Code; to repeal Section 3701 of the Political Code, as it now exists, and to reenact said Section 3701, all of said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

Senate Bill No. 127—An Act to amend Section 325 of the Code of Civil Procedure of California, relating to adverse possession of land or interest and the payment of taxes thereon.

Senate Bill No. 91—An Act to add a new section to the Penal Code, to be numbered Section 1520, relating to the holding of inquests by the coroner.

Senate Bill No. 459—An Act to amend Section two hundred (200) of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to exemptions from jury duty.

Senate Bill No. 385—An Act to repeal an Act entitled "An Act to provide for the management of the Yosemite Valley and the Mariposa Big Tree Grove," approved April 15 1880, and all Acts amendatory thereof or supplementary thereto.

Senate Bill No. 542—An Act to amend Section 1490 of the Code of Civil Procedure of the State of California, relating to notice to creditors.

Senate Bill No. 458—An Act to amend Section 655 of the Civil Code, relating to the things in which property may exist.

Senate Bill No. 514—An Act to amend Section 2955 of the Civil Code of California, relating to what personal property may be mortgaged, by adding a new subdivision thereto, providing that saw milling machinery and outfits used therewith may be mortgaged.

Senate Bill No. 522—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending Sections 1, 12, 14, 16, and 17, and by adding a new section thereto.

Senate Bill No. 355—An Act to amend Section 595 of the Political Code, relating to the general duties of insurance commissioners.

Senate Bill No. 419—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Senate Bill No. 424—An Act to amend the Code of Civil Procedure by adding a new title thereto, to be known as Title XIV of Part III, relating to special proceedings; said title to relate to proceedings for the adjustment, settlement, and payment of any indebtedness existing against any city or municipal corporation at the time of exclusion of territory therefrom, and the division of the property thereof.

Senate Bill No. 484—An Act to repeal Section 3977 of the Political Code, to add a new section thereto to be known as Section 3975b, and to amend Sections 3976, 3981, and 3985 thereof, all relating to county seats and proceedings for the change thereof.

Senate Bill No. 456—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor," approved March 18, 1905, and to change and re-direct the manner of the expenditure thereof.

Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals and to provide revenue therefrom, for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.

Senate Bill No. 162—An Act creating and defining the liability of railroad corporations for injuries to employes, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employe.

Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Senate Bill No. 480—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Senate Bill No. 549—An Act to amend an Act entitled "An Act to regulate the work and hours of employes engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof," approved February 28, 1905.

Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads, and regulating the hours of employment thereof.

Senate Bill No. 457—An Act to provide for the regulation of the business of watchmen, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Senate Bill No. 540—An Act to regulate the practice of horseshoeing in the State of California, and to provide for the examination and registration of persons engaged in such pursuit.

Senate Bill No. 296—An Act to amend Section 476 of the Code of Civil Procedure, relating to ruling on demurrer.

Senate Bill No. 425—An Act to amend Section 439 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Senate Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to counties of the fifty-fifth class.

Senate Bill No. 582—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, March 19, 1903, and March 20, 1905, by amending Section 185 thereof, relating to salaries and fees of county and township officers of the twenty-eighth class.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 93, 125, 413, 27, 127, 91, 459, 385, 542, 458, 514, 522, 355, 419, 424, 484, 456, 247, 162, 440, 480, 549, 491, 457, 540, 296, 425, 583, and 582, ordered on file for third reading.

RESOLUTION.

The following resolution was offered:

By Senator Black:

Resolved, That A. N. Umphreys be and is hereby elected Assistant Secretary of the Senate at a per diem of \$6 in place of E. Mullen, and the name of said E. Mullen be dropped from the roll.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Muentner, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—Senator Caminetti—1.

Whereupon the President declared that the above named person had been elected.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Savage: Senate Bill No. 713—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the Port of Wilmington and Bay of San Pedro," approved March 19, 1889.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 714—An Act to add a new section to the Political Code, to be numbered 1617a, requiring that the United States flag shall be hoisted on all public school houses and displayed in each school room.

Bill read first time, and referred to Committee on Military Affairs.

By Senator McCartney: Senate Bill No. 715—An Act repealing an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers, or the officers and employes of State institutions," approved March 19, 1903.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 716—An Act to add a new section to the Penal Code, to be numbered Section 628e, to prevent the catching of surf fish, yellow-fin or spot-fin croaker, and providing penalties therefor.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 717—An Act to amend the Political Code by adding thereto a new section, to be numbered 419a.

Bill read first time, and referred to Committee on Finance.

By Senator Wright: Senate Bill No. 718—An Act to amend Section 11 of an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the grant of such franchises by legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 719—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice.

Bill read first time, and referred to Committee on Municipal Corporations.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 29—An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 29 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 93—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 93 passed by the following vote:

AYES—Senators Anderson, Anthony, Black, Boynton, Broughton, Caminetti, Carter, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Muentner, Nelson, Rambo, Reily, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 125—An Act to amend Section 69 of the Civil Code of California, relating to marriage licenses.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 125 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McKee, Muentner, Rambo, Reily, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—Senator McCartney—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 456—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor," approved March 18, 1905, and to change and re-direct the manner of the expenditure thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 456 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Rambo, Reily, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 413—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and amended March 20, 1905.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 413 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Boynton, Broughton, Caminetti, Carter, Curtin, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McKee, Muentner, Nelson, Rambo, Reily, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 244—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 244 passed by the following vote.

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Kennedy, Leavitt, Lynch, McCartney, McKee, Nelson, Rambo, Reily, Sanford, Savage, Walker, Weed, Willis, Wolf, and Wright—24.
NOES—Senators Mattos and Muentner—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 27—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3695, 3699, 3700, 3702, 3738, 3797, and 3898 of the Political Code; to amend Subdivision 13 of Section 3692 of the Political Code, and to repeal Section 3701 of the Political Code, as it now exists, and to reenact and amend said Section 3701, all said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

On motion of Senator McCartney, Senate Bill No. 27 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILL.

Senator Anderson asked for and was granted unanimous consent to withdraw Senate Bill No. 138—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Senate Bill No. 138 withdrawn, and ordered stricken from the file.

BILL ORDERED RECALLED FROM COMMITTEE.

Senator Wolfe moved that Senate Bill No. 387 be recalled from Committee on Judiciary and placed on file.

Motion carried.

Senate Bill No. 387—An Act authorizing and empowering the Governor and Attorney-General of the State of California to employ special counsel to assist and cooperate with the Attorney-General in all legal proceedings instituted in which may be involved any question affecting the right or power of the State to declare by law the mode and manner of admission of pupils to the common schools of the State, and making appropriations for the payment of counsel and other expenses in connection with such proceedings.

WITHDRAWAL OF BILL.

Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Bill No. 387.

Senate Bill No. 387 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 459—An Act to amend Section 200 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the exemptions from jury duty.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 459 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Sanford, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 91—An Act to add a new section to the Penal Code, to be numbered Section 1520, relating to the holding of inquests by the coroner.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Leavitt as a special committee of one, to amend as follows:

By striking out of Section 1, line 6, the words "and to examine and cross examine any witness produced at such inquest," and inserting in lieu thereof the following: a period (.)

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 91, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

SENATOR M'KEE GIVEN CHARGE OF VENTILATION OF SENATE CHAMBER.

Senator Leavitt moved that the chairman of the Committee on Public Health and Quarantine be given charge of the ventilation of the Senate Chamber, and that in this matter the Sergeant-at-Arms be instructed to report to him.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice given on Thursday, February 7, 1907, Senator Anderson moved that the vote whereby Senate Bill No. 239—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1873, by amending Section 465, relating to the powers of railroad corporations—was refused passage, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Broughton, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—Senators Boynton and Caminetti—2.

SPECIAL ORDER SET.

On motion of Senator Anderson, the further consideration of Senate Bill No. 239 was postponed, and made a special order for Tuesday, February 12, 1907, at eleven o'clock A. M.

MOTION TO RECONSIDER POSTPONED, AND SPECIAL ORDER RESET.

In compliance with his notice given on Friday, February 8, 1907, Senator Curtin moved that the vote whereby Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article XII thereof by amending Sections 19 and 22 thereof, and by striking therefrom Section 23 of said article, and renumbering said article so that Section number 24 of said article shall be number 23, thereby abolishing the office of Railroad Commissioner, and transferring the duties now prescribed for said Railroad Commissioner to the State Board of Equalization—was refused adoption, be now reconsidered.

The motion was duly seconded.

Senator Curtin moved that further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 2 was refused adoption, be postponed, and made a special order for Thursday, February 14, 1907, at eleven o'clock and thirty minutes A. M.

Motion carried.

MOTION TO RECONSIDER POSTPONED, AND SPECIAL ORDER SET.

In compliance with his notice given on Friday, February 8, 1907, Senator Carter moved that the vote whereby Senate Bill No. 105—An Act to prevent the waste of water from artesian wells, and prescribing penalties therefor, and defining artesian wells and waste—was passed, be now reconsidered.

The motion was duly seconded.

Senator Carter moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 105 was passed, be postponed, and made a special order for Thursday, February 14, 1907, at eleven o'clock and thirty minutes A. M.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 100 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILLS.

Senator Boynton asked for and was granted unanimous consent to withdraw Senate Bill No. 121—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District No. 70, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

Senate Bill No. 121 withdrawn and ordered stricken from the file.

Senator Boynton asked for and was granted unanimous consent to withdraw Senate Bill No. 122—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a Reclamation District, to be called 'Reclamation District No. 70,' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

Senate Bill No. 122 withdrawn and ordered stricken from the file.

Senator Boynton asked for and was granted unanimous consent to withdraw Senate Bill No. 38—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six of Sutter County, California," approved March 31, 1891, relating to the terms of officers' vacancies, and the assessment and collection of taxes.

Senate Bill No. 38 withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 294—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874.

On motion of Senator Boynton, Senate Bill No. 294 was temporarily passed on file, to retain its place.

Committee Substitute for Senate Bill No. 433—An Act to amend the Title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of the Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, and to add a new section thereto, to be numbered 18½, all relating to the practice of pharmacy, and providing a penalty for the violation thereof, and for the appointment of a board to be known as the California State Board of Pharmacy.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 433 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 139—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

On motion of Senator Anderson, Senate Bill No. 139 was temporarily passed on file, to retain its place.

Senate Bill No. 465—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigating districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Senate Bill No. 465 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 280—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Senate Bill No. 280 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 74—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 74 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 160—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

On motion of Senator Leavitt, Senate Bill No. 160 was temporarily passed on file, to retain its place.

Senate Bill No. 71—An Act to amend Section 3881 of the Political Code, relating to the correction of clerical omissions, errors, or defects in the assessment books.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 71 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Muentner, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 432—An Act to amend Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 20, 1903.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Savage moved to refer to Senator McKee, as a special committee of one, to amend as follows:

Amend the title by inserting after the word "vendors," on line 2, page 1, printed bill, the words: "other than ex-Union soldiers and sailors."

Insert after the word "proper," line 26, page 2 of printed bill, the following: "*Provided, however,* that nothing in this Act shall be held to repeal or modify the provisions of an Act approved March 20, 1905," an Act permitting all ex-Union soldiers and sailors of the civil war, honorably discharged from the military or marine service of the United States, the right to vend, hawk and peddle goods, wares, fruits or merchandise not prohibited by law, in any county, town, village, incorporated city or municipality in the State of California, without paying a license."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 432, with instructions to amend, respectfully reports the same back, amended as per instructions.

McKEE, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 348—An Act to prohibit the use of chemicals and other materials in milk and milk products to prevent fermentation therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 348 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muenster, Nelson, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 131—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in such channels, and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 131 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muenter, Nelson, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—432.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 60—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District, California

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 60 passed by the following vote:

AYES—Senators Anderson, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Muenter, Nelson, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 260—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen (\$101,314) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 260 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Hartman, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muenter, Nelson, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 291—An Act making an appropriation of one thousand six hundred and twenty-one (\$1,621) dollars to pay the Regents of the University of California for moneys appropriated by them to rebuild the barn at the Lick Observatory, at Mount Hamilton, California, which was destroyed by fire, and prescribing the duties of the Controller and the Treasurer of the State in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 291 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Muenter, Nelson, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 292—An Act making an appropriation of five thousand (\$5,000) dollars for the purpose of completing the photographic laboratory in combination with the fireproof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 292 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE CONSTITUTIONAL AMENDMENT No. 31.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to the extension of the terms of existence of corporations.

The Legislature of the State of California, at its thirty-seventh session, two thirds of all members elected to the Senate and Assembly voting therefor, proposes to the qualified electors of the State of California the following amendment to Section 7 of Article XII of the Constitution:

Section 7 of Article XII of the Constitution is hereby amended so as to read as follows:

Section 7. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any quasi-public corporation now existing, or which shall hereafter exist under the laws of this State. The term of existence of any other corporation now or hereafter existing under the laws of this State, may be extended, at any time prior to the expiration of its corporate existence, for a period not exceeding fifty years from the date of such extension, by the vote or written consent of stockholders representing two thirds of its capital stock or of two thirds of the members thereof. A certificate of such vote or consent shall be signed and sworn to by the president and secretary, and by a majority of the directors of the corporation, and filed and certified in the manner and upon payment of fees required by law for filing and certifying articles of incorporation, and thereupon the term of the corporation shall be extended for the period specified in such certificate, and such corporation shall thereupon pay all annual and other fees required by law to be paid by corporations.

Constitutional amendment read.

The question being on the adoption of the Senate Constitutional Amendment.

The roll was called, and Senate Constitutional Amendment No. 31 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, and Wolfe—28.

NOES—Senator Caminetti—1.

NOTICE OF MOTION TO RECONSIDER.

Senator Sanford gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 31 was this day adopted.

THIRD READING OF BILLS—(RESUMED).

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two (2) of Article IV thereof, relating to sessions of the Legislature and the limitation of pay of members thereof in extraordinary sessions.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 28 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article IV thereof, relating to the legislative power and to certain reservations thereof by the people.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 25 was temporarily passed on file, to retain its place.

Assembly Bill No. 329—An Act to amend Section 1697 of the Political Code, defining the length of school month.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 329 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Muenster, Nelson, Reily, Rolly, Sanford, Savage, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 397—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Senate Bill No. 397 was temporarily passed on file, in the absence of the author, to retain its place.

SENATOR BELSHAW IN THE CHAIR.

At twelve o'clock M., Senator Belshaw, of the Ninth District, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 500—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 500 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Hartman, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Muenster, Nelson, Reily, Rolly, Sanford, Savage, Walker, Weed, Willis and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

On motion of Senator Boynton, Senate Bill No. 148 was temporarily passed on file, to retain its place.

Assembly Bill No. 11—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Black moved to refer to Senator Muentner as a special committee of one, to amend as follows:

By striking out of Section 1, line 7, the words "Santa Clara."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 11, with instructions to amend, respectfully reports the same back, amended as per instructions.

MUENTER, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

Assembly Bill No. 4—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 4 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Reily, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 385—An Act to repeal an Act entitled "An Act to provide for the management of the 'Yosemite Valley and Mariposa Big Tree Grove,'" approved April 15, 1880, and all Acts amendatory thereof or supplementary thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 385 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Boynton, Caminetti, Carter, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Matto, McCartney, McKee, Muentner, Nelson, Reily, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 542—An Act to amend Section 1490 of the Code of Civil Procedure of the State of California, relating to notice to creditors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 542 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Matto, McCartney, McKee, Muentner, Nelson, Reily, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 458—An Act to amend Section 655 of the Civil Code, relating to the things in which property may exist.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 458 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Caminetti, Carter, Hartman, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Reilly, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 514—An Act to amend Section 2955 of the Civil Code of California, relating to what personal property may be mortgaged, by adding a new subdivision thereto, providing that saw-milling machinery and outfits used therewith may be mortgaged.

Read third time.

Senator Caminetti moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

By adding a new subdivision to Section 1 of Senate Bill No. 514, to be numbered 24, and to read as follows:

"24. All furniture, fixtures, bars, and appurtenances of saloons."

Also: To amend the title thereof by striking out in line 4 of the title the letter "A" and insert the word "Two."

Also: By adding to the word "subdivision," at the end of said line 4, the letter "s."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 514 with instructions to amend, respectfully reports the same back amended as per instructions of the Senate.

CURTIN, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reengrossment.

Senate Bill No. 522—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending Sections 1, 12, 14, 16, and 17, and by adding a new section thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 522 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, McCartney, Muentner, Nelson, Rambo, Reilly, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 570—An Act to amend Section 12 of an Act entitled "An Act creating a State commission on voting or balloting machines defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 570 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Keane, Kennedy, Leavitt, Markey, McCartney, McKee, Muentner, Nelson, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved,

Bill ordered transmitted to the Assembly.

Assembly Bill No. 299—An Act entitled "An Act to amend Section 1581 of the Political Code of the State of California, relating to the formation of new school districts.

Read third time.

On motion of Senator Anderson, Assembly Bill No. 299 was temporarily passed on file, to retain its place.

Senate Bill No. 554—An Act to prevent the manufacture and sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 554 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Reily, Rolley, Sanford, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

NOTICE OF MOTION TO RECONSIDER.

Senator Curtin gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 554 was this day passed.

THIRD READING OF BILLS—(RESUMED).

SENATE CONSTITUTIONAL AMENDMENT No. 33.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article XII thereof, by amending Section 3 thereof, relative to the liability of stockholders of a corporation or joint stock association.

The Legislature of the State of California at its thirty-seventh session, commencing the seventh day of January, 1907, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that Article XII of the Constitution of the State of California be amended by amending Section 3 thereof, so as to read as follows:

Section 3. Each stockholder of a corporation, or joint stock association, shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred, during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock, or shares of the corporation or association. The directors or trustees of corporations and joint stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation or joint stock association, during the term of office of such director or trustee.

Nothing in the preceding paragraph of this section shall be held to apply to any exposition company organized to promote and carry on any international exposition or world's fair within the State of California, and the liability of stockholders herein shall be and the same is hereby limited to the amount of stock of said corporation subscribed for by them.

Constitutional amendment read.

The question being on the adoption of the Senate Constitutional Amendment.

The roll was called, and Senate Constitutional Amendment No. 33 adopted by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Senate Constitutional Amendment ordered transmitted to the Assembly.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator McCartney, the Acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.
Senator Leavitt of the Sixteenth District in the chair.

CONSIDERATION OF DAILY FILE—(RESUMED).

On motion of Senator Belshaw, the second-reading file was taken up.

SECOND READING OF BILLS—(OUT OF ORDER).

Assembly Bill No. 87—An Act transferring money from the traveling expense fund of the Bureau of Building and Loan Supervision to a special fund to defray the expenses of restoring the office furniture and fixtures of said bureau, lost or destroyed by conflagration or other public calamity, and directing the State Controller and State Treasurer to make such transfer and to draw and pay warrants for the disbursement thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 220—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 324—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor-General.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 430—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 477—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 480—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 275—An Act to appropriate money to protect the banks of the Eel River from erosion by means of jetty work and riprap along the banks thereof.

During second reading of bill, the following amendment was submitted by committee:

Amend by inserting the figure "4" after the figure "3," in line 6, page 1 of printed bill.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 341—An Act providing for an appropriation of \$8,000 for the purpose of purchasing additional land along the south line of L Street, between Twenty-sixth and Twenty-eighth streets, in Sacramento City, so as to extend and improve the grounds in and about Sutter's Fort.

During second reading of bill, the following amendment was submitted by committee:

Strike out of lines 5 and 6, page 1 of the printed bill, the words "so as to provide a uniform width of at least eighty feet for L Street, along the south wall of said Sutter's Fort," and insert in lieu thereof the following: "for the purpose of providing more suitable boundaries of said Sutter's Fort."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 14—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 61—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of lands claimed by the State of California fronting on the Bay of San Diego.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 107—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 114—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 115—An Act appropriating money for the construction and equipment of a cold storage plant at the Preston School of Industry.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 384—An Act to convert and return to the General Fund of the State treasury all unexpended moneys heretofore appropriated for the care, management, or improvement, or for any other purpose, with reference to the "Yosemite Valley and Mariposa Big Tree Grove," or any money which may be or hereafter come into the "Yosemite Valley and Mariposa Big Tree Grove."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 517—An Act providing for an appropriation of six hundred dollars (\$600) for the purpose of putting a new roof and floor to the "Distillery" at Sutter's Fort.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 519—An Act providing for an appropriation of three thousand dollars (\$3,000) for the purpose of improving the grounds of Sutter's Fort.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 581—An Act to amend Section 3 of an Act entitled "An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of an electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto," approved March 18, 1905.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 590—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employes thereof, defining its powers and prescribing the duties of said department, its officers and employes, to provide the compensation of such officers and employes, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purpose aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 607—An Act to amend Section 2521 of the Political Code, relating to employes of the State Harbor Commission of the Port of San Francisco.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 608—An Act making an appropriation for the furnishing of meals, lodgings, transportation, medicines, and other necessities of life to ex-convicts, for defraying the expenses of the State Board of Prison Directors, and securing employment for ex-convicts, and for defraying all necessary expenses in carrying out the purposes of this Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 609—An Act creating a contingent fund for the use of the State Prison at San Quentin, and making an appropriation therefor, to be expended for the objects hereinafter specified: For the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the purchase and installation of a ventilating system for the jute mill, for the transportation of the criminal insane, for the apprehension and return of the escaped prisoners, including paroled men who have been ordered returned, and for such other uses as may be deemed necessary by the State Board of Prison Directors.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 610—An Act creating a contingent fund for the use of the State Prison at Folsom, and making an appropriation therefor, to be expended for the objects hereinafter specified: For the purchase of machinery and equipments to replace the machinery and equipment already installed, for the repair of machinery and equipment already installed, for the transportation of the criminal insane, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

During second reading of bill, the following amendments were offered:
By Senator Belshaw:

Amend by striking out of Section 1, all of said section down to and including the word "specified," in line 5, and inserting the following:

SECTION 1. There is hereby created a contingent fund for the use of the State Board of Prison Directors in conducting the State Prison at Folsom, which fund shall be known as the Folsom Prison Contingent Fund. The purposes for which the State Board of Prison Directors are authorized to draw upon said fund shall be such as are hereinafter specified, to wit:

Amendment adopted.

Also:

Amend by striking out all of Sections 2 and 3 and inserting the following:

SECTION 2. The State Controller is hereby authorized and directed, immediately upon the approval of this Act, to transfer the sum of ten thousand dollars from the General Fund to the Folsom Prison Contingent Fund. The Controller shall notify the State Treasurer of such transfer.

SECTION 3. All demands against the Folsom Prison Contingent Fund, after being approved by the State Board of Prison Directors, shall be audited by the State Board of Examiners and paid in the usual manner.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 627—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employés thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

BILL RECALLED FROM ENGROSSMENT FOR PURPOSE OF AMENDMENT.

Senator Belshaw moved that Senate Bill No. 609 be recalled from engrossment for the purpose of amendment.

Motion carried.

Senate Bill No. 609—An Act creating a contingent fund for the use of the State Prison at San Quentin, and making an appropriation therefor, to be expended for the objects hereinafter specified: For the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the purchase and installation of a ventilating system for the jute mill, for the transportation of the criminal insane, for the apprehension and return of the escaped prisoners, including paroled men who have been ordered returned, and for such other uses as may be deemed necessary by the State Board of Prison Directors.

Bill having been recalled from engrossment, the following amendments were offered:

By Senator Belshaw:

Amend by striking out of Section 1 all of said section down to and including the word "specified," in line 5, and inserting the following:

SECTION 1. There is hereby created a contingent fund for the use of the State Board of Prison Directors in conducting the State Prison at San Quentin, which fund shall be known as the San Quentin Prison Contingent Fund. The purpose for which the State Board of Prison Directors are authorized to draw upon said fund shall be such as are hereinafter specified, to wit:

Amendment adopted.

Also:

Amend by striking out all of Sections 2 and 3, and inserting the following:

SECTION 2. The State Controller is hereby authorized and directed, immediately upon the approval of this Act, to transfer the sum of ten thousand dollars from the General Fund to the San Quentin Prison Contingent Fund. The Controller shall notify the State Treasurer of such transfer.

SECTION 3. All demands against the San Quentin Prison Contingent Fund, after being approved by the State Board of Prison Directors, shall be audited by the State Board of Examiners and paid in the usual manner.

Amendment adopted.

Bill read second time, and ordered to print, reengrossment, and third reading.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 611—An Act providing for the maintenance of a residence for the Governor of the State of California, and providing the salaries of the necessary employés and servants selected and employed by the Governor therein, and for the appropriation of necessary money for such purpose, and directing the State Controller to issue warrants upon the general fund, and directing the State Treasurer to pay said warrants.

During second reading of bill, the following amendment was submitted by committee:

Amend by striking out all of Section 1, and insert in lieu thereof, the following:

SECTION 1. A fund is hereby created, which shall hereafter be known and designated as the "Governor's Residence Fund," which fund shall be drawn upon by the Governor

of the State of California for maintenance and salaries of necessary employes and servants, to be selected and employed by the Governor to properly maintain and conduct said Governor's residence; *provided*, that the aggregate amount of the salaries of said employes, servants, and maintenance shall not exceed the sum of three thousand three hundred and fifty dollars per year, and the said items of appropriation necessary therefor shall thereafter be carried in the general appropriation bill, as are the items of appropriation for the maintenance of other State property."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 428—An Act to provide for the transfer of certain moneys from the county treasury to municipal corporations formed within such counties.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 513—An Act to authorize municipal corporations, organized under the Act of the Legislature entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, or the Acts of which the same are amendatory of, or any Act amendatory thereof, to commence and prosecute an action, or actions, to recover real or personal property within the limits of such municipal corporations, acquired or held by the Board of Fire Commissioners, created by an Act of the Legislature entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, and to provide for the procedure in such action or actions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 555—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof approved March 23, 1901, and the amendment thereof approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Joint Resolution No. 10—Relative to the modification of rules regarding issuance of patents to mining claims.

Senate Joint Resolution read.

During the reading of the joint resolution, the following amendments were submitted by committee:

On page 1, line 14 of printed bill, strike out the word "quartz."

Amendment adopted.

Also:

On page 1, line 19 of printed bill, strike out the word "quartz."

Amendment adopted.

Also:

On page 2, line 27 of printed bill, strike out the word "quartz."

Amendment adopted.

Also:

On page 2, line 29 of printed bill, after the word "Senate" and before the word "of" insert the words "and Assembly."

Amendment adopted.

Also:

On page 2, line 29 of printed bill, strike out the words "the Assembly."

Amendment adopted.

Also:

On page 2, line 34 of printed bill, strike out the word "quartz."

Amendment adopted.

Also:

On page 2, line 35 of printed bill, strike out the word "quartz."

Amendment adopted.

Senate Joint Resolution ordered to print.

Senate Bill No. 494—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 494 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Rambo, Reilly, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At two o'clock and twenty minutes P. M., President pro tem. E. I. Wolfe in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 552—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the proof of lost and destroyed wills.

On motion of Senator Curtin, Senate Bill No. 552 was temporarily passed on file, to retain its place.

Assembly Bill No. 348—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 348 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Price, Rambo, Reilly, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 335—An Act to amend an Act entitled "An Act to

establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court and for opinions rendered in cases before said Superior Court.

On motion of Senator Anderson, Assembly Bill No. 335 was temporarily passed on file, to retain its place.

Senate Bill No. 521—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 521 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Price, Rambo, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 168—An Act to amend Section 718 of the Civil Code, relating to leases of town and city lots.

On motion of Senator McCartney, Senate Bill No. 168 was temporarily passed on file, to retain its place.

Senate Bill No. 452—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 452 passed by the following vote:

AYES—Senators Anderson, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 45—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Senate Bill No. 45 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 475—An Act to amend Section 209 of the County Government Act, relating to the compensation of the various county officers in counties of the fifty-second class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 475 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Hartman, Irish, Kennedy, Leavitt, Lynch, Markey, McKee, Nelson, Rambo, Rely, Rolley, Rush, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 533—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Rolley moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

By striking out of Section 1, line 10, page 1, the period after the word "annum," and inserting in lieu thereof the following: "And all mileage now allowed by law."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 533, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELSHAW, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 503—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 503 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markov, Mattos, McCartney, McKee, Price, Rambo, Reily, Rolley, Rush, Walker, Weed, Willis, Wolfe, and Wright—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 16—An Act to authorize and empower the Board of Trustees of the State Normal School of Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, and apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings.

On motion of Senator Carter, Senate Bill No. 16 was temporarily passed on file, to retain its place.

Assembly Bill No. 432—An Act appropriating money to pay the funeral expenses of the late Controller, Edward P. Colgan.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 432 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Kennedy, Lynch, Markey, Mattos, McCartney, McKee, Price, Rambo, Reily, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 139—An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines, in the Bay of San Diego, or in the entrance thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 139 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, McCartney, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—Senator Markey—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.

On motion of Senator Willis, Senate Bill No. 247 was temporarily passed on file, to retain its place.

Senate Bill No. 162—An Act creating and defining the liability of railroad corporations for injuries to employes, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employe.

On motion of Senator Leavitt, Senate Bill No. 162 was temporarily passed on file, to retain its place.

Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

On motion of Senator Anthony, Senate Bill No. 440 was temporarily passed on file, to retain its place.

Senate Bill No. 480—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Read third time.

On motion of Senator Reily, Senate Bill No. 480 was temporarily passed on file, to retain its place.

Senate Bill No. 549—An Act to amend an Act entitled "An Act to regulate the work and hours of employes engaged in selling at retail

drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof," approved February 28, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 549 passed by the following vote:

Aye—Senators Anderson Bates Ben Belshaw Black Boynton Broughton Cannetti, Carter, Hartman, Irwin, Keane, Kennedy, Leavitt, Mackay, McCartney, Nelson, Price, Reay, Riley, Rush, Savage, Walker, Weed, White, Wolfe, and Wright—27.

None. None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads, and regulating the hours of employment thereof.

Read third time.

On motion of Senator Leavitt, Senate Bill No. 491 was temporarily passed on file, to retain its place.

Senate Bill No. 457—An Act to provide for the regulation of the business of watchmen, guards and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Senate Bill No. 457 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 540—An Act to regulate the practice of horseshoeing in the State of California, and to provide for the examination and registration of persons engaged in such pursuit.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Kennedy moved to refer to Senator Nelson, as a special committee of one, to amend as follows:

Be it enacted, Senate Bill No. 540 as follows: Strike out all the title, and insert the following:

An Act to regulate the practice of shoeing horses, mules, and other animals in the State of California, and to require all farriers to pass an examination as to their proficiency in shoeing animals. Anatomy of the feet of horses and mules; the cutting and fitting of shoes to the feet of horses and mules; in preparing the feet of horses and mules for shoes and putting shoes on horses and mules; in driving teams; the feet of horses and mules; and shoeing and other things as will advance the science of shoeing horses and mules in the best interests of the horse and mule, and all other animals, in the most skillful and scientific manner.

Also, Strike out all after the enacting clause and insert the following:

SECTION 1. No person shall practice as a farrier, any where in the State of California, unless he is duly registered as hereinafter provided, with the State Board of Farriers, as provided for in this Act.

SEC. 2. Any person of the age of twenty years and upward who has passed a satisfactory examination as to their competency and qualifications, before said Board of Farriers created under the provisions of this Act, shall be entitled to registration, as a farrier, *provided, however*, that any person who has been practicing as a farrier anywhere in this State immediately preceding the passage of this Act, who files an affidavit stating such fact with said board, and furnishing satisfactory proof thereof to the said board, shall be entitled to registration without the examination herein provided for, upon the payment of a registration fee to be fixed by the board herein provided for, which shall not exceed the sum of five dollars.

SEC. 3. Each applicant for examination shall, before an examination is granted, furnish satisfactory evidence that he is of temperate habits and pay to said board a fee of \$2 dollars, *provided, however*, that in case of the failure of any applicant to pass a satisfactory examination, such money shall be held to his credit for a second examina-

tion at any time within one year. The permanent office of said board shall be located in the City and County of San Francisco, and shall be open during business hours.

SEC. 4. The State Board of Farrier Examiners shall consist of one veterinarian who has had at least five years' practical experience as such, and is actually engaged as such at the time of his appointment, two master horseshoers who have had at least five years' experience as such and are actually engaged as such at the time of their appointment, and two journeymen horseshoers who have had at least five years' experience as such and actually engaged as such at the time of their appointment, and are to be known as the State Board of Farriers, is hereby created; all of whom shall be residents of this State for at least five years next preceding their appointment, whose duty it shall be to carry out the provisions of this Act. The members of the said board shall be appointed by the Governor and the term of office shall be for four years, except that the members of said board first appointed shall hold office respectively for the terms of one, two, three, and four years. The term of the veterinarian and one horseshoer shall expire the first year, as may be designated by the Governor, and until their successors shall be duly appointed and shall have qualified. In case of a vacancy occurring in said board such vacancy shall be filled by appointment by the Governor within thirty days after such vacancy occurs.

SEC. 5. Said board shall, within thirty days after its appointment, meet and organize for the election of a president, secretary, and treasurer, from its own members, who shall be elected for the term of one year, and shall perform the duties prescribed by the board. It shall be the duty of the board to examine all applications for registration submitted in proper form, to grant certificates of registration to such persons as may be entitled to the same under the provisions of this Act, and to stamp the same with the seal of said board, to investigate complaints, and to cause the prosecution of all persons violating the provisions of this Act. To report annually to the Governor and to the Secretary of State, which said report shall contain a record of the proceedings of said board for the year, and also the names of all farriers registered under the provisions of this Act, and all money received and expended by them under the provisions of this Act. The board shall hold meetings for the examination of applicants for registration, in the City and County of San Francisco, on the first Tuesday of April, in Los Angeles on the first Tuesday in August, and in Sacramento on the first Tuesday in December of each year, and for the transaction of such other business as may properly come before them, with power of adjournment from time to time until its duties are completed. Notice of each regular meeting of the board shall be given to each applicant having on file an application, in writing by mail, and by publication twice a week next preceding each meeting, in two daily papers published in the City of San Francisco, in one daily paper published in the City of Los Angeles, and in one daily paper published in the City of Sacramento. Said board shall make such by-laws and rules for the proper fulfillment of its duties under this Act as is deemed advisable, and shall keep a book of registration in which shall be the names and places of business, or business, of all persons registered under this Act. The records of said board or copies, or any part thereof, certified to by the secretary to be a true copy, attested by the seal of the board, shall be accepted as competent evidence in all courts of the State.

SEC. 6. Four members of said board shall constitute a quorum.

SEC. 7. Said board shall provide itself with a seal bearing the imprint, "State Board of Farriers of the State of California."

SEC. 8. Each member of said board shall, before entering upon the duties of his office, execute a bond to the State of California in the sum of two thousand dollars, signed by two freeholders in this State, that he will honorably and faithfully perform the duties of his office, according to law, and take the constitutional oath of office, as required by the law of the State of California.

SEC. 9. All applications for examination shall be filed with said board at least five days before each examination.

SEC. 10. Any member of said board may administer oath in all matters pertaining to the duties of said board, and the board shall have the authority to take evidence as to any matter cognizable by it.

SEC. 11. It shall be unlawful for any person to engage in the practice of horseshoeing in the State of California from and after the passage of this Act, unless said person or persons shall have obtained a license from said board, duly authorized and appointed under the provisions of this Act to issue licenses as provided by this Act.

SEC. 12. Out of the fund and fees coming into the possession of said board, each member of the board may receive as compensation, for all services rendered, a sum not to exceed four hundred and fifty dollars in any one year, except the secretary of said board, who shall be in attendance at all times during office hours, at the office of said board, who shall receive for all services rendered a sum not to exceed one thousand two hundred dollars in any one year. In addition to said salary, the members of said board shall be allowed mileage at the rate of five cents per mile for all distances actually traveled in coming to and going from the meetings of said board. Said expenses shall be paid from the fees received by the board under the provisions of this Act. No part of the salary or other expenses of said board shall, under any circumstances, be paid out of the State treasury. All money received in excess of said allowance, and the expense herein provided for, shall be paid into the State treasury of the State of California at the end of each year.

Sec. 13. Each member of the board shall, upon his qualification and the organization of the board, file with the secretary of the board his postoffice address, and thereafter any notice of change therein.

Sec. 14. All books of said board shall be public records, and at all times during business hours open to public inspection. The books shall be kept in the office of the secretary of said board at San Francisco, and he shall furnish to any person making application therefor a copy of the same, upon being paid the sum of twenty-five cents for each one hundred words so copied in advance.

Sec. 15. The Governor shall have the power of supervision of said board, and to remove from office at any time any member thereof for continued negligence of duty, for incompetency, unprofessional or dishonest conduct, or for a violation of any of the provisions of this Act.

Sec. 16. The examination of all applicants shall be elementary and practical in character, but sufficiently thorough in fitness of the applicant to practice as a farrier. It shall include, written in the English language, questions upon the following subjects:

1. Anatomy of the feet of horses and mules from the fetlock to the bottom of the foot.
2. The making up and fitting of horse and mule shoes to the feet of horses and mules, and all other animals that are shod.
3. In preparing the horses' and mules' feet for shoeing.
4. Driving the shoes on the feet.
5. Finishing the foot both before and after the shoes are driven on.
6. Actual demonstration of the applicant's skill and ability in operating the fire of a farrier and in driving the nails in the feet of horses and mules.
7. The applicant must be able to read and write the English language.
8. Must be a citizen of the United States for not less than one year.
9. The answers to all questions shall be in writing, and in the English language.

The questions and answers and findings of the board, as to the capability and fitness of the applicant to practice as a farrier, shall be kept in a book for that purpose, which shall at all times be open to inspection of the public, during office hours.

Sec. 17. All persons successfully passing such examination shall be registered as licensed farriers, as provided in this Act, and shall receive a certificate of such registration and license, which shall entitle the applicant to practice as a farrier in any place in the State of California. Said certificate shall be signed by the president and secretary of said board. No applicant shall be given an examination or certificate who is not twenty years of age.

Sec. 18. Where a person entitled to examination for license files with said board an affidavit signed by two credible witnesses showing such facts, the State Board of Farriers not being in session, any member of said board may examine the applicant as to his qualifications, and if, in his judgment, he finds the applicant qualified according to the provisions of this Act, he may report the same to the secretary of said board, and a temporary license will be issued until the next regular meeting of said board, when he shall report the facts, at which time the temporary license shall expire. Such temporary license shall not be granted unless the fee herein required is paid to the board. No temporary license shall be granted by a member of the board after the board has rejected the applicant. No other fees shall be charged or received for granting such temporary license.

Sec. 19. No person shall be eligible for the examination by the State Board of Farriers who can not furnish to the State Board of Farriers an affidavit containing his or her name, the name of his or her preceptor, and the names of at least two reputable witnesses, sworn to before a notary public, showing that he or she has completed an apprenticeship of three years of twelve months each, with a licensed practitioner, as a farrier in the State of California, or can not furnish to said State Board of Farriers a certificate from the State Board of Farriers or a similar body of some other State in the United States, showing that he or she has been a licensed practitioner as a farrier in that State for at least five years preceding such application.

Sec. 20. From and after the passage of this Act, any and all persons desiring to enter upon the practice of and become a farrier in the State of California must file with the State Board of Farriers an affidavit sworn to before a notary public of the State of California, of his intentions to become the apprentice of a licensed practitioner of horse-shoeing in this State, that the affiant can read and write the English language, which must contain in full the names and addresses of affiants and their proposed preceptors, and the names of two reputable witnesses, together with the date of beginning of his proposed term of apprenticeship, and the State Board of Farriers shall issue to affiant a receipt for the same without charge.

Sec. 21. Every farrier registered under the provisions of this Act, who desires to practice or carry on the business of a farrier, shall annually, after the expiration of the first year of his registration, during the time he shall continue in such practice, on the first day of June of each succeeding year, pay to the said board a registration fee, to be fixed by said board, but which shall, in no case, exceed the sum of three dollars, for which he shall receive a renewal of said registration.

Sec. 22. All moneys received under this Act shall be deposited in some reliable bank in the State of California in the name of said board, and shall be withdrawn only on the joint check of the president and the secretary of said board.

SEC. 23. Said board may employ counsel to advise the board and to care for the interests of said board in all civil matters involving the board, as such.

SEC. 24. All fines and penalties imposed or collected, for the violation of any of the provisions of this Act, unless otherwise specified, shall be paid into the common school fund of the county in which said prosecution is had.

SEC. 25. Said board or any member thereof may prepare a complaint against any person violating the law regulating the practice of farrier, before any court of competent jurisdiction, and may aid in presenting the law or facts before said court in any proceedings taken therein.

SEC. 26. The complaint lodged against any person pursuant to this Act must state the time, place, when and where the matter complained of took place, and the particulars upon which the accused is charged, in ordinary and concise language.

SEC. 27. Any person or persons shall be guilty of a misdemeanor who violates any of the provisions of this Act, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars or more than five hundred dollars, or by imprisonment of not less than five days or more than six months in the county jail, or by both fine and imprisonment.

SEC. 28. Any person who shall sell or barter, or offer to sell or barter, any diploma, license or document, conferring or purporting to confer any farrier's degree or license, or certificate, made or purporting to be made pursuant to the law regulating the license and registration of farriers;

2. Or shall procure by barter any such diploma or certificate, or transcript, with intent that the same shall be used as evidence of the holder's qualifications to practice as a farrier, or any fraud or violation of the law regulating such practice;

3. Or shall fraudulently alter any such diploma, license, or transcript;

4. Or shall use or attempt to use any such diploma, certificate or transcript, which has been purchased fraudulently, or alter said license to practice as a farrier in order to procure registration as a farrier;

5. Or shall in any affidavit required willfully make a false statement as to any of the facts therein stated; shall be guilty of a misdemeanor, and shall be punished according to the provisions of this Act.

SEC. 29. This Act shall take effect immediately.

BILL ORDERED TO PRINT WITH AMENDMENTS PENDING.

On motion of Senator Keane, Senate Bill No. 540 was ordered to print with the above amendments pending, said amendments to be printed in brackets in said bill.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 228—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation.

On motion of Senator Keane, Senate Bill No. 228 was temporarily passed on file, to retain its place.

Senate Bill No. 296—An Act to amend Section 476 of the Code of Civil Procedure, relating to ruling on demurrer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 296 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Irish, Keane, Kennedy, Leavitt, Markey, McCartney, McKee, Nelson, Price, Reilly, Rush, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 425—An Act to amend Section 439 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Leavitt moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

Insert after the enacting clause the following:

SECTION 1. Section four hundred and thirty-nine of the Penal Code is hereby amended to read as follows:

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 11, 1907

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 425, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to counties of the fifty-first class.

Read third time.

On motion of Senator Weed, Senate Bill No. 583 was temporarily passed on file, to retain its place.

Senate Bill No. 582—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, March 19, 1903, and March 20, 1905, by amending Section 185 thereof, relating to salaries and fees of county and township officers of the twenty-eighth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 582 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Price, Rambo, Reily, Sanford, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 412—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the officers of a township.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 412 finally passed by the following vote:

AYES—Senators Anderson, Bates, Belshaw, Black, Boynton, Broughton, Carter, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—Senators Bell, Caminetti, Mattos, and Rush—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 176—An Act to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of hospitals for the relief of the sick, and for training schools for nurses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 176 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Irish, Keane, Kennedy, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 92—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 92 finally passed by the following vote:

AYES—Senators Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Hartman, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 94—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 94 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 95—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a reclamation district, to be called 'Reclamation District Number Seventy,' and providing for the control and management thereof," approved March 12, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 95 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Price, Rambo, Riley, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Leavitt: Senate Bill No. 720—An Act to amend Section 7 of an Act entitled "An Act to appropriate money for the support of orphans, half orphans and abandoned children," approved March 25, 1880, relating to the age of the children referred to therein.

Bill read first time, and referred to Committee on Finance.

By Senator Rush: Senate Bill No. 721—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Willis: Senate Bill No. 722—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 723—An Act to amend Section 324 of the Civil Code, relating to the transfer of stock in corporations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 724—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, the Act or Acts supplementary or amendatory thereof, or the Act or Acts of which said Act is supplemental or amendatory; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of the said Act or Acts.

Bill read first time, and referred to Committee on Irrigation.

By Senator McKee: Senate Bill No. 725—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein, and prescribing the duties of the State Controller and Attorney-General with reference thereto.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Constitutional Amendment No. 35—Relative to duties of Lieutenant-Governor.

Senate Constitutional Amendment referred to Committee on Finance.

By Senator Leavitt: Senate Concurrent Resolution No. 11—Relative to Joint Rules of Senate and Assembly.

On motion of Senator Leavitt, Senate Concurrent Resolution No. 11 ordered on file, without reference to committee.

MOTION.

On motion of Senator Leavitt, the following concurrent resolution was ordered printed in the Journal:

CONCURRENT RESOLUTION

By Committee on Rules:

Resolved, by the Senate and Assembly concurring. That the following be and are hereby adopted as the joint rules of the Senate and Assembly of the State of California.

JOINT RULES OF SENATE AND ASSEMBLY.

Joint Address to Governor.

1. When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate in the presence of the Speaker of the House and a select committee of nine (9) members, appointed for that purpose from each House.

Bill or Resolution in One House, Rejected in the Other, Requires Notice.

2. When a bill or resolution which shall have passed one House is rejected by the other, notice thereof shall be given immediately to the House in which the same shall have passed.

Each House to Transmit Papers.

3. Each House shall transmit to the other papers on which any bill or resolution shall be founded.

Joint and Concurrent Resolutions.

4. Joint resolutions are those which relate to matters connected with the Federal Government. All other resolutions relating to matters to be treated by both Houses of the Legislature are concurrent resolutions.

Joint Resolutions Treated as Bills.

5. All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each House.

Amendments to Amended Bills Must Be Attached.

6. Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted," and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be indorsed "Concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

Bills Read and Referred to Committee.

7. When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or Clerk and referred to a standing committee.

Special File.

8. After the — day of February, 1907, the Senate and Assembly shall adopt and provide a special file upon which shall be placed: In the Senate, only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock P. M. of each day, and be considered at least one hour and a half after being so taken up. This rule shall not be suspended in either House except by a three-fourths vote of such House.

Bills Not to Be Printed for Engrossment Unless Amended.

9. Unless bills have been amended they shall not be again printed for engrossment, but the Engrossing Clerk shall use a copy of original printed bill in an engrossed bill cover, and report same back immediately after comparing same.

After a Bill Has Been Passed by the Senate or Assembly.

10. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate Messages" or "Assembly Messages"), read the first time, and shall then be assigned to the proper committee, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and the chairman of each com-

mittee is charged with the observance of this rule, provided that the Senate or the Assembly may, at any time, order such bill reported back from any committee by a majority vote.

To Concur or Refuse to Concur in Amendments.

11. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments.

When Amendments are Concurred In.

12. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Clerk shall notify the House making the amendments, and the bill shall be ordered to enrollment.

When Senate or Assembly Refuse to Concur.

13. If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the House making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a Committee on Conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly. The Committee on Conference shall report to both the Senate and Assembly.

Committee on Conference.

14. In every case of an amendment of a bill agreed to in one House and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other House shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective committees.

Committee on Free Conference.

15. If the Committee on Conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference.

A Committee on Free Conference shall consist of six members, to be appointed in the same manner as a Committee on Conference.

The Committee on Free Conference are hereby empowered to suggest in their report any new amendments which they may adopt as a committee, and such amendments made by such committee shall be attached to the bill.

The report of the Committee on Free Conference shall not be subject to amendment in either House, and in case of non-agreement no further proceedings shall be had.

When Conference Committee Report is in Order.

16. The presentation of report of Committee on Conference or Free Conference shall always be in order, except when the Journal is being read or a question of order, or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll-call; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Messages Must be Announced by the Assistant Sergeant-at-Arms.

17. When a message shall be sent from either House it shall be announced at the door by the Assistant Sergeant-at-Arms, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

Secretary, Clerk, Etc., to Carry Messages.

18. Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

Notices to Be on Paper, Under Proper Signature.

19. Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

Enrolled Bills to Receive Signature of Proper Officer.

20. After a bill shall have passed both Houses, it shall be duly enrolled and carefully compared by the Enrolling Clerk and Enrolling Committee of the Assembly, or of the Senate, as the bill may be originated, and shall first receive the signature of the presiding officer and Clerk or Secretary of the House in which it emanated, before it shall be presented to the Governor of the State.

Enrolling Committee to Compare.

21. When bills are enrolled they shall be re-examined by the Enrolling Committee of the House in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated, stating by whom such bill was examined.

President and Speaker to Sign Bills.

22. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

Enrolling Committee to Present Bills to Governor.

23. After a bill shall have been thus signed in each House, it shall be presented by the Enrolling Committee of the House in which it originated to the Governor of the State for his approval (it being first indorsed on the back of the bill by the Secretary or Clerk, as the case may be, certifying in which House the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the House in which the bill originated.

Daily History of Bills, Etc.

24. There shall be printed daily, by both the Senate and the Assembly, a history of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the House up to the day preceding the publication of such history. A regular form shall be prescribed, and no other form shall be used.

Secretary and Clerk to Keep Register.

25. The Secretary of the Senate and Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

Secretary and Clerk Shall Indorse Bills.

26. The Secretary of the Senate and Clerk of the Assembly shall indorse on every original bill a statement of any action taken by the Senate and Assembly.

Adjournment Sine Die.

27. An adjournment *sine die* shall only be made by concurrent resolution.

Dispensing With Joint Rules.

28. No joint rule shall be dispensed with except by a vote of two thirds of each House; and if either House shall violate a joint rule a question of order may be raised in the other House and decided in the same manner as in the case of the violation of the rules of such House; and if it shall be decided that the Joint Rules have been violated, the bill involving such violation shall be returned to the House in which it originated, without further action. Or, at the option of such House, the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

Senate concurrent resolution read.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 587—An Act to make an appropriation for the location, survey, and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Finance Committee.

MATTOS, Chairman.

Senate Bill No. 587 referred to Committee on Finance.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 113—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SAVAGE, Chairman.

Assembly Bill No. 113 ordered on file for second reading.

MOTION.

On motion of Senator Willis, the following report was ordered printed in the Journal.

SUPPLEMENTAL REPORT OF SENATE JUDICIARY SUB-COMMITTEE ON CODE REVISION BILLS.
SACRAMENTO, February 11, 1907.

To the Senate Judiciary Committee:

GENTLEMEN: The following are the changes and the reasons for the changes in the Code Revision Bills thus far reported upon by your sub-committee:

Senate Bill No. 355. Section 595, Pol. C.

The amendment changes the word "district" to the word "superior" before the word "court," in order to give effect to the section.

Senate Bill No. 208. Section 1010, C. C. P.

Requires the notice to state when, and the grounds and papers upon which the motion will be made. Codifies what the actual practice is to-day, and what is generally provided for in rules of court.

Section 1011, C. C. P.

Changes the hours during which notice may be served at an attorney's office in his absence, so that the hours shall be from nine to five instead of from eight to six; excuses the leaving of papers at an attorney's residence if in a county other than that of his office; provides means of service when his residence is in another county, or when neither his office nor his residence is known; and authorizes both the plaintiff and the defendant to leave their address with the clerk, and requires that notice served on them be left at or sent to such address.

Section 1013, C. C. P.

Directs that notices deposited in the postoffice be enclosed in sealed envelopes, and substitutes "thirty" for "ninety" in the last line.

Section 1015, C. C. P.

The amendment adds the last two sentences and is intended to supply a mode of serving notices and papers when the attorney for a party has been removed or suspended or has no known office within the State.

Senat Bill No. 203. Section 1086, C. C. P.

Substitutes "verified petition" for "an alldavit" in proceedings by *certiorari*.

Section 1087, C. C. P.

Excuses the clerk on issuing a writ of mandate from inserting therein the allegations of the petition.

Section 1088, C. C. P.

Requires a copy of the petition for a writ of mandate to be served with the alternative writ, or with the notice of application for the peremptory writ. This codifies what is the present practice, and makes it uniform instead of confining it to such Superior Courts as have embodied it in their rules.

Section 1089, C. C. P.

The form but not the substance of the section has been changed, and the sense made clearer thereby.

Senate Bill No. 209. Section 1005, C. C. P.

The amendment allows the notice of motion to be for five days whenever the court is held in the county in which one of the attorneys has his office. This is the rule of court already adopted in most jurisdictions of the Superior Court, and the amendment makes the practice uniform throughout the State.

Senate Bill No. 201. Section 1110a, C. C. P.

This is a section added to the Code of Civil Procedure expressing substantially the rule upon the subject already enforced by the Supreme Court.

Senate Bill No. 202. Section 1103, C. C. P.

Substitutes "verified petition" for "an affidavit."

Section 1184, C. C. P.

Excuses the clerk on issuing a writ of prohibition from inserting therein the allegations of the petition.

Senate Bill No. 204. Section 1069, C. C. P.

Substitutes "verified petition" for "an affidavit."

Senate Bill No. 205. Section 1057, C. C. P.

The change consists in the addition of the last two sentences, and authorizes the court to exact a new undertaking in any case in which it is shown that any surety on a bond has become insufficient, thus avoiding all possible doubt of the court's power in the premises.

Senate Bill No. 207. Section 1025, C. C. P.

Corrects a mistake in present section by inserting the word "recovered" after the word "property," where that word last occurs.

Section 1031, C. C. P.

Corrects a clumsily expressed section by inserting the words "or proceeding" after the word "action," in the first line, by inserting the article "an" before the word "express" and the same article before the word "action," and substitutes the word "proceeding" for the word "defense," at the end of the section.

Senate Bill No. 211. Section 997, C. C. P.

The words "not less than ten days" are substituted for the words "at any time" before the words "before the trial," to make the section consistent with the time allowed plaintiff for acceptance of the offer specified in the section. The words "after the offer" are added after the word "incurred," and the last clause is added to the section in order to enforce the change. The section as thus amended requires an offer of compromise to be made at least ten days before the trial and entitles the plaintiff to costs up to the time of the offer, though he does not obtain a judgment for a sum higher than that offered.

Senate Bill No. 215. Section 749, C. C. P.

This section is hereby repealed because it has been made superfluous by the late amendments to Section 412 of the Code of Civil Procedure. Moreover, there are two sections 749 in the Code, one enacted in 1891 and the other in 1900. They do not supersede each other under the principle of *Ex parte Ruffin*, 119 Cal. 487. The superfluous one is here repealed, leaving the other in force.

Senate Bill No. 216. Section 740, C. C. P.

The word "real" is omitted before the word "property," the amendment thus extending the benefit of the section to all classes of property.

Senate Bill No. 217. Section 728, C. C. P.

The change recommended is the omission of the words "there being a rebate of interest where such rebate in the property" at the end thereof, and the limiting the same to the amount necessary to pay the principal and interest already due.

Senate Bill No. 218. Section 714, C. C. P.

The words "or in which he has a place of business" are added to the section, thus making it possible to examine judgment debtors in supplementary proceedings in those counties in which they have a place of business.

Section 717, C. C. P.

The word "and" is substituted for "or" after "judgment" and before "upon," to make the section conform to what was evidently the intent of the Legislature at the time of its passage.

Section 719, C. C. P.

The amendment consists in adding lines 7 to 10, inclusive, in this section, thus limiting the right of the judge or referee to order the delivery of property to those cases in which no adverse interest is claimed thereto.

Section 720, C. C. P.

The amendment consists in striking out the words "the court or judge may authorize by an order made to that effect," thus enabling the judgment creditor to sue for property to be subject to his execution without first obtaining an order of court.

Senate Bill No. 562. Section 599, Pen. C.

There are at present two sections 599 in the Penal Code, one referring to the killing of gulls and cranes, and the other referring to the killing of elk. The former is left intact, and the latter is repealed and reenacted as 599f.

Senate Bill No. 561. Section 526, Pen. C.

Repealed because declared unconstitutional by the Supreme Court in *Ex parte Quarg*, 84 Pacific Rep. 766.

Senate Bill No. 213. Section 803, C. C. P.

The amendment adds the last sentence to the section, requiring corporations, whether *de facto* or *de jure*, to be made parties to proceedings seeking to forfeit franchises exercised by them, thus settling definitely a question of procedure sometimes raised through the present incompleteness of the section.

Senate Bill No. 219. Section 700, C. C. P.

The present Section 700 of the Code of Civil Procedure is split in two sections, 700 and 700a. All of Section 700 after the word "thereto," on line 5 of the printed bill, is an addition thereto, and declares the effect of a sale of real property under execution, and that, when supported by a judgment lien or the levy of a writ, the title of the holder relates back to the date of such lien or levy. This simply codifies the present law on the subject under the decision of the Supreme Court. The part of the section omitted is made a new section, to be numbered 700a.

Section 700a, C. C. P.

The only thing in this section is the requirement that the certificate of search shall include a statement of the date of the judgment and of the names of the parties thereto; the remainder of the change simply consists in recasting into more concise form what is clumsily expressed in the original section.

Senate Bill No. 210. Section 992, C. C. P.

The amendment consists in striking out the words "except a discharge from such liability by the statute of limitations," at the end thereof, and inserting in lieu thereof the following: "by reason of any defense existing at the commencement of the action." This removes the prohibition against the pleading of the statute of limitations if that defense existed at the commencement of the action.

Section 993, C. C. P.

The amendment consists in adding at the end of the present section the words "subject to the order of the parties to amend their pleadings as in other cases," thus entitling the parties to amend their pleadings as in other cases and changing the rule adopted in *Waterman vs. Lippman*, 67 Cal. 26.

Senate Bill No. 313. Section 387 of C. C. P.

The amendment consists in adding the words, on line 17 of page 2 of the printed bill, "within ten days from the service thereof," thus removing any ambiguity respecting the time within which the complaint in intervention must be answered.

Section 388, C. C. P.

The words "and the individual property of the party or parties served with process," on lines 9 and 10 of the section on page 2 of the printed bill, have been added, thus avoiding multiplicity of suits.

Section 389, C. C. P.

The words "or to determine conflicting claims thereto," in line 12 of the section, on page 2 of the printed bill, have been added, thus authorizing the bringing in of new parties in actions to determine conflicting claims of real or personal property, and thus avoiding multiplicity of actions.

Senate Bill No. 317. Section 512, C. C. P.

The word "notice" is changed to "endorsement," line 14 of the section, page 1 of the printed bill, the preceding section having provided for an endorsement but not for a notice.

Section 519, C. C. P.

The amendment omits the words "stating the grounds of such title or right," that being entirely unnecessary and to no useful purpose and provides that the amount of undertaking to be given by the plaintiff must be equal to double the value of the property taken, such being the present practice, often under rules of court.

Senate Bill No. 321. Section 572, C. C. P.

The words "to the action" are added after the word "party" on line 4, page 1 of the printed bill, as in its present form the section is entirely misleading.

Section 573, C. C. P.

The amendment consists in consolidating Sections 573 and 2104, there being two sections covering the same subject, where only one is needed, and omits the first sentence of the former section, so as to remove any possible conflict between them.

Senate Bill No. 303. Sections 53 to 55, 65 to 69, C. C. P.

The recommendation is that these sections be repealed, because the matters intended to be expressed therein are contained in Sections 1 to 8 of Article IV of the Constitution of the State, and so far as these sections conform to that Article they are unnecessary, and in so far as they depart from it they are invalid. The attempt to make a legislative statement of these provisions has already led to litigation and to some of the legislative expressions being declared unconstitutional, as in the *Jessup case*, 81 Cal. 408, and *Merced Bank vs. Rosenthal*, 99 Cal. 38.

Senate Bill No. 304. Section 115, C. C. P.

Repeal of section recommended, as it relates wholly to prosecution of public officers, and its provisions should be incorporated in the Penal Code.

Senate Bill No. 305. Section 134, C. C. P.

The amendment recasts the section substituting the words "on any of the holidays mentioned in Section 10," instead of attempting to mention the holidays, which are always changing, and are designed to conform to the section in the Constitution. See *Reclamation District vs. Hamilton*, 112 Cal. 610.

Section 135, C. C. P.

The amendment changes the phraseology of the section to conform with Section 10 and the amendments proposed to Sec. 134.

Senate Bill No. 306. Section 139, C. C. P.

The change recommended is to strike out the words "for one week." Neither the sheriff nor the clerk can, under the Constitution, be authorized to adjourn court, and thus close it for a definite time, other than from day to day.

Senate Bill No. 307. Section 144, C. C. P.

The amendment consists in the insertion of the word "county" in place of "city and county," where those last words occur in the section, and in omitting the words "city and county" when they occur earlier in the section, they being unnecessary in view of the amendment to Section 17 adopted in 1903 (Stats. 1903, 134).

Senate Bill No. 308. Sections 156 and 157, C. C. P.

The recommendation is that these sections be repealed. They undertake to declare who shall be eligible to the office of Judge of the Superior Court and of Justice of the Supreme Court. Probably no tests of eligibility can be imposed in addition to those required by the Constitution (*Page vs. Hardin*, 8 B. Mon. 661; note to *Blair vs. Ridgely*, 97 Am. Dec. 264; *Thomas vs. Owen*, 4 Md. 223), but if it be possible to impose any such additional requirements, they should be provided for in the Political Code.

Senate Bill No. 312. Section 352, C. C. P.

Subdivision 4, creating a disability in favor of married woman, whose husband must join her in commencing an action, is omitted, because she may, in all cases, sue alone.

Section 355, C. C. P.

The last sentence, being from lines 7 to 13 inclusive, on page 2 of the printed bills, is added to abrogate the rule of construction of this action, declared in *Carpenter vs. Natoma W. & M. Co.*, 63 Cal. 616, that a title by prescription may be perfected during the pendency of an action, though judgment in both the lower and appellate courts was given in favor of the plaintiff.

Senate Bill No. 314. Section 392, C. C. P.

The provision at the end of the section, that if in an action to recover real property, an injunction is at any time applied for, the proper county for the trial is that in which the defendant resides, is omitted. The present provision is inconsistent with Section 5 of Article VI of the Constitution, requiring actions of this character to be brought in the county in which the property, or some part thereof, is situated.

Section 394, C. C. P.

The word "citizens" is stricken out, and the word "residence" is inserted, in line 7 of the section, on page 2 of the printed bill, that having been the legislative intent in the original enactment of the section.

Section 395, C. C. P.

The last sentence, being lines 13 to 17 inclusive, of this section, on page 2 of the printed bill, have been added, and the amendment thereby made is intended to reach cases where a person has been made a defendant solely for the purpose of having an action tried in the county wherein he resides, thus taking away from the defendant properly joined and from the real defendants the rights of change of venue intended to be vouchsafed to them in other sections of the Code.

Section 396, C. C. P.

The words "appears and" are omitted before the word "answers," as superfluous.

Section 397, C. C. P.

Subdivision 4 is so amended that there need not be any change from the place of trial, if there is any judge within the county not disqualified from acting. This was certainly the real legislative intent.

Senate Bill No. 315. Sections 417 and 418, C. C. P.

These sections are added in order to codify the statute of 1871-2, page 533, entitled "An Act concerning libel and slander," as amended in 1880, page 81.

Senate Bill No. 320. Section 566, C. C. P.

The words "of a party" are added in line 3 of the section, and the word "much" is substituted for the word "may" in line 8 of the section, page 1 of the printed bill, such changes having been made to conform to the section to the intent of the Legislature in the passage of the original section.

Section 567, C. C. P.

The word "one" is changed to "two," on line a of page 2 of the printed bill, thus requiring two sureties, and making it uniform with other provisions of this Code respecting sureties, and the undertaking with respect to form is left subject to the control of Section 982 of the Political Code.

Senate Bill No. 320. Section 681, C. C. P.

The amendment consists in adding all after the word "enforcement," in line 5 of the printed bill. The justice of the amendment is self evident.

Section 687, C. C. P.

The amendment consists in the addition of the sentence included in lines 7 to 14 of Section 1 on page 2 of the printed bill. It is directed to those cases in which a judgment is entered in one county affecting property then situated in, or which may subsequently become a part of, another county. The section as amended supersedes the provisions of the statute of 1873-4, page 365, respecting execution of final process.

Section 688, C. C. P.

The amendment consists in substituting the words "levied upon or released" for the word "attached," thus providing a mode of releasing a levy of execution. It adopts the method proposed for the release of attachments by Section 560.

Section 689, C. C. P.

The amendment strikes out the words "setting out his title thereto," which subserve no useful purpose, and also inserts the amount of the undertaking near the end of the section "in a sum equal to double the value of the property levied on," which is the usual custom of sheriffs any way, and recasts the last sentence so as to make it more intelligible substituting for this part of the present section the words in lines 11 to 13 on page 3 of the printed bill.

Senate Bill No. 359. Section 1475 Pen. C.

The first sentence to the section is recast so as to make it conform to the Constitution. Moreover the amendment to this section at the last session has not been found sufficient in practice to prevent the farce of a defendant going before each one of the judges of the various departments of a superior court in succession. The present amendment, while it takes away none of the defendant's rights with reference to obtaining the writ, compels him, after each denial, to go before a court one step higher in jurisdiction.

Senate Bill No. 380. Section 1365, C. C. P.

The amendment merely adds the last section in order to make the section conform to the amendment to Subdivision 8 of Section 1386 of the Civil Code, adopted at the last session.

Senate Bill No. 415. Section 10, C. C. P.

Merely adds the Saturday half-holiday sentence in order to make this section of the Code of Civil Procedure correspond to the amendment adopted to Section 10 of the Political Code at the last session of the Legislature.

Senate Bill No. 416. Section 288 to 295, inclusive, Pol. C.

These sections are repealed because they are inconsistent with Section 4, Article V of the Constitution. By that section the returns of election must be sealed up and transmitted to the Speaker of the Assembly, who must, during the first week of the session, open and publish them in the presence of both houses, and the person then found to have the highest number of votes is Governor. If there is any mode of contesting the election it must be by proceedings in the nature of *quo warranto*. See *State vs. Sadler*, 25 Nev. 137.

Senate Bill No. 417. Section 4452, Pol. C.

The words "county and" have been added to the above section, as it is evident from the caption of the title, and from Section 4455, that the Legislature intended such liability to extend also to the county.

Senate Bill No. 418. Section 1973, C. C. P.

The amendment consists in adding Subdivisions 6 and 7 thereto, and correcting the language thereof so as to make it conform absolutely to what is in the statute on frauds, as set forth in Section 1624 of the Civil Code.

Senate Bill No. 423. Section 3975a, Pol. C.

This is a codification of the Act of March 23, 1893 (Statutes 1893, page 235).

Senate Bill No. 433. Section 3902, Pol. C.

The amendment is a codification of Section 1 of the County Government Act of 1897 (Statutes 1897, page 452), and Section 1 of Article XI of the Constitution. It is here put in its proper place and is therefore omitted from the codification of the County Government Act. (Senate Bill No. 586.)

Senate Bill No. 485. Section 3366, Pol. C.

As this section repealed by implication Subdivision 25 of Section 25 of the County Government Act (*Ex parte Pfirrmann*, 134 Cal. 143), it is substituted for said Subdivision 25 of Section 25 in the codification of the County Government Act (Senate Bill No. 586), in its proper place, as Subdivision 22 of Section 4041 of this Code and is therefore repealed, as there is no necessity of having two sections in identical words upon the same subject.

Senate Bill No. 486. Section 7, C. C.

Merely adds the Saturday half-holiday to the section so as to make it conform to Section 10 of the Political Code adopted at the last session of the Legislature.

Senate Bill No. 419. Section 172, Pen. C.

The amendment consists in reducing the limit with reference to the State prison to half a mile and with reference to the reformatory to 1900 feet, and inserting the words "at Berkeley" after the words "University of California," so that there can be no question of construction as to what grounds of the University are referred to.

Senate Bill No. 424. Section 1822c to 1822f, C. C. P.

This is a codification of the Act of March 25, 1893 (Statutes 1893, page 536). It is inserted here rather than in the Political Code, because it appertains wholly to procedure necessary to accomplish the objects sought.

Senate Bill No. 434. Section 3975b, Pol. C.

This is a codification of present Section 11 of the County Government Act of 1897 (Statutes 1897, page 452), and is enacted here and omitted in the codification of the County Government Act (Senate Bill No. 586), where it does not belong. The provision concerning the removal is omitted, as it is contained in Section 3981 of the present bill.

Section 3976, Pol. C.

This is a codification of Section 12 of the County Government Act of 1897 (Statutes 1897, page 452), substituted for present Sections 3976 and 3977 of the Political Code which were superseded by said Act. The part of said Section 11 concerning election is omitted, as it is already covered by Section 3979.

Section 3977, Pol. C.

Repealed because included in Section 3976 as amended.

Section 3981, Pol. C.

This section has been amended to make it conform to Section 2 of Article XI of the Constitution, and it contains a codification of a portion of Section 11 of the County Government Act of 1897 not already contained in Section 1375a.

Section 3985, Pol. C.

All after the word "election," where it appears the second time, is omitted because it is superfluous, being already set forth in other sections of the chapter.

Senate Bill No. 357. Section 1239, Pen. C.

As the time for appeals from final judgments has been uniformly reduced in all matters of civil procedure, it is here reduced in the Penal Code to ninety days. This refers merely to an appeal from the judgment.

Senate Bill No. 324. Section 625, C. C. P.

Simply amends the section to place it back where it was before the last amendment thereto, so as to avoid compelling the court to submit to the jury superfluous and confusing questions for special verdicts.

Respectfully submitted.

WILLIS.

Chairman Judiciary Sub-Committee on Code Revision Bills.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Belshaw, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 14—Approving two certain amendments to the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the 19th day of June, 1905.

Also: Adopted Assembly Concurrent Resolution No. 6—Relative to improvement of waterways in the Sacramento and San Joaquin valleys.

Also: Passed Assembly Bill No. 48—An Act to provide for the segregation, grading, and reward and punishment of State prisoners.

Also: Assembly Bill No. 96—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 737 thereof, relating to the salaries of judges of the Superior Court.

Also: Assembly Bill No. 258—An Act to authorize the State Board of Charities and Corrections to send its secretary and any of its members as delegates to the National Conference of Charities and Corrections and to the National Prison Congress of the United States, and to visit the charitable and correctional institutions of other states, and to pay the necessary expenses thereof.

Also: Adopted the report of its Committee on State Hospitals and Asylums upon Senate Bill No. 236—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions—which report recommends that the author of the same be allowed to withdraw the same, the same being identical with Assembly Bill No. 220—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Also: Adopted Assembly Concurrent Resolution No. 16—Relative to Lincoln's birthday exercises.

CLIO LLOYD, Chief Clerk of the Assembly.

By T. G. WALKER, Assistant Clerk.

Assembly Concurrent Resolution No. 14 referred to Committee on Municipal Corporations.

Assembly Concurrent Resolution No. 6 referred to Committee on Commerce and Navigation.

Assembly Bill No. 48 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bills Nos. 96 and 258 read first time, and referred to Committee on Finance.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of that portion of the above Assembly message, relating to the adoption of the report of the Assembly Committee on State Hospitals and Asylums on Senate Bill No. 236, be made a special order for Tuesday, February 12, at eleven o'clock A. M.

Motion carried.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION.

Senator Leavitt asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 16 taken up for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 16.

Resolved by the Assembly, the Senate concurring. That the President of the Senate and the Speaker of the Assembly be and are hereby directed to each appoint a committee of three members of their respective houses to serve as a joint committee on "Lincoln Exercises," to be holden in the Assembly Chamber on Tuesday evening, February 12, the birthday of the martyred President of the United States, Abraham Lincoln; and be it furthermore

Resolved. That the use of the Assembly Chamber be granted to the committees above mentioned on Tuesday evening, February 12, 1907, for said purposes.

Assembly concurrent resolution read, adopted, and ordered transmitted to the Assembly.

ADJOURNMENT.

At three o'clock and thirty-five minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, February 12, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVES OF ABSENCE.

Senator Greenwell was, on motion of Senator Curtin, granted leave of absence for this day.

Senator Miller was, on motion of Senator Sanford, granted leave of absence until Monday, February 18, 1907.

APPROVAL OF JOURNALS.

The Journals of Friday, February 1, 1907; Monday, February 4, 1907; Tuesday, February 5, 1907, and Wednesday, February 6, 1907, having been corrected, were read and approved.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 11, 1907, the further reading was dispensed with, on motion of Senator Mattos.

APPOINTMENT OF SPECIAL COMMITTEE.

The President pro tem. announced that, in accordance with Assembly Concurrent Resolution No. 16, adopted on the previous day, he had appointed Senators Rolley, Wright, and Sanford as a Committee on Lincoln Birthday Exercises, to act jointly with a similar committee of the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 22—An Act to regulate the removal of members of paid police departments of counties, cities and counties, cities, or towns.

Also: Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Also: Senate Bill No. 470—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Also: Senate Bill No. 489—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 31 $\frac{1}{2}$, providing for a petition of remonstrance and written objection, hearings thereon, and the determination thereof by the city council.

Also: Senate Bill No. 490—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Also: Assembly Bill No. 73—An Act to Amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Also: Assembly Bill No. 528—An Act to provide for the issuance of duplicates of bonds, warrants, and other municipal securities which have become defaced or mutilated.

Also: Assembly Bill No. 565—An Act providing for the appointment of police judges in municipalities having a freeholders' charter, wherein provision is made for a police court judge, but no provision is made for the appointment or election of such police judge.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 589—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 548—An Act to provide for the consolidation of municipal corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 547—An Act providing for the appointment of police justice in municipalities having a freeholders' charter, wherein provision is made for a police court judge, but no provision is made for the appointment or election of such police judge.

Also: Senate Bill No. 159—An Act relating to senior rights of members of paid police departments of counties, cities and counties, cities, or towns.

Also: Senate Bill No. 634—An Act to amend Section 806 of an Act entitled "An Act to provide for the organization, incorporation, and government of the municipal corporations," approved March 13, 1883, relating to recorder's courts.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors withdraw the same.

SAVAGE, Chairman.

Senate Bills Nos. 22, 240, 470, 489, 490, 589, and 547 ordered on file for second reading.

Assembly Bills Nos. 73, 528, and 565 ordered on file for second reading.

RE-REFERENCE OF BILL TO COMMITTEE.

Senator McCartney moved that Senate Bill No. 548 be referred to Committee on Judiciary.

Senator Leavitt moved as an amendment that Senate Bill No. 548 be re-referred to Committee on Municipal Corporations.

The roll was called and the amendment was adopted by the following vote:

AYES—Senators Bates, Bell, Black, Boynton, Caminetti, Cartwright, Kennedy, Leavitt, Markey, Mattos, Nelson, Price, Rambo, Reily, Savage, Walker, Weed, Willis, and Wolfe—19

NOES—Senators Belshaw, Carter, Keane, Lynch, McCartney, and McKee—6.

Motion as amended carried.

Whereupon Senate Bill No. 548 was re-referred to Committee on Municipal Corporations.

WITHDRAWAL OF BILLS.

Senator Bates asked for and was granted unanimous consent to withdraw Senate Bill No. 634.

Senate Bill No. 634 withdrawn, and ordered stricken from the file.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 159.

Senate Bill No. 159 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 126—An Act concerning trespassing of animals upon private lands, and the recovery of damages resulting therefrom.

Senate Bill No. 552—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the proof of lost or destroyed wills.

Senate Bill No. 407—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Senate Bill No. 504—An Act to amend Section 11 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the use of books in such libraries.

Senate Bill No. 492—An Act to amend Sections 1171 and 1172 of the Penal Code of California, relating to the preparation and settlement of bills of exception in criminal cases.

Senate Bill No. 558—An Act entitled "An Act to grant rights of way over the public lands of the State of California for ditches, tunnels, and telephone and transmission lines."

Senate Bill No. 357—An Act to amend Section 1239 of the Penal Code, relating to the times in which appeals may be taken in criminal cases.

Senate Judiciary Committee Substitute for Bills Nos. 227 and 346—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, and providing

for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution, and of the result to be effected by the proposed amendment.

Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California a constitutional amendment amending Article IV, Section 18, of the Constitution of the State of California, by including the Presiding Justices and Justices of the District Courts of Appeal in the list of State officials liable to impeachment for misdemeanor in office.

Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article XII thereof, by amending Section 3 thereof, relating to the liability of stockholders of a corporation or joint stock association.

Senate Bill No. 14—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 126, 552, 407, 504, 492, 558, 357, 14, and 54 ordered on file for third reading.

Committee Substitute for Senate Bills Nos. 227 and 346 ordered on file for third reading.

Senate Constitutional Amendments Nos. 5 and 33 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Finance, to whom was referred Assembly Bill No. 167—An Act to amend an Act entitled "An Act appropriating money for building an assembly hall at the Preston School of Industry," approved March 22, 1905.

Also: Senate Bill No. 57—An Act appropriating money to pay expenses necessary for the proper representation of the State of California, and of an exhibit of the products thereof, at the proposed International or World's Exposition to be held in the City and County of San Francisco in 1913, commemorative of the four hundredth anniversary of the discovery of the Pacific Ocean by Vasco Nunez Balboa, and to provide for commissioners thereof.

Also: Senate Bill No. 64—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

Also: Senate Bill No. 65—To provide for the erection, equipping and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriation for the same.

Also: Senate Bill No. 78—An Act to provide for the construction of stone and cement storm-channels and ditches on the lands of the Southern California State Hospital, and along highways adjacent thereto, for the protection of the said lands and of the buildings thereon and to make appropriation for the same.

Also: Senate Bill No. 185—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 188—An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 189—An Act authorizing and directing the construction and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 190—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 196—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Also: Senate Bill No. 232—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.

Also: Senate Bill No. 234—An Act to provide for repairing the plumbing, installing new bathtubs and toilets, and laying a cement flooring and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 398—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed at the Napa State Hospital, and laying a pipe line from said reservoir, and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.

Also: Senate Bill No. 453—An Act making an appropriation for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court, under Section 47 of the Code of Civil Procedure.

Also: Senate Bill No. 545—An Act to provide for the acquisition, equipment, and use of a railway car for the purpose of distributing live fish and stocking the waters of this State with fish, and making an appropriation therefor.

Also: Senate Bill No. 644—An Act to appropriate \$2,500 for the construction of retaining walls and fences on the boundary lines of the site of the State Normal School at Los Angeles, California, and authorize the trustees of said school to construct said retaining walls and fences.

Also: Senate Bill No. 645—An Act making an appropriation of \$4,000 to be expended by the Trustees of the State Normal School at Los Angeles, for any assessments levied by the City of Los Angeles on the land of the State Normal School of Los Angeles, California, for pavement, sidewalk, curbs, gutters, and other improvements on Grand Avenue and Fifth Street, fronting on said property.

Also: Senate Bill No. 654—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, and to repeal Chapter XXXII of the Statutes of 1883.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 7—An Act to amend Section 534 of the Political Code.

Also: Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

Also: Senate Bill No. 80—An Act to provide for the erection of a horse barn, carriage house, and implement shed at the Southern California State Hospital, and to make appropriation for the same.

Also: Senate Bill No. 290—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct, and equip for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of \$800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum and the State Treasurer to pay the same.

Also: Senate Bill No. 545—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Also: Senate Bill No. 662—An Act to provide for the erection on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward and for the treatment of acute cases by hydrotherapy and electricity.

Also: Senate Bill No. 587—An Act to make an appropriation for the location, survey, and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 197—An Act making an appropriation for the erection of an additional wing to the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, California.

Also: Senate Bill No. 184—An Act to provide for the erection of a cottage on the farm of the Stockton State Hospital, for installing a heating plant in the same, and to appropriate money therefor.

Also: Senate Bill No. 233—An Act to provide for laying a cement sidewalk on California street, along the property of the Stockton State Hospital, in the City of Stockton, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 399—An Act authorizing and directing the Board of Managers of the Napa State Hospital to purchase and install a Home telephone system at the Napa State Hospital between the various wards and departments thereof, and making an appropriation therefor.

Also: Senate Bill No. 400—An Act authorizing and directing the remodeling and refurbishing of the main kitchen at the Napa State Hospital, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors be allowed to withdraw the same.

BELSHAW, Chairman.

Assembly Bills Nos. 167 and 7 ordered on file for second reading.

Senate Bills Nos. 57, 64, 65, 78, 185, 188, 189, 190, 196, 232, 234, 398, 453, 545, 644, 645, 654, 80, 290, 535, 662, 587, 399, and 400 ordered on file for second reading.

Senate Constitutional Amendment No. 14 ordered on file.

WITHDRAWAL OF BILLS.

Senator Walker asked for and was granted unanimous consent to withdraw Senate Bill No. 197.

Senate Bill No. 197 withdrawn, and ordered stricken from the file.

Senator Muentert asked for and was granted unanimous consent to withdraw Senate Bills Nos. 184 and 233.

Senate Bills Nos. 184 and 233 withdrawn, and ordered stricken from the file.

. REPORTS OF STANDING COMMITTEES—(RESUMED).

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 303—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874.

Also: Senate Bill No. 507—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts, and condemnation of property therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 578—An Act to create a reclamation district, to be called Reclamation District No. 774, and providing for the management and control thereof and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

PRICE, Chairman.

Assembly Bill No. 303 ordered on file for second reading.

Senate Bills Nos. 507 and 578 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 628—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Also: Senate Bill No. 339—An Act to amend Section 627 of the Penal Code of the State of California, relating to hunting, shooting, and trespassing upon enclosed, cultivated, and other private lands.

Also: Senate Bill No. 650—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

Also: Senate Bill No. 421—An Act to amend Section 1118 of the Code of Civil Procedure, relating to the setting of a day by the Superior Court for trial of contested election cases.

Also: Senate Bill No. 622—An Act to repeal Section 273 of the Penal Code, as approved March 7, 1905, and to add a new Section thereto to be known as Section 2737 thereof, both relating to the protection of children under eighteen years of age.

Also: Senate Bill No. 641—An Act to amend Section 52 of the Political Code, relating to residence.

Also: Senate Bill No. 586—An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 347—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of such commission, and by amending Section 9 thereof, relating to the tenure of such commission.

Also: Senate Bill No. 530—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 23, relating to the adoption of children.

Also: Senate Bill No. 626—An Act to add a new section to the Code of Civil Procedure, to be numbered 751^{2a}, relating to the effect of judgments in actions to quiet title and determine adverse claims to real property and in actions for specific performance.

Also: Senate Bill No. 564—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators, and guardians in certain cases.

Also: Senate Bill No. 597—An Act to amend Section 1 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises,' to provide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the construction thereof and the exemption of the community property from the tax thereby imposed.

Also: Senate Bill No. 482—An Act to add a new section to the Political Code, to be numbered 3766, relating to the manner of making publication of delinquent taxes.

Also: Senate Bill No. 642—An Act to amend Section 334c of the Penal Code, relating to the injuring of animals by persons hunting.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

Also: Senate Bill No. 598—An Act to amend Section 1313 of the Civil Code, relating to bequests for charitable uses—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

WOLFE, Chairman.

Senate Bills Nos. 628, 339, 650, 421, 622, 641, 586, 347, 530, 626, 564, 597, 482, 642, and 598 ordered on file for second reading.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 563—An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, and recommend that the same be re-referred to Committee on Judiciary.

BATES, Chairman.

Senate Bill No. 563 re-referred to Committee on Judiciary.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 217—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CARTER, Chairman.

Assembly Bill No. 217 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 536—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof, defining the practice of dentistry—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McKEE, Chairman.

Senate Bill No. 536 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 83—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

ANDERSON, Chairman.

Assembly Bills Nos. 83 and 541 ordered on file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 435—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Subdivision 1 of Section 2 thereof, relating to the registration of motor vehicles—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MATTOS, Chairman.

Senate Bill No. 435 ordered on file for second reading.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 588—An Act to amend Sections 1123 and 1126 of the Code of Civil Procedure, relating to contesting certain elections.

Also: Senate Bill No. 646—An Act supplementary to an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts in any county or city and county, city, or town, at any or all elections held therein, and for ascertaining the result of such elections; providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903, and providing for the testing and inspection of such machines.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

Also: Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to Article II, of the Constitution of California, by amending Section 21; thereof, relating to primary elections, so as to permit the direct or other nomination of candidates for public office without conventions—have had the same under consideration, and respectfully report the same back, without recommendation.

WALKER, Chairman.

Senate Bills Nos. 588 and 646 ordered on file for second reading.

Senate Constitutional Amendment No. 19 ordered on file.

RESOLUTION.

The following resolution was offered:

By Senator Lynch:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate in the sum of \$100 for rubber stamps, expressage, and postage, the same payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Leavitt, Senate Bill No. 590—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employes thereof, defining its powers and prescribing the duties of said department its officers and employes, to provide the compensation of such officers and employes, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled, "An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893 and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof—was re-referred to Committee on Finance, to retain its place on file.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 11—Relative to Joint Rules—taken up for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 11.

Resolved, by the Senate and Assembly concurring. That the following be and are hereby adopted as the joint rules of the Senate and Assembly of the State of California.

JOINT RULES OF SENATE AND ASSEMBLY.

Joint Address to Governor.

1. When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate in the presence of the Speaker of the House and a select committee of nine (9) members, appointed for that purpose from each House.

Bill or Resolution in One House, Rejected in the Other, Requires Notice.

2. When a bill or resolution which shall have passed one House is rejected by the other, notice thereof shall be given immediately to the House in which the same shall have passed.

Each House to Transmit Papers.

3. Each House shall transmit to the other papers on which any bill or resolution shall be founded.

Joint and Concurrent Resolutions.

4. Joint resolutions are those which relate to matters connected with the Federal Government. All other resolutions relating to matters to be treated by both Houses of the Legislature are concurrent resolutions.

Joint Resolutions Treated as Bills.

5. All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each House.

Amendments to Amended Bills Must Be Attached.

6. Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted," and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be indorsed "Concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

Bills Read and Referred to Committee.

7. When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or Clerk and referred to a standing committee.

Special File.

8. After the — day of February, 1907, the Senate and Assembly shall adopt and provide a special file upon which shall be placed: In the Senate, only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock p. m. of each day, and be considered at least one hour and a half after being so taken up. This rule shall not be suspended in either House except by a three-fourths vote of such House.

Bills Not to Be Printed for Engrossment Unless Amended.

9. Unless bills have been amended they shall not be again printed for engrossment, but the Engrossing Clerk shall use a copy of original printed bill in an engrossed bill cover, and report same back immediately after comparing same.

After a Bill Has Been Passed by the Senate or Assembly.

10. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate Messages" or "Assembly Messages"), read the first time, and shall then be assigned to the proper committee, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and the chairman of each committee is charged with the observance of this rule, provided that the Senate or the Assembly may, at any time, order such bill reported back from any committee by a majority vote.

To Concur or Refuse to Concur in Amendments.

11. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments.

When Amendments are Concurred In.

12. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Clerk shall notify the House making the amendments, and the bill shall be ordered to enrollment.

When Senate or Assembly Refuse to Concur.

13. If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the House making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a Committee on Conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly. The Committee on Conference shall report to both the Senate and Assembly.

Committee on Conference.

14. In every case of an amendment of a bill agreed to in one House and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other House shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective committees.

Committee on Free Conference.

15. If the Committee on Conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference.

A Committee on Free Conference shall consist of six members, to be appointed in the same manner as a Committee on Conference.

The Committee on Free Conference are hereby empowered to suggest in their report any new amendments which they may adopt as a committee, and such amendments made by such committee shall be attached to the bill.

The report of the Committee on Free Conference shall not be subject to amendment in either House, and in case of non-agreement no further proceedings shall be had.

When Conference Committee Report is in Order.

16. The presentation of report of Committee on Conference or Free Conference shall always be in order, except when the Journal is being read or a question of order, or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll-call; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Messages Must be Announced by the Assistant Sergeant-at-Arms.

17. When a message shall be sent from either House it shall be announced at the door by the Assistant Sergeant-at-Arms, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

Secretary, Clerk, Etc., to Carry Messages.

18. Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

Notices to Be on Paper, Under Proper Signature.

19. Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

Enrolled Bills to Receive Signature of Proper Officer.

20. After a bill shall have passed both Houses, it shall be duly enrolled and carefully compared by the Enrolling Clerk and Enrolling Committee of the Assembly, or of the Senate, as the bill may be originated, and shall first receive the signature of the presiding officer and Clerk or Secretary of the House in which it emanated, before it shall be presented to the Governor of the State.

Enrolling Committee to Compare.

21. When bills are enrolled they shall be re-examined by the Enrolling Committee of the House in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated, stating by whom such bill was examined.

President and Speaker to Sign Bills.

22. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

Enrolling Committee to Present Bills to Governor.

23. After a bill shall have been thus signed in each House, it shall be presented by the Enrolling Committee of the House in which it originated to the Governor of the State for his approval (it being first indorsed on the back of the bill by the Secretary or Clerk, as the case may be, certifying in which House the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the House in which the bill originated.

Daily History of Bills, Etc.

24. There shall be printed daily, by both the Senate and the Assembly, a history of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the House up to the day preceding the publication of such history. A regular form shall be prescribed, and no other form shall be used.

Secretary and Clerk to Keep Register.

25. The Secretary of the Senate and Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

Secretary and Clerk Shall Indorse Bills.

26. The Secretary of the Senate and Clerk of the Assembly shall indorse on every original bill a statement of any action taken by the Senate and Assembly.

Adjournment Sine Die.

27. An adjournment *sine die* shall only be made by concurrent resolution.

Dispensing With Joint Rules.

28. No joint rule shall be dispensed with except by a vote of two thirds of each House; and if either House shall violate a joint rule a question of order may be raised in the other House and decided in the same manner as in the case of the violation of the rules of such House; and if it shall be decided that the Joint Rules have been violated, the bill involving such violation shall be returned to the House in which it originated, without further action. Or, at the option of such House, the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

Senate concurrent resolution read.

During the reading of the concurrent resolution the following amendments were offered by Senator Leavitt:

Amend by striking out in line 1 the fifth word "and," and insert in lieu thereof the following: "the."

Amendment adopted.

Also:

Amend by inserting in line 1 of subdivision 8, in lieu of the dash, the following figures and letters: "14th."

Amendment adopted.

Senate Concurrent Resolution No. 11 adopted as amended and ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator McKee: Senate Bill No. 726—An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provision of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Belshaw: Senate Bill No. 727—An Act to purchase from the heirs of William Cogswell, deceased, two paintings—one of ex-President Abraham Lincoln and the other of ex-President William McKinley—the same to be hung in the State Capitol building, and to appropriate the sum of \$2,000 therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Miller: Senate Bill No. 728—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Sanford: Senate Bill No. 729—An Act to punish combinations in restraint of trade.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bell: Senate Bill No. 730—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a new section to be numbered Section 25c, authorizing boards of supervisors to acquire and maintain parks and to issue bonds therefor.

Bill read first time, and referred to Committee on County Government.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 27—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3695, 3699, 3700, 3702, 3738, 3797, and 3898 of the Political Code; to amend Subdivision 13 of Section 3692 of the Political Code, and to repeal Section 3701 of the Political Code, as it now exists, and to reenact and amend said Section 3701, all said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 27 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Cartwright, Curtin, Hartman, Keane, Lynch, Markey, McCartney, McKee, Nelson, Price, Sanford, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 294—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874.

WITHDRAWAL OF BILL.

Senator Boynton asked for and was granted unanimous consent to withdraw Senate Bill No. 294.

Senate Bill No. 294 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 126—An Act concerning trespassing of animals upon private land and the recovery of damages resulting therefrom.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 126 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Lynch, Markey, Mattos, McCartney, Nelson, Price, Rambo, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 139—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Anderson moved that Senate Bill No. 139 be withdrawn and stricken from the file, and Assembly Bill No. 335 be substituted therefor.

Motion carried.

Senate Bill No. 139 withdrawn, and ordered stricken from the file, and Assembly Bill No. 335 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 335—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 335 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Keane, Kennedy, Lynch, Markey, Matos, McCartney, Nelson, Sanford, Savage, Walker, Weed, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 465—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigating districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Senate Bill No. 465 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 280—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Senate Bill No. 280 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 160—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

Senate Bill No. 160 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 2 of Article IV thereof, relating to sessions of the Legislature and the limitation of pay of members thereof in extraordinary sessions.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 28 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 1 of Article IV thereof, relating to the legislative power and to certain reservations thereof by the people.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 25 was temporarily passed on file, to retain its place.

Senate Bill No. 397—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Senate Bill No. 397 was temporarily passed on file, in the absence of its author, to retain its place.

Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

On motion of Senator Boynton, Senate Bill No. 148 was temporarily passed on file, to retain its place.

Assembly Bill No. 299—An Act entitled "An Act to amend Section 1581 of the Political Code of the State of California," relating to the formation of new school districts.

On motion of Senator Anderson, Assembly Bill No. 299 was temporarily passed on file, to retain its place.

Senate Bill No. 552—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the proof of lost and destroyed wills.

Senator Curtin asked for unanimous consent to withdraw Senate Bill No. 552.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 552 refused passage by the following vote:

AYES—None.

NOES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Keane, Kennedy, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Rambo, Rolley, Walker, Weed, Welch, Willis, Wolfe, and Wright—29

Senate Bill No. 407—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Savage, Senate Bill No. 407 was re-referred to Committee on Judiciary, to retain its place on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 504—An Act to amend Section 11 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the use of books in such libraries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 504 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Price, Rambo, Sanford, Savage, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 492—An Act to amend Sections 1171 and 1174 of the Penal Code of California, relating to the preparation and settlement of bills of exception in criminal cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 492 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Savage, Walker, Weed, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 558—An Act entitled "An Act to grant rights of way over the public land of the State of California for ditches, tunnels, and telephone and transmission lines.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator McCartney, as a special committee of one, to amend as follows:

By striking out of the title the words "An Act entitled," and also the quotation marks inserted in the title to the Act.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 558, with instructions to amend, respectfully reports the same back, amended as per instructions.

McCARTNEY, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 168—An Act to amend Section 718 of the Civil Code, relating to leases of town and city lots.

On motion of Senator McCartney, Senate Bill No. 168 was temporarily passed on file, to retain its place.

Senate Bill No. 45—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

On motion of Senator Sanford, Senate Bill No. 45 was temporarily passed on file, to retain its place.

Committee Substitute for Senate Bill No. 346 and Senate Bill No. 227—An Act to amend Section 1195 of the Political Code, relating to con-

stitutional amendments, and providing for the publication and distribution of a pamphlet showing the comparative statement of the operations of the present section or article of the Constitution, and of the result to be effected by the proposed amendment.

On motion of Senator Curtin, Committee Substitute for Senate Bill No. 346 and Senate Bill No. 227 was temporarily passed on file, to retain place.

Senate Bill No. 16—An Act to authorize and empower the Board of Trustees of the State Normal School of Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, and apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings.

On motion of Senator Carter, Senate Bill No. 16 was temporarily passed on file, to retain its place.

Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.

On motion of Senator Willis, Senate Bill No. 247 was temporarily passed on file, to retain its place.

Senate Bill No. 162—An Act creating and defining the liability of railroad corporations for injuries to employes, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employe.

On motion of Senator Leavitt, Senate Bill No. 162 was temporarily passed on file, to retain its place.

Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Anthony moved a call of the Senate.

Motion carried.

Time, eleven o'clock and twenty-five minutes A. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Nelson, Price, Rambo, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—33.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and twenty-eight minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Anthony.

The roll was called.

Whereupon the President announced that Senate Bill No. 440 was refused passage by the following vote:

AYES—Senators Broughton, Caminetti, Carter, Cartwright, Hartman, Keane, Kennedy, Markey, Nelson, Price, Savage, Walket, Willis, and Wolfe—14.

NOES—Senators Anderson, Anthony, Bates, Bell, Belsbaw, Black, Boynton, Curtin, Leavitt, Lynch, Mattos, McCartney, Rambo, Rolley, Sanford, Weed, and Wright—17.

NOTICE OF MOTION TO RECONSIDER.

Senator Anthony gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 440 was this day refused passage.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of the special order, heretofore set, being the consideration of Assembly message dated February 8, 1907, relative to a recommendation that the author withdraw Senate Bill No. 236, having arrived, the same was taken up, and on motion of Senator Leavitt further consideration of the same was temporarily postponed.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 480—An Act to amend Sections 1 and 2 of an Act entitled "An act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Senate Bill No. 480 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads, and regulating the hours of employment thereof.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE LOST.

Senator Caminetti moved to refer to Senator Bell, as a special committee of one, to amend as follows:

1. Amend title, line 2 thereof, page 1, by striking out the words: "for the protection of," and insert the following: "relating to"

2. Strike out all of Section 2, page 1, and insert the following: Section 2. Any corporation failing to comply with the provisions of this Act, shall for each violation, subject such corporation to a penalty of one thousand dollars, to be sued for and recovered in the name of the people of the State of California, together with costs of suit, by the Attorney General, or by the district attorney of the county in which it may have its principal place of business in this State, and such penalty when recovered shall be paid into the State Treasury for the benefit of the School Fund. Any officer, director, agent, manager, or employé who shall wilfully violate any of the provisions of this Act shall be guilty of misdemeanor.

Motion lost.

On motion of Senator Leavitt, Senate Bill No. 491 was temporarily passed on file, to retain its place.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of the special order heretofore set, being the consideration of Senate Bill No. 239—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1873, by amending Section 465, relating to the powers of railroad corporations—having arrived, the same was taken up.

Read third time on a previous day.

Refused passage.

Vote reconsidered.

The question being on the passage of the bill.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Anderson, as a special committee of one, to amend as follows:

Insert after Subdivision 4, line 24 of page 2, proviso, so as to make such subdivision read:

Provided, that whenever any other railroad corporation shall desire to run its trains in any place, where it is impracticable, for physical reasons or otherwise, to lay a track in addition to the track or tracks already existing, such other railroad corporation shall have the right to use the tracks of the corporation first acquiring the right of way in such place on such conditions as may be agreed upon between the parties; *and, provided further*, that whenever the said parties shall be unable to agree as to the necessity of joint use of such tracks, or the conditions on which such use may be had, or the compensation to be paid therefor, either or both of such railway corporations may apply to a judge of the Superior Court in the county where the track over which joint use is sought is situated, or one of such counties, and the said judge may thereupon appoint a competent and impartial person who, together with a similar person appointed by each of the parties to such dispute, shall constitute a tribunal of arbitration, to hear and determine all questions regarding such joint use, and the decision of a majority of said arbitrators shall be binding on both parties to such dispute.

MOTION TO POSTPONE FURTHER CONSIDERATION LOST.

Senator Curtin moved that the further consideration of the motion to refer to a special committee of one be postponed, and made a special order for Wednesday, February 13, 1907, at eleven o'clock A. M.

The ayes and noes were demanded by Senators Caminetti, Sanford, and Curtin.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bell, Black, Caminetti, Cartwright, Curtin, Kennedy, Markey, Mattos, McCartney, Sanford, Savage, Welch, Wolfe, and Wright—14.

NOES—Senators Anderson, Anthony, Bates, Belshaw, Boynton, Broughton, Carter, Hartman, Irish, Keane, Leavitt, Lynch, McKee, Nelson, Price, Rambo, Walker, Weed, and Willis—19.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE LOST.

The question being on the motion to refer to a special committee of one.

The ayes and noes were demanded by Senators Caminetti, Sanford, and Anthony.

The roll was called, and the motion was lost by the following vote:

AYES—Senators Bell, Boynton, Caminetti, Cartwright, Curtin, Kennedy, Mattos, and Sanford—8.

NOES—Senators Anderson, Anthony, Bates, Belshaw, Black, Broughton, Carter, Hartman, Irish, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—25.

SPECIAL ORDER SET.

The question being the passage of the bill.

Senator Curtin moved that the further consideration of Senate Bill No. 239 be postponed, and made a special order for Wednesday, February 13, 1907, at eleven o'clock A. M.

The ayes and noes were demanded by Senators Caminetti, Irish, and Sanford.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Caminetti, Cartwright, Curtin, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Sanford, Savage, Welch, and Wolfe—17.

NOES—Senators Bates, Belshaw, Boynton, Broughton, Carter, Hartman, Irish, Keane, Lynch, Nelson, Price, Rambo, Walker, Weed, Willis, and Wright—16.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for and was granted unanimous consent to have Committee Substitute for Senate Bill No. 346 and Senate Bill No. 227 taken up for the purpose of amendment.

Committee Substitute for Senate Bill No. 346 and Senate Bill No. 227—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, and providing for the publication and distribution of a pamphlet showing the comparative statement of the operations of the present section or article of the Constitution, and of the result to be effected by the proposed amendment.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

On page 1 of printed bill, after the enacting clause, insert:

"Section 1. Section 1195 of the Political Code is hereby amended to read as follows:"

Also: On page 1 of printed bill, before the word "whenever," on line 1, insert the figures: "1195."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bills Nos. 227 and 346, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Special Committee.

Report of special committee of one, and amendments adopted.

Bill ordered to print and reëngrossment.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Rambo: Senate Bill No. 731—An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries, and provide for the expense of the establishment and maintenance thereof.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Carter: Senate Bill No. 732—An Act to amend an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and dialects in criminal proceedings in cities, and cities

and counties of one hundred thousand inhabitants," and to make said applicable to the counties of the second class of this State.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Anthony: Senate Bill No. 733—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, 2112, all of the Political Code of the State of California, relating to the National Guard.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 734—An Act to amend Sections 1908, 1914, 1916, 1922, 1923, all of the Political Code of the State of California, relating to the enrolled militia.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Anthony: Senate Bill No. 735—An Act to amend Section 290 of the Civil Code, relating to articles of incorporation.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Weed asked for and was granted unanimous consent to have Senate Bill No. 583 taken up for the purpose of amendment.

Senate Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to counties of the fifty-first class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Weed moved to refer to Senator Curtin as a special committee of one, to amend as follows:

By substituting the following for said bill:

An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, by amending section two hundred and eight thereof, relating to the counties of the fifty-first class.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 208 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, is hereby amended to read as follows:

Section 208. In counties of the fifty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand five hundred dollars per annum.
2. The Sheriff, three thousand dollars per annum.
3. The Recorder, one thousand dollars per annum; *provided*, that in counties of this class, there shall be and is hereby allowed to the recorder a copyist, who shall be appointed by the Recorder, and paid the salary of fifty dollars per month; said salary to be paid by said county in monthly installments at the time and in the same manner, and out of the same fund as the salary of the Recorder is paid. This section shall take effect immediately in so far as it relates to the salary of said copyist.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, five hundred dollars per annum, and ten per cent on all licenses collected by him as license collector; *provided*, that in counties of this class there shall be and is hereby allowed to the Tax Collector a clerk, who shall be appointed by the Tax

Collector, and paid the salary of fifty dollars per month, said salary to be paid by said county in monthly installments at the time and in the same manner, and out of the same fund as the salary of the Tax Collector is paid. This section shall take effect immediately in so far as it relates to the salary of said clerk.

7. The Assessor, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the Assessor one deputy, to be appointed by him, who shall receive the salary of seventy-five dollars per month, for not exceeding four months in every calendar year, said salary to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the Assessor is paid. This section shall take effect immediately in so far as it relates to the salary of said deputy.

8. The District Attorney, one thousand two hundred dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, fifteen hundred dollars (\$1500) per annum, and actual traveling expenses in visiting the schools of this county.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the Peace, such fees as are now, or may hereafter be allowed by law.

14. Constables, such fees as are now, or may hereafter be allowed by law.

15. Each Supervisor, six dollars per day when the board is in session, not to exceed three hundred dollars per year, exclusive of mileage, and twenty-five cents per mile for traveling one way only from his residence to the county seat at each sitting of the board; and his necessary expenses while supervising the roads of his district, or attending to the business of the county, other than the meetings of the board, not to exceed the sum of four hundred and sixty dollars per annum. This section shall take effect immediately in so far as it relates to the necessary expenses of supervisors while supervising their roads, or while engaged in attending to the business of the county other than the meetings of the board.

16. In counties of this class the official reporter of the Superior Court shall receive as full compensation for taking notes in civil and penal cases, tried in said court, and for preliminary examinations in justices' courts, and at Coroner's inquests, a per diem of ten dollars, and for transcriptions of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after the conclusion of trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 583, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

RECESS.

At twelve o'clock and fifteen minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Leavitt: Senate Bill No. 736—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employes.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 736.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Savage: Senate Bill No. 737—An Act providing for the appointment of a highway commission in any county in the State, declaring the powers and duties of such commission, and providing for the laying out, construction, straightening, improvement, and repair of main public highways, providing for the acceptance of donations and for voting, issuing, and selling county bonds to pay for such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Willis (by request of Code Commission): Senate Bill No. 738—An Act to add a new title to Part III of the Penal Code, to be known as Title Ia, relating to State schools of industry and reform for juvenile offenders.

Bill read first time, and referred to Committee on Judiciary.

SPECIAL ORDER RESET.

On motion of Senator Leavitt, the special order set for this day at eight o'clock p. m., being the consideration of the Special Code Revision File, was postponed and made a special order for Friday, February 15, 1907, at eight o'clock p. m.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Curtin moved that the vote whereby Senate Bill No. 554—An Act to prevent the manufacture and sale of thread of cotton, linen, and silk, where such is not labeled as to correct yardage and weight—was passed, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Price, Rambo, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Senate Bill No. 554—An Act to prevent the manufacture and sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Hartman moved to refer to Senator Keane as a special committee of one, to amend as follows:

By striking out of Section 1, lines 1 and 2, the words "Thread of cotton, linen, and silk to be correctly labeled and stamped."

Also: On page 2, Section 2, lines 1 and 2, strike out the words "Penalty for selling such thread incorrectly stamped."

Also: On page 2, Section 3, strike out everything after the word "misdemeanor."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 554, with instructions to amend, respectfully reports the same back, amended as per instructions.

KEANE, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

COMMUNICATION—(OUT OF ORDER).

The President pro tem. presented the following communication, which was ordered printed in the Journal:

HEADQUARTERS OF THE ASSOCIATED VETERANS OF THE MEXICAN WAR,
OAKLAND, February 8, 1907.

To the Honorable President and Senate of the Legislature of the State of California:

GENTLEMEN: You are respectfully requested to select a committee from among you those who will be hold-over Senators next year, to represent your honorable body in the celebration of the Centennial Anniversary of the birthday of the "Father of the State of California," the late General Mariano Guadalupe Vallejo, which will occur on July 7, 1908, who was a member of the first Constitutional Convention, held at Monterey, in September, 1849, and a Senator from the Sonoma District of the first State Senate in 1849 and 1850, and who was chairman of the Committee on Counties and County Boundaries, and who gave the names to all the original twenty-seven counties of the State and prescribed their boundaries, as you will see by the Senate Journal of that first session.

He was the founder of Sonoma, Vallejo, and Benicia, and rendered every facility to Commodore Sloat in the selection and acquirement of Mare Island for a U. S. Navy Yard in 1852, to the personal knowledge of several of this committee.

On July 7, 1846, at the celebration of the fortieth anniversary of the raising of the American flag at Monterey, he cheerfully lent his assistance to the festivities of that occasion, by raising the Spanish flag, under which he was born on July 7, 1808, and the Mexican flag, under which he held his commissions from Ensign to Brigadier-General, while a United States naval officer raised the American flag over the old custom house at Monterey, the ancient capital of California, where General Vallejo was born, thirty-eight years before the raising of the American flag and taking possession of California by Commodore Sloat.

He was loyal to Mexico, his native country, to the last hour, and loyal to his parole. Magnanimous to the highest degree, and hospitable to the American emigrants and all others to the extreme, who were the recipients of his bounty; and when California was ceded to the United States by Mexico in 1848, he devoted all his energy and resources to the development and progress of the State to the uttermost limit.

The Veterans of the Mexican War and Pioneers feel a pride in the effort to pay a just tribute to the memory of such a noble citizen, a true soldier, an able statesman, and devoted patriot, whose whole life was given for the betterment of his native California, and whose blood now flows in the veins of his children with that of the Anglo-Saxon, Teuton, Celtic, and the Hungarian, but all California-born American citizens.

We, therefore, most respectfully request of you to select a delegation at this session to represent your honorable body on that occasion, and to provide by resolution, to make July 7, 1908, a holiday throughout the State of California for the object mentioned.

Very respectfully yours,

EDWIN A. SHERMAN,

President of the Associated Veterans of the Mexican War.

JOHN L. BROMLEY,

V. M. W., President of the Sloat Monument Association.

WILLIAM M. BOGGS,

V. M. W., Vice President of the Sloat Monument Association.

WILLIAM H. HILTON,

V. M. W., and Member of the Sloat Monument Association.

HENRY F. WILLIAMS,

Member of the Sloat Monument Association.

Provisional Committee and all California Pioneers.

(The last four names are signed by their order, and all are Pioneers.)

RE-REFERENCE OF BILL TO COMMITTEE.

Senator Anderson moved that Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers—be re-referred to Committee on Education.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 228—An Act to add a new section to the Civil Code of the State of California, to be known as Number 329, relating to lost or destroyed bonds of a corporation.

Senate Bill No. 61—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the Bay of San Diego.

Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.

Senate Bill No. 107—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Senate Bill No. 114—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Senate Bill No. 115—An Act appropriating money for the construction and equipment of a cold storage plant at the Preston School of Industry.

Senate Bill No. 384—An Act to convert, transfer, and return to the General Fund of the State treasury all unexpended moneys heretofore appropriated for the care, management, or improvement, or for any other purpose, with reference to the "Yosemite Valley and Mariposa Big Tree Grove," or any money which may be or hereafter come into the "Yosemite Valley and Mariposa Big Tree Grove."

Senate Bill No. 517—An Act providing for an appropriation of six hundred dollars (\$600) for the purpose of putting a new roof and floor to the "Distillery" at Sutter's Fort.

Senate Bill No. 519—An Act providing for an appropriation of three thousand dollars (\$3,000.00) for the purpose of improving the grounds of Sutter's Fort.

Senate Bill No. 581—An Act to amend Section 3 of an Act entitled "An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto," approved March 18, 1905.

Senate Bill No. 590—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employes thereof, defining its powers and prescribing the duties of said department, its officers and employes, to provide the compensation of such officers and employes, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereto; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Lebris Commissioner, and to make an appropriation to be extended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof.

Senate Bill No. 607—An Act to amend Section 2521 of the Political Code, relating to employes of the State Harbor Commission of the Port of San Francisco.

Senate Bill No. 698—An Act making an appropriation for the furnishing of meals, lodging, transportation, medicines, and other necessities of life to ex-convicts, for defraying the expenses of the State Board of Prison Directors in securing employment for ex-convicts, and for defraying all necessary expenses in carrying out the purposes of this Act.

Senate Bill No. 627—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employes thereof.

Senate Bill No. 428—An Act to provide for the transfer of certain moneys from the county treasury to municipal corporations formed within such counties.

Senate Bill No. 513—An Act to authorize municipal corporations, organized under the Act of the Legislature entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, or the Acts of which the same are amendatory of, or any Act amendatory thereof, to commence and prosecute an action or actions to recover real or personal property within the limits of such municipal corporation, acquired or held by the Board of Fire Commissioners created by an Act of the Legislature entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, and to provide for the procedure in such action or actions.

Senate Bill No. 565—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof, approved March 23, 1901, and the amendment thereof, approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

And report that the same have been correctly engrossed.

BELL, for Committee.

Senate Bills Nos. 228, 61, 106, 107, 114, 115, 384, 517, 519, 581, 590, 607, 608, 627, 428, 513, and 565 ordered on file for third reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

MR. PRESIDENT: Your committee, appointed under the following resolution—*Resolved*, That the chairmen of the Committees on Hospitals and Asylums, Prisons and Reformatories, and Public Buildings and Grounds be and they are hereby authorized to appoint two members of each of said committees, as a sub-committee, and that such sub-committee constitute a committee to visit such public institutions as they may deem necessary, in order that they may inquire into and report upon as to the financial needs of such institutions, and that they be allowed only their actual expenses while so engaged, and that they be granted the necessary leaves of absence—beg leave to report that they have visited the following institutions and places called for by appropriation bills before the Senate, and have made a thorough inspection of the same: Southern California Insane Asylum at Patton; San Diego Normal School; San Diego Harbor; Whittier Reform School; Los Angeles Normal School; San Luis Obispo Polytechnic School; Agnews Insane Asylum; San José Normal School, and in the performance of said duties have incurred expenses amounting to \$495.95, and we recommend the adoption of the following resolution, to wit:

Resolved, That the sum of \$495.95 is hereby appropriated out of the Contingent Fund of the Senate to pay the traveling expenses of all the members of the committee in visiting the places named, and that the State Controller is hereby directed to draw his warrant in favor of Senator W. F. Price for said sum, and the State Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 457—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

On motion of Senator Welch, Senate Bill No. 457 was temporarily passed on file, to retain its place.

Senate Bill No. 540—An Act to regulate the practice of horseshoeing in the State of California, and to provide for the examination and registration of persons engaged in such pursuit.

Read third time on previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Kennedy moved to refer to Senator Nelson, as a special committee of one, to amend as follows:

By amending Senate Bill No. 540 as follows: Strike out all the title, and insert the following:

"An Act to regulate the practice of shoeing horses, mules, and other animals in the State of California, and to require all farriers to pass an examination as to their proficiency on the following subjects: Anatomy of the feet of horses and mules; the making and fitting of shoes to the feet of horses and mules; in preparing the feet of horses and mules for shoes, and putting shoes on horses and mules; in driving nails in the feet of horses and mules; and in doing such other things as will advance the science of shoeing horses and mules to the best interests of the horse and mule, and all other animals, in the most skillful and scientific manner.

Also: Strike out all after the enacting clause, and insert the following:

SECTION 1. No person shall practice as a farrier, anywhere in the State of California, unless he is duly registered as hereinafter provided, with the State Board of Farriers, as provided for in this Act.

SEC. 2. Any person of the age of twenty years and upward who has passed a satisfactory examination touching his competency and qualifications before said Board of Farriers, created under the provisions of this Act, shall be enabled to registration as a farrier; *provided, however*, that any person who has been practicing as a farrier anywhere in this State immediately preceding the passage of this Act, who files an affidavit stating such fact with said board, and furnishing satisfactory proof thereof to the said board, shall be entitled to registration without the examination herein provided for, upon the payment of a registration fee to be fixed by the board herein provided for, which shall not exceed the sum of five dollars.

SEC. 3. Each applicant for examination shall, before an examination is granted, furnish satisfactory evidence that he is of temperate habits, and pay to said board a fee of six dollars; *provided, however*, that in case of the failure of any applicant to pass a satisfactory examination, such money shall be held to his credit for a second examination at any time within one year. The permanent office of said board shall be located in the City and County of San Francisco, and shall be open during business hours.

SEC. 4. The State Board of Farrier Examiners shall consist of one veterinarian who has had at least five years' practical experience as such, and is actually engaged as such at the time of his appointment, two master horseshoers who have had at least five years' experience as such and are actually engaged as such at the time of their appointment, and two journeymen horseshoers who have had at least five years' experience as such and actually engaged as such at the time of their appointment, and are to be known as the State Board of Farriers, is hereby created; all of whom shall be residents of this State for at least five years next preceding their appointment, whose duty it shall be to carry out the provisions of this Act. The members of the said board shall be appointed by the Governor and the term of office shall be for four years, except that the members of said board first appointed shall hold office respectively for the terms of one, two, three, and four years. The term of the veterinarian and one horseshoer shall expire the first year, as may be designated by the Governor, and until their successors shall be duly appointed and shall have qualified. In case of a vacancy occurring in said board such vacancy shall be filled by appointment by the Governor within thirty days after such vacancy occurs.

SEC. 5. Said board shall, within thirty days after its appointment, meet and organize for the election of a president, secretary, and treasurer, from its own members, who shall be elected for the term of one year, and shall perform the duties prescribed by the board. It shall be the duty of the board to examine all applications for registration submitted in proper form, to grant certificates of registration to such persons as may be entitled to the same under the provisions of this Act, and to stamp the same with the seal of said board, to investigate complaints, and to cause the prosecution of all persons violating the provisions of this Act. To report annually to the Governor and to the Secretary of State, which said report shall contain a record of the proceedings of said board for the year, and also the names of all farriers registered under the provisions of this Act, and all money received and expended by them under the provisions of this Act. The board shall hold meetings for the examination of applicants for registration, in the City and County of San Francisco, on the first Tuesday of April, in Los Angeles on the first Tuesday in August and in Sacramento on the first Tuesday in December.

of each year, and for the transaction of such other business as may properly come before them, with power of adjournment from time to time until its duties are completed. Notice of each regular meeting of the board shall be given to each applicant having on file an application, in writing by mail, and by publication twice a week next preceding each meeting, in two daily papers published in the City of San Francisco, in one daily paper published in the City of Los Angeles, and in one daily paper published in the City of Sacramento. Said board shall make such by-laws and rules for the proper fulfillment of its duties under this Act as is deemed advisable, and shall keep a book of registration in which shall be the names and places of business, or business, of all persons registered under this Act. The records of said board or copies, or any part thereof, certified to by the secretary to be a true copy, attested by the seal of the board, shall be accepted as competent evidence in all courts of the State.

Sec. 6. Four members of said board shall constitute a quorum.

Sec. 7. Said board shall provide itself with a seal bearing the imprint, "State Board of Farriers of the State of California."

Sec. 8. Each member of said board shall, before entering upon the duties of his office, execute a bond to the State of California in the sum of two thousand dollars, signed by two freeholders in this State, that he will honorably and faithfully perform the duties of his office, according to law, and take the constitutional oath of office, as required by the law of the State of California.

Sec. 9. All applications for examination shall be filed with said board at least five days before each examination.

Sec. 10. Any member of said board may administer oath in all matters pertaining to the duties of said board, and the board shall have the authority to take evidence as to any matter cognizable by it.

Sec. 11. It shall be unlawful for any person to engage in the practice of horseshoeing in the State of California from and after the passage of this Act, unless said person or persons shall have obtained a license from said board, duly authorized and appointed under the provisions of this Act to issue licenses as provided by this Act.

Sec. 12. Out of the fund and fees coming into the possession of said board, each member of the board may receive as compensation, for all services rendered, a sum not to exceed four hundred and fifty dollars in any one year, except the secretary of said board, who shall be in attendance at all times during office hours, at the office of said board, who shall receive for all services rendered a sum not to exceed one thousand two hundred dollars in any one year. In addition to said salary, the members of said board shall be allowed mileage at the rate of five cents per mile for all distances actually traveled in coming to and going from the meetings of said board. Said expenses shall be paid from the fees received by the board under the provisions of this Act. No part of the salary or other expenses of said board shall, under any circumstances, be paid out of the State treasury. All money received in excess of said allowance, and the expense herein provided for, shall be paid into the State treasury of the State of California at the end of each year.

Sec. 13. Each member of the board shall, upon his qualification and the organization of the board, file with the secretary of the board his postoffice address, and thereafter any notice of change therein.

Sec. 14. All books of said board shall be public records, and at all times during business hours open to public inspection. The books shall be kept in the office of the secretary of said board at San Francisco, and he shall furnish to any person making application therefor, a copy of the same, upon being paid the sum of twenty-five cents for each one hundred words so copied in advance.

Sec. 15. The Governor shall have the power of supervision of said board, and to remove from office at any time any member thereof for continued negligence of duty, for incompetency, unprofessional or dishonest conduct, or for a violation of any of the provisions of this Act.

Sec. 16. The examination of all applicants shall be elementary and practical in character, but sufficiently thorough in fitness of the applicant to practice as a farrier. It shall include, written in the English language, questions upon the following subjects:

1. Anatomy of the feet of horses and mules from the fetlock to the bottom of the foot.
2. The making up and fitting of horse and mule shoes to the feet of horses and mules, and all other animals that are shod.
3. In preparing the horses' and mules' feet for shoeing.
4. Driving the shoes on the feet.
5. Finishing the foot both before and after the shoes are driven on.
6. Actual demonstration of the applicant's skill and ability in operating the fire of a farrier and in driving the nails in the feet of horses and mules.
7. The applicant must be able to read and write the English language.
8. Must be a citizen of the United States for not less than one year.
9. The answers to all questions shall be in writing, and in the English language.

The questions and answers and findings of the board, as to the capability and fitness of the applicant to practice as a farrier, shall be kept in a book for that purpose, which shall at all times be open to inspection of the public, during office hours.

Sec. 17. All persons successfully passing such examination shall be registered as licensed farrier, as provided in this Act, and shall receive a certificate of such registration and license, which shall entitle the applicant to practice as a farrier in any place in the State of California. Said certificate shall be signed by the president and secretary of said board. No applicant shall be given an examination or certificate who is not twenty years of age.

Sec. 18. Where a person entitled to examination for license files with said board an affidavit signed by two credible witnesses showing such facts, the State Board of Farriers not being in session, any member of said board may examine the applicant as to his qualifications, and if, in his judgment, he finds the applicant qualified according to the provisions of this Act, he may report the same to the secretary of said board, and a temporary license will be issued until the next regular meeting of said board, when he shall report the facts, at which time the temporary license shall expire. Such temporary license shall not be granted unless the fee herein required is paid to the board. No temporary license shall be granted by a member of the board after the board has rejected the applicant. No other fees shall be charged or received for granting such temporary license.

Sec. 19. No person shall be eligible for the examination by the State Board of Farriers who can not furnish to the State Board of Farriers an affidavit containing his or her name, the name of his or her preceptor, and the names of at least two reputable witnesses, sworn to before a notary public, showing that he or she has completed an apprenticeship of three years of twelve months each, with a licensed practitioner, as a farrier in the State of California, or can not furnish to said State Board of Farriers a certificate from the State Board of Farriers or a similar body of some other State in the United States, showing that he or she has been a licensed practitioner as a farrier in that State for at least five years preceding such application.

Sec. 20. From and after the passage of this Act, any and all persons desiring to enter upon the practice of and become a farrier in the State of California must file with the State Board of Farriers an affidavit sworn to before a notary public of the State of California, of his intentions to become the apprentice of a licensed practitioner of horse-shoeing in this State, that the affiant can read and write the English language, which must contain in full the names and addresses of affiants and their proposed preceptors, and the names of two reputable witnesses, together with the date of beginning of his proposed term of apprenticeship, and the State Board of Farriers shall issue to affiant a receipt for the same without charge.

Sec. 21. Every farrier registered under the provisions of this Act, who desires to practice or carry on the business of a farrier, shall annually, after the expiration of the first year of his registration, during the time he shall continue in such practice, on the first day of June of each succeeding year, pay to the said board a registration fee, to be fixed by said board, but which shall, in no case, exceed the sum of three dollars, for which he shall receive a renewal of said registration.

Sec. 22. All moneys received under this Act shall be deposited in some reliable bank in the State of California in the name of said board, and shall be withdrawn only on the joint check of the president and the secretary of said board.

Sec. 23. Said board may employ counsel to advise the board and to care for the interests of said board in all civil matters involving the board, as such.

Sec. 24. All fines and penalties imposed or collected, for the violation of any of the provisions of this Act, unless otherwise specified, shall be paid into the common school fund of the county in which said prosecution is had.

Sec. 25. Said board or any member thereof may prepare a complaint against any person violating the law regulating the practice of farrier, before any court of competent jurisdiction, and may aid in presenting the law or facts before said court in any proceedings taken therein.

Sec. 26. The complaint lodged against any person pursuant to this Act must state the time, place, when and where the matter complained of took place, and the particulars upon which the accused is charged, in ordinary and concise language.

Sec. 27. Any person or persons shall be guilty of a misdemeanor who violates any of the provisions of this Act, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars or more than five hundred dollars, or by imprisonment of not less than five days or more than six months in the county jail, or by both fine and imprisonment.

Sec. 28. Any person who shall sell or barter, or offer to sell or barter, any diploma, license or document, conferring or purporting to confer any farrier's degree or license, or certificate, made or purporting to be made pursuant to the law regulating the license and registration of farriers;

2. Or shall procure by barter any such diploma or certificate, or transcript, with intent that the same shall be used as evidence of the holder's qualifications to practice as a farrier, or any fraud or violation of the law regulating such practice;

3. Or shall fraudulently alter any such diploma, license, or transcript;

4. Or shall use or attempt to use any such diploma, certificate or transcript, which has been purchased fraudulently, or alter said license to practice as a farrier in order to procure registration as a farrier;

5. Or shall in any affidavit required willfully make a false statement as to any of the facts therein stated; shall be guilty of a misdemeanor, and shall be punished according to the provisions of this Act.

Sec. 29. This Act shall take effect immediately.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 540, with instructions to amend, respectfully reports the same back, amended as per instructions.

NELSON, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 228—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 228 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Nelson, Rolley, Sanford, Savage, Walker, Weed, Welch, Wolfe, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 87—An Act transferring money from the traveling expense fund of the Bureau of Building and Loan Supervision to a special fund to defray the expenses of restoring the office furniture and fixtures of said bureau, lost or destroyed by conflagration or other public calamity, and directing the State Controller and State Treasurer to make such transfer and to draw and pay warrants for the disbursement thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 87 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, McCartney, Nelson, Rambo, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 220—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 220 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Nelson, Rambo, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 324—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor-General.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 324 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Nelson, Rambo, Sanford, Savage, Walker, Weed, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 430—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 430 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Caminetti, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Rambo, Rolley, Sanford, Savage, Weed, Welch, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 477—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 477 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 480—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 480 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Markey, McCartney, McKee, Nelson, Rambo, Rolley, Sanford, Savage, Walker, Weed, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 14—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 14 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Rolley, Sanford, Walker, Weed, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 54 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Rolley, Sanford, Savage, Walker, Weed, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 61—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of lands claimed by the State of California fronting on the Bay of San Diego.

On motion of Senator Wright, Senate Bill No. 61 was temporarily passed on file, to retain its place.

Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 106 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Rambo, Rolley, Sanford, Savage, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 107—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 107 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Hartman, Irish, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Rolley, Sanford, Savage, Weed, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 114—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 114 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 115—An Act appropriating money for the construction and equipment of a cold storage plant at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 115 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Cartwright, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Nelson, Rambo, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 384—An Act to convert and return to the General Fund of the State Treasury all unexpended money, heretofore appropriated for the care, management, or improvement, or for any other purpose, with reference to the "Yosemite Valley and Mariposa Big Tree Grove," or any money which may be or hereafter come into the "Yosemite Valley and Mariposa Big Tree Grove."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 384 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Price, Rambo, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 517—An Act providing for an appropriation of six hundred dollars (\$600) for the purpose of putting a new roof to the "Distillery" at Sutter's Fort.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 517 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Price, Rolley, Sanford, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 519—An Act providing for an appropriation of three thousand dollars (\$3,000) for the purpose of improving the grounds of Sutter's Fort.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 519 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Cartwright, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Nelson, Price, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 581—An Act to amend Section 3 of an Act entitled "An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of an electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto," approved March 18, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 581 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 607—An Act to amend Section 2521 of the Political Code, relating to employes of the State Harbor Commission of the Port of San Francisco.

On motion of Senator Leavitt, Senate Bill No. 607 was temporarily passed on file, to retain its place.

Senate Bill No. 608—An Act making an appropriation for the furnishing of meals, lodgings, transportation, medicines, and other necessities of life to ex-convicts, for defraying the expenses of the State Board of Prison Directors, and securing employment for ex-convicts, and for defraying all necessary expenses in carrying out the purposes of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 608 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Cartwright, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, Rambo, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 627—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employes thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 627 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Nelson, Rambo, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 428—An Act to provide for the transfer of certain moneys from the county treasury to municipal corporations formed within such counties.

Read third time.

On motion of Senator Curtin, Senate Bill No. 428 was temporarily passed on file, to retain its place.

Senate Bill No. 513—An Act to authorize municipal corporations organized under the Act of the Legislature entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, or the Acts of which the same are amendatory, or any Act amendatory thereof, to commence and prosecute an action, or actions, to recover real or personal property within the limits of such municipal corporations, acquired or held by the Board of Fire Commissioners, created by an Act of the Legislature entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, and to provide for the procedure in such action or actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 513 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Irish, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Price, Rambo, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 565—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof approved March 23, 1901, and the amendment thereof approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

On motion of Senator Curtin, Senate Bill No. 565 was temporarily passed on file, to retain its place.

SENATOR LEAVITT IN THE CHAIR.

At three o'clock and thirty minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

SECOND READING OF BILLS.

Senate Bill No. 265—An Act to amend Sections 626, 626a, 626d, 626g, 626j, 627b, and 637a of the Penal Code of the State of California, and to

add to said Penal Code a new section, to be numbered 637b, all relating to the protection and preservation of game and fish.

During second reading of bill, the following amendment was offered:
By Senator Anthony:

Amend by striking out of lines 3 and 4 of Section 1, on page 1 of printed bill, the following: "fifteenth day of February," and inserting in lieu thereof the following: "first day of March."

Amendment adopted.

MOTION TO RECONSIDER.

Senator Belshaw moved a reconsideration of the vote whereby the above amendment was this day adopted.

Motion carried.

AMENDMENT REFUSED ADOPTION.

The vote having been reconsidered, the question being on the adoption of the amendment.

Amendment refused adoption.

OTHER AMENDMENTS CONSIDERED.

Also, offered by Senator Walker:

Amend by striking out Section 5.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Cartwright, Hartman, Keane, Kennedy, Leavitt, Markey, Nelson, Rush, Sanford, and Walker—15.

NOES—Senators Anthony, Boynton, Caminetti, Carter, Curtin, Irish, Lynch, McCartney, McKee, Price, Rambo, Reily, Rolley, Savage, Weed, Welch, Willis, Wolfe, and Wright—19.

Also, submitted by committee:

On page 3, Section 6, line 8, strike out the word "twenty-five," and insert in lieu thereof the word "fifty."

During the consideration of the above amendment, the following substitute was offered by Senator Cartwright:

Amend page 3, Section 6, line 8, by striking out the word "twenty-five," and inserting the word "thirty-five."

Substitute adopted.

Also, by committee:

On page 2, Section 3, line 6, strike out the word "twenty-five," and insert in lieu thereof the word "fifty."

During the consideration of the above amendment, the following substitute was offered by Senator Belshaw:

Amend Section 3, line 6, by striking out the word "twenty-five," and inserting the following: "thirty-five."

Substitute adopted.

Also, by committee:

On page 1, Section 1, line 1, strike out all of lines 3 to 20 inclusive, and insert in lieu thereof the following:

SEC. 626. Every person who, between the fifteenth day of February and the first day of October of any year, hunts, pursues, takes, kills, or destroys, or has in his possession, any kind of wild duck; or who between the fifteenth day of February and the fifteenth day of October of any year, hunts, pursues, takes, kills, or destroys, or has

in his possession, any valley quail, or partridge, or any rail, or any curlew, ibis, plover, or other shore birds (*Limicola*); or who, between the first day of April and the fifteenth day of October of any year, hunts, pursues, takes, kills, or destroys, or has in his possession, any Wilson snipe; or who, between the fifteenth day of February and the first day of September of any year, hunts, pursues, takes, kills, or destroys, or has in his possession, any mountain quail; or who, at any time prior to the first day of September, one thousand nine hundred and nine, hunts, pursues, takes, kills, or destroys, or has in his possession, any grouse or sage hen, is guilty of a misdemeanor.

Amendment adopted.

Also, offered by Senator Price:

Amend by striking out of Section 7, line 8, page 3, the words "meadow lark."

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and the amendment was refused adoption by the following vote:

AYES—Senators Boynton, Hartman, Kennedy, Leavitt, McKee, Price, Rolley, Sanford, Savage, and Willis—10.

NOES—Senators Anderson, Anthony, Bell, Belshaw, Broughton, Caminetti, Carter, Cartwright, Curtin, Lynch, Markey, Mattos, McCartney, Walker, Weed, Welch, Wolfe, and Wright—18.

Also, offered by Senator Sanford:

Amend by adding a new section to be known as Section 9, to read as follows:

Section 9. Section 626i of the Penal Code of the State of California is hereby amended so as to read as follows:

Section 626i. Every person who takes, kills, or destroys, or has in his possession, whether taken or killed in the State of California or shipped into the State from any other State, Territory, or foreign country, more than three deer during any one open season, is guilty of a misdemeanor.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Anderson, Broughton, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McKee, Nelson, Price, Rambo, Rolley, Sanford, Savage, Walker, Weed, and Willis—20.

NOES—Senators Anthony, Bell, Belshaw, Caminetti, Carter, Mattos, Welch, and Wolfe—8.

Also, offered by Senator Sanford:

Amend the title by inserting between "626g" and "626j" the following: "626i."

Amendment adopted.

Also, offered by Senator Walker:

Amend Section 5, on line 5, after the words "any deer," by inserting the words, "for more than three hours."

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Broughton, Caminetti, Cartwright, Hartman, Keane, Kennedy, Leavitt, Markey, Mattos, Nelson, Price, Rambo, Sanford, Walker, and Wright—19.

NOES—Senators Boynton, Carter, Curtin, Lynch, McCartney, McKee, Rolley, Weed, Welch, Willis, and Wolfe—11.

SENATOR CURTIN IN THE CHAIR.

At three o'clock and fifty minutes P. M., Senator J. B. Curtin, of the Twelfth District, in the chair.

CONSIDERATION OF SENATE BILL NO. 265—(RESUMED).

Amendment offered by Senator Lynch:

SEC. 10. Section 626f of the Penal Code is hereby amended to read as follows:

SEC. 626f. Deer—Every person who, between the fifteenth day of September and the

first day of July of the following year, hunts, pursues, takes, kills, or destroys, or has in his possession, whether taken or killed in the State of California or shipped into the State from any other state, territory, or foreign country, any male deer, or any deer meat, is guilty of a misdemeanor.

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Kennedy, Leavitt, Lynch, Price, Rambo, Rolley, Sanford, and Welch—8.

NOES—Senators Anderson, Belshaw, Boynton, Caminetti, Carter, Cartwright, Curtin, Hartman, Markey, Mattos, McKee, Nelson, Walker, Weed, Wolfe, and Wright—16.

Also, offered by Senator Willis:

Amend Section 7, line 18, by inserting the following: "butcher bird," after the word "blue jay."

Amendment adopted.

Also, offered by Senator Sanford:

Amend by striking out of Section 626g all of lines 8, 9, and 10, after the word "demeanor."

Amendment refused adoption.

Bill read second time, and ordered to print, engrossment, and third reading.

SENATOR LEAVITT IN THE CHAIR.

At four o'clock and forty minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for and was granted unanimous consent to have Senate Bill No. 428 taken up for the purpose of amendment.

Senate Bill No. 428—An Act to provide for the transfer of certain moneys from the county treasury to municipal corporations formed within such counties.

Read third time heretofore this day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Leavitt as a special committee of one, to amend as follows:

Before the word "this," on the last line on page 2 of printed bill, insert "Section 3."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 428, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Special Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reengrossment.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Nelson: Senate Bill No. 739—An Act authorizing the Governor to appoint a commission to consist of himself, a Senator, and Assemblyman of the thirty-seventh session of the Legislature of the State of California, and two citizens at large, of which commission the

Governor shall be *ex officio* a member and chairman thereof, to investigate the fish and fishing industry and the wild game of the State relative to the propagation, preservation, and better protection thereof, and to recommend to the thirty-eighth session of the Legislature a plan for the propagation, preservation, and better protection of such fish and game; to provide for the creation of said commission and to define its powers, and making an appropriation therefor.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Belshaw: Senate Bill No. 740—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator McCartney: Senate Bill No. 741—An Act to amend Section 3788 of the Political Code and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3778, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817: and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818 of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as Section 3801; also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Broughton: Senate Concurrent Resolution No. 12—Approving the charter of the City of Long Beach, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter, on the fifth day of February, 1907.

Senate Concurrent Resolution referred to Committee on Municipal Corporations.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER SET.

In compliance with the notice given by Senator Sanford on previous day, Senator Caminetti moved that the vote whereby Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to the extension of the terms of existence of corporations—was adopted, be now reconsidered.

The motion was duly seconded.

Senator Caminetti moved that further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 31 was adopted, be postponed and made a special order for Wednesday, February 13, 1907, at eleven o'clock and thirty minutes A. M.

Motion carried.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Willis, Senate Bill No. 482—An Act to add a new section to the Political Code, to be numbered 3762, relating to the manner of making publication of delinquent taxes—was re-referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Senate Bill No. 414—An Act to amend Section 1192 of the Code of Civil Procedure, relative to the liens of mechanics, miners, and others upon real property—have had the same under consideration, and respectfully report the same back, and recommend that its author be permitted to withdraw the same.

BOYNTON, Chairman.

WITHDRAWAL OF BILL.

Senator Belshaw asked for and was granted unanimous consent to withdraw Senate Bill No. 414.

Senate Bill No. 414 withdrawn and ordered stricken from the file.

ADJOURNMENT.

At five o'clock and twenty minutes P. M., on motion of Senator Wolfe, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Wednesday, February 13, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

APPROVAL OF JOURNALS.

The Journals of Thursday, February 7, 1907; Friday, February 8, 1907, and Saturday, February 9, 1907, having been corrected, were read and approved.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 12, 1907, the further reading was dispensed with, on motion of Senator Leavitt.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Assembly Bill No. 478—An Act making an appropriation to pay the claim of Frank Higgins for legal services rendered and expenses incurred by him as special counsel for the State of California from July 10 to October 21, 1905, in the matter of the extradition of Geo. D. Collins from British Columbia (the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law).

Also: Assembly Bill No. 564—An Act to amend Sections 439 and 440 of the Political Code, relating to the employés in the Controller's office and the salaries paid to such employés.

Also: Assembly Bill No. 223—An Act to amend Section 827 of the Civil Code of the State of California, relating to changing terms of lease.

Also: Assembly Bill No. 129—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Also: Assembly Bill No. 544—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3½, providing for petitions of remonstrance and written objections, hearings thereon, and the determination thereof by the city council.

Also: Assembly Bill No. 98—An Act to amend the Code of Civil Procedure, by adding a new section thereto, to be known as Section 800a, relating to the dispensing with abstracts of title in all proceedings brought for the purpose of affecting, establishing, or registering title to real estate where it shall appear that the public records of such title, or a substantial portion thereof have been destroyed by conflagration or other public calamity.

Also: Assembly Bill No. 358—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895, and an Act amendatory thereof, approved March 20, 1905.

Also: Assembly Bill No. 60—An Act creating and defining the liability of firms, persons, or corporations operating railroads for injuries to employés, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employé.

Also: Assembly Bill No. 81—An Act to add a new section to the Political Code, to be numbered Section 2641a, creating the office of road overseer in counties of the forty-eighth and fifty-first classes, prescribing their duties, and providing for their compensation.

Also: Assembly Bill No. 400—An Act to amend Section 1551 of the Political Code, relating to duties of school superintendents.

Also: Assembly Bill No. 401—An Act to amend Section 1634 of the Political Code, relating to the duties of census marshal.

Also: Assembly Bill No. 402—An Act to add a new section to the Political Code of the State of California, to be known as Section 1641, relating to and defining who are census children.

Also: Assembly Bill No. 505—An Act to amend Section 1532 of the Political Code, relating to duties of the Superintendent of Public Instruction.

Also: Assembly Bill No. 84—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation.

Also: Assembly Bill No. 466—An Act to amend Section 574 of the Civil Code, relating to savings and loan corporations.

Also: Assembly Bill No. 573—An Act to amend Section 1181 of the Penal Code of the State of California, by adding a new subdivision thereto, to be numbered 8, relating to granting of new trials.

Also: Assembly Bill No. 538—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts, and condemnation of property therefor.

Also: Assembly Bill No. 315—An Act amending Section 1503 of the Political Code of the State of California, relating to normal school diplomas.

Also: Assembly Bill No. 508—An Act to amend Section 172 of the Penal Code relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Also: Assembly Bill No. 439—An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof.

Also: Adopted Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Article XIII thereof, by striking therefrom and repealing Section 4 of said article, relative to the assessment of a mortgage, deed of trust, contract, or other obligation by which a debt is secured and to taxes due upon such assessment.

Also: Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education and text-books, and providing for free text-books.

Also: Concurred in Senate amendments to Assembly Bill No. 329—An Act to amend Section 1697 of the Political Code, defining the length of school month.

Also: Refused to concur in Senate amendments to Assembly Constitutional Amendment No. 3—Amending Constitution relative to primary elections—and request that your honorable body recede therefrom.

CLIO LLOYD, Chief Clerk of the Assembly.

By T. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 478 and 564 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 223, 98, 358, 84, 466, and 573 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 129 and 439 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 544 read first time, and referred to Committee on Municipal Corporations.

Assembly Bills Nos. 60 and 329 read first time, and referred to Committee on Labor, Capital and Immigration.

Assembly Bill No. 81 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 538 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bills Nos. 315, 400, 401, 402, and 505 read first time, and referred to Committee on Education.

Assembly Bill No. 508 read first time, and referred to Committee on Public Morals.

Senate Constitutional Amendment No. 26 ordered to enrollment.

Assembly Constitutional Amendment No. 5 referred to Committee on Judiciary.

FURTHER CONSIDERATION POSTPONED AND SPECIAL ORDER SET.

Senator Leavitt moved that the further consideration of the question, "Shall the Senate recede from its action in amending Assembly Constitutional Amendment No. 3?" be postponed and made a special order for Monday, February 18, 1907, at two o'clock P. M.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 705—An Act to add a new section to the Penal Code, to be known as Section 273g, relating to indulging in degrading, lewd, immoral or vicious habits or practices, or being habitually drunk in the presence of children.

Also: Senate Bill No. 574—An Act to amend Section 213 of the Penal Code of the State of California and to add a new section thereto numbered 212a, relating to the crime of robbery and its punishment.

Also: Senate Bill No. 630—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Also: Senate Bill No. 612—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602a, relating to corporations sole.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 175—An Act to add a new section to the Civil Code, to be numbered Section 617, relating to cemetery corporations.

Also: Senate Bill No. 629—An Act to amend Section 499 of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different managements.

Also: Assembly Bill No. 406—An Act to amend Section 1174 of the Code of Civil Procedure of the State of California, relating to the verdict of the jury, and judgment of the court, in forcible entry, or forcible or unlawful detainer cases.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

WOLFE, Chairman.

Senate Bills Nos. 705, 574, 630, 612, 175, and 629 ordered on file for second reading.

Assembly Bill No. 406 ordered on file for second reading.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 13, 1907.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 653—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 10 $\frac{1}{2}$ —have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

WILLIS, Chairman.

Senate Bill No. 653 ordered on file for second reading.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, February 13, 1907.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Assembly Bill No. 383—An Act to amend the Civil Code by adding a new section thereto, to be numbered 1828, relating to delivery or payment of deposit made in the names of two or more persons—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Judiciary.

BATES, Chairman.

Assembly Bill No. 383 referred to Committee on Judiciary.

ON INSURANCE AND INSURANCE LAWS.

SENATE CHAMBER, SACRAMENTO, February 13, 1907.

MR. PRESIDENT: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 619—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454a, allowing the plaintiff in an action upon a contract of insurance, wherein exemption from liability is claimed by the defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.

Also: Senate Bill No. 613—An Act to add a new section to the Civil Code, to be numbered Section 423, relating to deposits for the protection of policy holders by insurance companies engaged in the business of insuring or indemnifying employers and others against loss or damage for personal injury or death resulting from accidents to employés or persons other than employés.

Also: Senate Bill No. 620—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered Section 437a, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

LEAVITT, Chairman.

Senate Bills Nos. 619, 613, and 620 ordered on file for second reading.

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 13, 1907.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Assembly Bill No. 30—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Also: Assembly Bill No. 310—An Act to amend Section 5 of an "An Act regulating the employment and hours of children, prohibiting the employment of certain illiterate minors, etc."

Also: Senate Bill No. 736—An Act to amend Section 1970 of the Civil Code, relating to the responsibility of employers for injury to or death of employés.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

KEANE, Chairman.

Assembly Bills Nos. 30 and 310 ordered on file for second reading.

Senate Bill No. 736 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 13, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 556—An Act to amend Sections 3093, 3094, and 3095 of the Political Code, relating to dissection, enacted March 12, 1872—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

McKEE, Chairman.

Senate Bill No. 556 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 13, 1907.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 602—An Act to amend the Penal Code by adding thereto two new sections, to be designated as Sections 367*b* and 367*c*, to provide against the offense of hazing—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

ANDERSON, Chairman.

Senate Bill No. 602 ordered on file for second reading.

RESOLUTION.

The following resolution was offered:

By Senator Hartman:

Resolved, That Senate Bill No. 17, introduced by Senator Hartman on January 14, 1907, relating to prize fighting, be and is hereby recalled from the Committee on Public Morals and placed on the second-reading file for action by the Senate.

Resolution read.

The question being on the adoption of the resolution.

The ayes and noes were demanded by Senators Hartman, Belshaw, and Nelson.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Hartman, Keane, Markey, Nelson, Reily, Rolley, Sanford, Savage, Walker, and Welch—17.

NOES—Senators Anthony, Bates, Curtin, Irish, Kennedy, Leavitt, Lynch, McCartney, McKee, Muentner, Price, Rambo, Weed, Willis, Wolfe, and Wright—16.

BILL RECALLED FROM COMMITTEE AND ORDERED ON FILE.

Whereupon Senate Bill No. 17—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof, relating to prize fighting—was recalled from committee, and ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Carter: Senate Bill No. 742—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing, or relocation of bridges over navigable waters between said counties, jointly with other persons or corporations.

Bill read first time, and referred to Committee on County Government.

By Senator Rolley: Senate Bill No. 743—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Alaska-Yukon-Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner therefor.

Bill read first time, and referred to Committee on Finance.

By Senator McKee: Senate Bill No. 744—An Act to add a new section to the Political Code, to be numbered Section 2295a, and relating to supplying the State Library with State publications for exchange purposes.

Bill read first time, and referred to Committee on Judiciary.

By Senator Walker: Senate Bill No. 745—An Act to amend Section 343 of the Political Code, abolishing the Fish Commission.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Anderson: Senate Bill No. 746—An Act to amend Section 1154 of the Code of Civil Procedure, relating to commitment for contempt in civil actions.

Bill read first time, and referred to Committee on Judiciary.

By Senator Muentert: Senate Bill No. 747—An Act to amend Section 777 of the Penal Code of the State of California, relating to local jurisdiction of public offenses.

Bill read first time, and referred to Committee on Judiciary.

By Senator Reilly: Senate Bill No. 748—An act to amend Section 628a of the Penal Code, relating to striped bass.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Leavitt: Senate Bill No. 749—An Act to authorize suits against the State of California concerning certain real property, and regulate the procedure therein.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lynch: Senate Bill No. 750—A new section is hereby added to the Political Code, to be known as Section 625a, relating to information to be furnished each county clerk by the Insurance Commissioner.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Senate Bill No. 751—An Act to amend Section 4178 of the Political Code, relating to the duties of the county clerks.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 465—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigating districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Senate Bill No. 465 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 280—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Senate Bill No. 280 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 160—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

WITHDRAWAL OF BILL.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 160.

Senate Bill No. 160 withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two (2) of Article IV thereof, relating to sessions of the Legislature and the limitation of pay of members thereof in extraordinary sessions.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 28 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 1 of Article IV thereof, relating to the legislative power and to certain reservations thereof by the people.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 25 was temporarily passed on file, to retain its place.

Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

On motion of Senator Boynton, Senate Bill No. 148 was temporarily passed on file, to retain its place.

Assembly Bill No. 11—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 11 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Keane, Kennedy, Leavitt, McCartney, McKee, Muentner, Nelson, Price, Reily, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—Senators Carter and Irish—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 299—An Act entitled "An Act to amend Section 1581 of the Political Code of the State of California," relating to the formation of new school districts.

Read third time.

On motion of Senator Anderson, Assembly Bill No. 299 was temporarily passed on file, to retain its place.

Senate Bill No. 168—An Act to amend Section 718 of the Civil Code, relating to leases of town and city lots.

On motion of Senator McCartney, Senate Bill No. 168 was temporarily passed on file, to retain its place.

Senate Bill No. 45—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

On motion of Senator Sanford, Senate Bill No. 45 was temporarily passed on file, to retain its place.

Senate Bill No. 16—An Act to authorize and empower the Board of Trustees of the State Normal School of Los Angeles to sell and convey the lands and buildings of said school and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, and apparatus and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings.

On motion of Senator Carter, Senate Bill No. 16 was temporarily passed on file, to retain its place.

Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.

On motion of Senator Willis, Senate Bill No. 247 was temporarily passed on file, to retain its place.

Senate Bill No. 162—An Act creating and defining the liability of railroad corporations for injuries to employes, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employé.

On motion of Senator Leavitt, Senate Bill No. 162 was temporarily passed on file, to retain its place.

Senate Bill No. 480—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 480 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads and regulating the hours of employment thereof.

On motion of Senator Leavitt, Senate Bill No. 491 was temporarily passed on file, to retain its place.

Senate Bill No. 457—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

On motion of Senator Welch, Senate Bill No. 457 was temporarily passed on file, to retain its place.

Senate Bill No. 61—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of lands claimed by the State of California fronting on the Bay of San Diego.

On motion of Senator Wright, Senate Bill No. 61 was temporarily passed on file, to retain its place.

Senate Bill No. 607—An Act to amend Section 2521 of the Political Code, relating to employes of the State Harbor Commission of the Port of San Francisco.

On motion of Senator Leavitt, Senate Bill No. 607 was temporarily passed on file, to retain its place.

Senate Bill No. 565—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof approved March 23, 1901, and the amendment thereof approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 565 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Savage, Walker, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

During the reading of the constitutional amendment, the following amendment was submitted by committee:

On page 1, Section 19, line 15, strike out of the printed bill, commencing with the word "the" to and including the word "legislature," on line 17, page 2 of printed bill, and insert in lieu thereof the following: "four thousand dollars."

Amendment adopted.

Constitutional amendment ordered to print.

Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to Article II of the Constitution of California by amending Section 2½ thereof, relating to primary elections, so as to permit the direct or other nomination of candidates for public office without conventions.

On motion of Senator Belshaw, Senate Constitutional Amendment No. 19 was temporarily passed on file, to retain its place.

MOTION TO RECONSIDER POSTPONED, AND SPECIAL ORDER SET.

In compliance with his notice given on previous day, Senator Anthony moved that the vote whereby Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California—was refused passage, be now reconsidered.

The motion was duly seconded.

Senator Anthony moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 440 was refused passage, be postponed and made a special order for Thursday, February 14, 1907, at eleven o'clock A. M.

Motion carried.

CONSIDERATION OF SPECIAL ORDER POSTPONED.

The hour for the consideration of the special order, heretofore set, being the consideration of Assembly message dated February 8, 1907, relative to a recommendation that the author withdraw Senate Bill No. 236, having arrived, the same was taken up, and, on motion of Senator Leavitt, further consideration of the same was postponed until Thursday, February 14, 1907, at eleven o'clock A. M.

MOTION TO RECONSIDER, AND SPECIAL ORDER RE-SET.

In compliance with his notice given on Wednesday, February 6, 1907, Senator Anderson moved that the vote whereby Senate Bill No. 239—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1873, by amending Section 465, relating to the powers of railroad corporations—was refused passage, be now reconsidered.

Motion was duly seconded.

Senator Anderson moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 239 was refused passage be postponed and made a special order for Thursday, February 14, 1907, at eleven o'clock A. M.

Motion carried.

MOTION TO RECONSIDER LOST.

In compliance with the notice given by Senator Sanford on Monday, February 11, 1907, Senator Caminetti moved that the vote whereby Senate Constitutional Amendment No 31—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to the extension of the terms of existence of corporations—was adopted, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Caminetti and Sanford—2.

NOES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Savage, Weed, Willis, Wolfe, and Wright—29.

Constitutional Amendment No. 31 ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

Senator Curtin moved that the vote whereby the consideration of Assembly message dated February 8, 1907, relative to a recommendation that the author withdraw Senate Bill No. 236, was postponed and made a special order for Thursday, February 14, 1907, at eleven o'clock A. M., be reconsidered.

Motion carried.

CONSIDERATION OF ASSEMBLY MESSAGE—(OUT OF ORDER).

On motion of Senator Curtin, the message from the Assembly dated February 8, 1907, relative to a recommendation that the author withdraw Senate Bill No. 236, was taken up for consideration.

RESOLUTION.

The following resolution was offered:

By Senator Curtin:

Resolved, That Senate Bill No. 236, returned to the Senate on February 8, 1907, by the Assembly, with the recommendation that the author withdraw the same, be returned to the Assembly with the request that its committee to whom said bill was referred take such action thereon as can be acted upon by the Assembly.

Resolution read and adopted.

SECOND READING OF BILLS.

Senate Bill No. 560—An Act to amend Sections 1189, 1192, 1358, 1079, 1361, 1186, and 1188 of the Political Code, relating to elections.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 8, printed bill, strike out the words "court of appeals," and insert in lieu thereof the following: "courts of appeal."

Amendment adopted.

Also:

On page 2, Section 1, line 21, printed bill, strike out the word "fifteen," and insert in lieu thereof the following: "twenty-seven."

Amendment adopted.

Also:

On page 3, Section 2, lines 50-52 of the printed bill, strike out the words "five days before the making of the publication of the nominations prescribed in this section," and insert in lieu thereof the following: "thirty days before the day of election."

Amendment adopted.

Also:

On page 5, Section 3, line 23 of the printed bill, strike out the word "convention," and insert in lieu thereof the following: "conventions."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 13—An Act to amend an Act entitled "An Act appropriating money for building an assembly hall at the Preston School of Industry," approved March 22, 1905.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Caminetti asked for and was granted unanimous consent to withdraw Senate Bill No. 13 and substitute therefor on file Assembly Bill No. 167.

Senate Bill No. 13 was withdrawn and ordered stricken from the file, and Assembly Bill No. 167 substituted therefor on file.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 167—An Act to amend an Act entitled "An Act appropriating money for building an assembly hall at the Preston School of Industry," approved March 22, 1905.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 477—An Act to amend Section 109 of the Penal Code, relating to assisting prisoners, paroled prisoners, and escapes to escape.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 496—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by amending Section 5 thereof, in relation to practicing without a certificate.

On motion of Senator McKee, Senate Bill No. 496 was temporarily passed on file, to retain its place.

Senate Bill No. 464—An Act to amend the Political Code of the State of California, by adding eight new sections thereto, to be numbered 338, 338a, 338b, 339, 339a, 339b, 340, 340a, under a new article to be numbered thirteen (XIII), to be added to chapter two (2), title one (1), part three (3), of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 462—An Act amending an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, for municipal improvements, and regulating the acquisition, construction, or completion thereof," approved February 25, 1901, by amending Sections 2, 5, and 9 thereof.

During second reading of bill, the following amendments were submitted by committee:

On page 1, title, line 5, insert the following: after the figure "5" insert ", 7."

Amendment adopted.

Also:

On page 1, title, line 4, strike out the word "approved," and insert in lieu thereof the following: "which became a law under constitutional provision, without Governor's approval."

Amendment adopted.

Also:

On page 3, line 34, strike out the word "of" before the word "any."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 550—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements, and machinery, and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violations of this Act a misdemeanor.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 2, strike out of printed bill the words: "or after shipment to this State."

Amendment adopted.

Also:

On page 1, Section 2, line 4, strike out of printed bill the words: "or after shipment to this State."

Amendment adopted.

Also:

On page 2, Section 3, lines 4 and 5, strike out of printed bill the words "after shipment to this State."

Amendment adopted.

Also:

On page 3, Section 8, strike out of printed bill the words "all of Section 8."

Amendment adopted.

Also:

On page 3, Section 9, line 1, strike out the figure "9," and insert in lieu thereof the figure "8."

Amendment adopted.

Also:

On page 3, Section 10, strike out all of Section 10.

Amendment adopted.

Also:

On page 3, Section 11, strike out the figure "11," and insert in lieu thereof the figure "9."

Amendment adopted.

Also:

On page 3, Section 12, strike out the figure "12," and insert in lieu thereof the figure "10."

Amendment adopted.

Also:

On page 3, Section 13, strike out the figures "13," and insert in lieu thereof the figures "11."

Amendment adopted.

Also:

On page 3, Section 14, strike out all of Section 14.

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the word "clocks."

Amendment adopted.

Also:

On page 1, Section 2, line 5, strike out the word "clocks."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 442—An Act to amend an Act entitled "An Act to establish the fees of the county, township, and other officers, and of jurors and witnesses, in this State," approved March 28, 1895, by adding thereto a new section, to be numbered Section 5.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, line 25, strike out the words beginning with "clerks" down to and including the word "travel," on line 42, and insert in lieu thereof the following: "the per diem in excess of twenty-four dollars and all mileage provided by law shall be a charge against the county, and shall be paid to the jurors out of the county treasury."

Amendment adopted.

Also:

On page 2, Section 1, line 18, strike out the word "thirty," and insert in lieu thereof the following: "twenty-four."

Amendment adopted.

Also:

On page 1, Section 1, line 13, strike out the word "that," and insert in lieu thereof the following: "the."

Amendment adopted.

Also:

On page 1, Section 1, line 12, strike out the word "thirty," and insert in lieu thereof the following: "twenty-four."

Amendment adopted.

Also:

On page 1, Section 5, lines 5 to 9, strike out the words beginning with "jurors" down to and including "residence," on line 9.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 113—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, lines 6 and 7, strike out the words "are authorized and required once in every year to," and insert in lieu thereof the following: "must once in every year."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 22—An Act to regulate the removal of members of paid police departments of counties, cities and counties, cities, or towns.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 470—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities to be a nuisance, and providing that the same may be abated by order of the legislative body of such

municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 489—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3½, providing for a petition of remonstrance and written objection, hearings thereon, and the determination thereof by the city council.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 490—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 73—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,'" approved March 18, 1885, approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 528—An Act to provide for the issuance of duplicates of bonds, warrants, and other municipal securities which have become defaced or mutilated.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 565—An Act providing for the appointment of police judges in municipalities having a freeholders' charter wherein provision is made for a police court judge, but no provision is made for the appointment or election of such police judge.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 589—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof."

During second reading of bill, the following amendment was submitted by committee:

Strike out all of the title and insert in lieu thereof the following:

An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction and completion thereof," approved February 25, 1901.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 547—An Act providing for the appointment of police judges in municipalities having a freeholders' charter, wherein provision is made for a police court judge, but no provision is made for the appointment or election of such police judge.

WITHDRAWAL OF BILL.

Senator McCartney asked for and was granted unanimous consent to withdraw Senate Bill No. 547.

Senate Bill No. 547 withdrawn, and ordered stricken from the file.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 7—An Act to amend Section 534 of the Political Code.

During second reading of bill, the following amendments were submitted by committee:

Strike out, beginning with the words "the annual salary," on line 8, page 1, of the printed bill, down to and including the word "dollars," on line 11, on said page.

Amendment adopted.

Also:

On line 4, page 1, of the printed bill, strike out the dollar mark and the figures "3000," and insert, in lieu thereof, the words "three thousand," and then in parenthesis the dollar mark and figures "3000," and then the word "dollars."

Amendment adopted.

Also:

On line 7, page 1, of the printed bill, strike out the figures "2700" and the dollar mark, and then between the word "hundred" and the word "dollars," insert dollar mark and the figures "2700" in parenthesis, and strike out the parenthesis around the words "twenty-seven hundred dollars."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 80—An Act to provide for the erection of a horse barn, carriage house, and implement shed at the Southern California State Hospital, and to make appropriation for the same.

During second reading of bill, the following amendment was submitted by committee:

On line 1, page 1, of the printed bill, strike out the words "five thousand," and insert in lieu thereof the words "twenty-five hundred."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 290—An Act authorizing and directing the Board of Managers of the Agnew's State Hospital to replace and reconstruct and equip for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of \$800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing the State Controller to draw his warrant for the said sum and the State Treasurer to pay the same.

During second reading of bill, the following amendment was submitted by committee:

Strike out Section 7 of the printed bill and insert in lieu thereof as follows:

"Sec. 7. Of the moneys appropriated, one hundred thousand dollars shall be available from and after the passage of this Act, three hundred thousand dollars on and after July 1, 1907; two hundred thousand dollars thereof on and after January 1, 1908, and two hundred thousand dollars thereof on and after July 1, 1908.

"Sec. 8. This Act shall take effect and be in force from and after its passage."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 535—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

During second reading of bill, the following amendments were submitted by committee:

In the title, insert, after the word "erection," the words "and equipment."

Amendment adopted.

Also:

In line 1, page 1 of the printed bill, insert after the word "thirty" the word "five."

Amendment adopted.

Also:

In line 5, after the word "erecting," insert the words "and equipping."

Amendment adopted.

Also:

Make Section 2 read Section 3, and insert, for Section 2, the following: "In calling for bids and awarding contracts under this Act, said board of managers may, if, in their judgment they think that such action would be for the best interests of the State, disregard the provisions of Section 3 of the Act entitled 'An Act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 26, 1876, and amended March 20, 1905, in so far as the section relates to a call for separate bids and to award of separate contracts for the furnishing of materials and performance of work thereunder."

Amendment adopted.

Also:

Re-number Section 3, Section 4.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 662—An Act to provide for the erection on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward and for the treatment of acute cases by hydrotherapy and electricity.

During second reading of bill, the following amendments were submitted by committee:

Insert after the word "erection," in the title, the words "and equipment."

Amendment adopted.

Also:

After the word "electricity," in the title, strike out the period, and insert in lieu thereof a ",", and add the words "and making an appropriation therefor."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 587—An Act to make an appropriation for the location, survey and construction of a State highway from a point known as the Mt. Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.

During second reading of bill, the following amendment was submitted by committee:

Strike out, in the title, the period after the word "county," and add the words "and making an appropriation therefor."

Amendment refused adoption.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 399—An Act authorizing and directing the Board of Managers of the Napa State Hospital to purchase and install a home telephone system at the Napa State Hospital between the various wards and departments thereof, and making an appropriation therefor.

Senate Bill No. 399 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 400—An Act authorizing and directing the remodeling and refurnishing of the main kitchen at the Napa State Hospital, and making an appropriation therefor.

Senate Bill No. 400 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 57—An Act appropriating money to pay expenses necessary for the proper representation of the State of California, and of an exhibit of the products thereof, at the proposed International or World's Exposition, to be held in the City and County of San Francisco in 1913, commemorative of the 400th anniversary of the discovery of the Pacific Ocean by Vasco Nunez Balboa, and to provide for commissioners thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 64—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 65—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriation for the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 78—An Act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern California State Hospital, and along the highways adjacent thereto, for the protection of said lands, and of the buildings thereon, and to make appropriation for the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 185—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 188—An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 189—An Act authorizing and directing the construction and furnishing of two pavilions for colonizing epileptic patients

at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 190—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 196—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Savage asked for and was granted unanimous consent to withdraw Senate Bill No. 196, and substitute therefor on file Assembly Bill No. 30.

Senate Bill No. 196 withdrawn, and ordered stricken from the file, and Assembly Bill No. 30 substituted therefor on file.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 30—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

During second reading of bill, the following amendment was offered:

By Senator McCartney:

Amend by striking out of Section 1, lines 9 and 10, the words "three (3) dollars," and inserting the following: "two and one-half (2½) dollars."

Amendment read.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Savage, Carter, and Curtis.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Bell, Belshaw, Carter, and Muentner—4.

NOES—Senators Anderson, Anthony, Bates, Black, Caminetti, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Price, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, and Wolfe—27.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 232—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 234—An Act to provide for repairing the plumbing, installing new bathtubs and toilets, and laying a cement flooring and repairing the walls in the bathroom and lavatories of the Stockton State Hospital, to appropriate money therefor and to authorize the expenditure of the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 398—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed at the Napa State Hospital, and laying pipe line from said reservoir and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 453—An Act making an appropriation for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 644—An Act to appropriate \$2,500 for the construction of retaining walls and fences on the boundary lines of the site of the State Normal School at Los Angeles, California, and to authorize the trustees of said school to construct said retaining walls and fences.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 645—An Act making an appropriation of \$4,000, to be expended by the trustees of the State Normal School at Los Angeles, for any assessment levied by the City of Los Angeles on the land of the State Normal School at Los Angeles, California, for pavement, sidewalk, curbs, gutters, and other improvements on Grand avenue and Fifth street, fronting on said property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 654—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans and abandoned children," approved March 25, 1880, and to repeal Chapter XXXII of the Statutes of 1883.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 507—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts, and condemnation of property therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 578—An Act to create a reclamation district to be called Reclamation District No. 774, and providing for the management and control thereof and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

During second reading of bill, the following amendments were submitted by committee:

Amend printed bill, Section 1, page 1, line 4, by inserting after the word "the" the words "east bank of the."

Amendment adopted.

Also:

Amend printed bill, Section 1, page 1, line 5, by inserting the words "north bank" after the word "the" where it first occurs in said line.

Amendment adopted.

Also:

Amend printed bill, Section 1, page 1, line 10, by inserting the words "south bank of" after the word "the" where it first occurs in said line, and inserting the words "said south bank of" after the word "along" where it occurs in said line.

Amendment adopted.

Also:

Amend printed bill, Section 1, page 1, line 11, by inserting the words "south bank of" after the word "said" where it occurs in said line.

Amendment adopted.

Also:

Amend printed bill, Section 1, page 2, lines 12 and 13, by striking out all of line 12 and all of line 13, except the word "the" where it last occurs therein, and inserting the following: "the south bank of the so-called new channel of Bear River, thence along said south bank of the new channel of Bear River to where it intersects the east boundary of section twenty-three, Tp. 13, N. R. 4 E.; thence south along said section lines to the southeast corner of said section twenty-three; thence west along section lines three miles to"

Amendment adopted.

Also:

Amend printed bill, Section 2, page 2, line 2, amend figures "744" to read "774."

Amendment adopted.

Also:

Amend printed bill, Section 2, page 3, line 7, by striking out the word "five" in said line and substituting therefor the word "seven."

Amendment adopted.

Also:

Amend printed bill, Section 2, page 3, by inserting between lines 7 and 8, the names: Alden Anderson, Geo. W. Peltier, Peter J. Shields, Charles F. Silva, Bena Scheiber, John Burns, Frank J. Michel.

Amendment adopted.

Also:

Amend printed bill, Section 2, page 3, line 9, by inserting the word "seven" before the word "trustees" in said line.

Amendment adopted.

Also:

Amend printed bill, Section 2, page 3, line 10, by striking out the word "June" and inserting in lieu thereof the word "March," and by striking out the word "six," where it occurs therein, and inserting the word "four."

Amendment adopted.

Also:

Amend printed bill, Section 2, page 3, line 11, by striking out the word "six" therein and inserting the word "four" in place thereof.

Amendment adopted.

Also:

Amend printed bill, Section 2, page 3, by inserting a new paragraph between lines 11 and 12, to read as follows: "In case of any vacancy in the office of trustee of said district, the Governor shall appoint a qualified person as trustee, who shall hold said office for the unexpired term."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 303—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 598—An Act to amend Section 1313 of the Civil Code, relating to bequests for charitable uses.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 347—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of said commission, and by amending Section 9 thereof, relating to the tenure of said commission.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, line 25, strike out after the word "commission," the " ; " down to and including the words "thereon," on line 28.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 530—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 230, relating to the adoption of children.

During second reading of bill, the following amendments were submitted by committee:

On page 1, title, line 2, strike out the figure "0" in the figures "230," and insert in lieu thereof the figure "1."

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the figure "0" in the figures "230," and insert in lieu thereof the figure "1."

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the figure "0" in the figures "230," and insert in lieu thereof the figure "1."

Amendment adopted.

Also:

On page 1, Section 1, line 9, strike out the " ." and insert in lieu thereof the following: " ; or any child to whom any person, for not less than ten years successively, has stood in the mutually acknowledged relation of a parent, and who assumed and borne the name of such acknowledged parent, shall be conclusively deemed to be the adopted child of such person without taking any of the proceedings in this chapter provided."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 626—An Act to add a new section to the Code of Civil Procedure, to be numbered 751½, relating to the effect of judgment in actions to quiet title and determine adverse claims to real property, and in actions for specific performance.

During second reading of bill, the following amendments were submitted by committee:

On page 1, title, line 2, strike out the words "and one-half," and insert in lieu thereof the letter "a."

Amendment adopted.

Also:

On page 1, Section 1, line 2, strike out the fraction " $\frac{1}{2}$," and insert in lieu thereof the letter "a."

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the word "Section."

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the fraction " $\frac{1}{2}$," and insert in lieu thereof the letter "a."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 564—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators, and guardians in certain cases.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 2, strike out the word "seven," and insert in lieu thereof the following: "eight."

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the words "proceedings to obtain order."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 597—An Act to amend Section 1 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet titles against claims of liens arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests and devises; to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved —, 1905, relating to the construction thereof and the exemption of the community property from the tax thereby imposed.

During second reading of bill, the following amendments were submitted by committee:

On page 1, title, line 12, insert after the word "approved," "March 20."

Amendment adopted.

Also:

On page 2, Section 1, line 11, insert after the word "approved," the words "March 20."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 628—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

During second reading of bill, the following amendments were offered by Senator Belshaw:

Amend Section 1, line 10, by inserting after the word "Controller," the following: "except so much thereof as may be necessary to pay the expenses and money allowed discharged prisoners under the provisions of this Act, also."

Amendment adopted.

Also:

Amend Section 1, line 25, by inserting after the word "paid," the following: "other than for the uses above named as well as for said use when there is not sufficient money in the hands of the warden."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 339—An Act to amend Section 627 of the Penal Code of the State of California, relating to hunting, shooting, and trespassing upon enclosed, cultivated and other private lands.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 650—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 20, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 217—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 536—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof defining the practice of dentistry.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 83—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school;

to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school building.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 435—An Act to amend "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act." approved March 22, 1905, by amending Subdivision 1 of Section 2 thereof, relating to the registration of motor vehicles.

WITHDRAWAL OF BILL.

Senator Lynch asked for and was granted unanimous consent to withdraw Senate Bill No. 435.

Senate Bill No. 435 withdrawn and ordered stricken from the file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 588—An Act to amend Sections 1123 and 1126 of the Code of Civil Procedure, relating to contesting certain elections.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 646—An Act supplementary to an Act entitled "An Act creating a State commission on voting and balloting machines, defining their power, and providing for the use at the option of indicated local authorities.

Bill read second time, considered engrossed, and ordered on file for third reading.

SECOND READING OF CODE REVISION BILLS.

Senate Bill No. 642—An Act to amend Section 384c of the Penal Code, relating to the injuring of animals by persons hunting.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 1. insert after "eighty-four c" the words "of the Penal Code."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 421—An Act to amend Section 1118 of the Code of Civil Procedure, relating to the setting of a day by the Superior Court for trial of contested election cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 622—An Act to repeal Section 273 of the Penal Code, as approved March 7, 1905, and to add a new section thereto, to be known as Section 273f thereof, both relating to the protection of children under eighteen years of age.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 641—An Act to amend Section 52 of the Political Code, relating to residence.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 586—An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of uniform system of county and township government.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 113—An Act to amend Sections 628, 628a, 628b, 632, and 634 of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 632b, all relating to the protection and preservation of fish.

During second reading of bill, the following amendments were submitted by committee:

Amend by adding a new section, numbered 4½, to the bill after Section 4, to read as follows:

Sec. 4½. A new section is hereby added to the Penal Code of the State of California, to be numbered 632½, to read as follows:

Section 632½. Every person who, between the first day of February and the first day of April of any year, or who, between the seventeenth day of September and the twenty-third day of October of any year, buys, sells, takes, catches, kills, or has in his possession any steelhead trout, or who between the first day of April and the first day of May of any year, takes, catches, or kills, any steelhead trout above tide water, or who at any time takes, catches, or kills, any steelhead trout, except with hook and line, or has in his possession any steelhead trout which have been taken, caught, or killed, except with hook and line; or who, at any time takes, catches, kills, or has in his possession, during any one calendar day, more than fifty steelhead trout, is guilty of a misdemeanor. Every person who offers for shipment, ships, or receives for shipment or transportation from the State of California to any place in any other State, territory, or foreign country, any steelhead or other trout caught or taken in the waters of this State, is guilty of a misdemeanor; *provided*, that the possession of such steelhead or other trout shall be prima facie evidence of the fact that such steelhead or other trout were caught or taken in the waters of this State. Every person found guilty of any violation of any of the provisions of this section must be fined in a sum not less than twenty dollars, or be imprisoned in the county jail in the county in which the conviction shall be had, not less than ten days, or be punished by both such fine and imprisonment, and all fines collected for any violation of any of the provisions of this section must be paid into the State treasury to the credit of the "Fish Commission Fund." Nothing in this section prohibits the United States Fish Commission and the Fish Commission of this State from taking at all times such trout as they deem necessary for the purpose of propagation or for scientific purposes.

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the words "(Lobster, crawfish, shrimp, etc.)."

Amendment adopted.

Also:

On page 2, Section 2, line 3, strike out the words "(Striped bass)."

Amendment adopted.

Also:

On page 2, Section 3, line 3, strike out the words "(Black bass)."

Amendment adopted.

Also:

On page 4, Section 5, line 3, strike out the words "(Sacramento perch)."

Amendment adopted.

Also:

On page 4, Section 6, lines 3 and 4, strike out the words "(Taking, sale, or possession of salmon when prohibited)."

Amendment adopted.

Also:

On page 5, Section 7, line 1, strike out the words "(Repeal of conflicting Acts)."

Amendment adopted.

Also:

Amend title by striking out the words "a new section, to be numbered 632b" and to insert in lieu thereof the words "two new sections to be numbered 632½ and 632b, respectively."

Amendment adopted.

Also:

Strike out all of Section 4, beginning at line 3, on page 2, printed bill, down to and including line 42, page 4, and insert in lieu thereof the following:

Section 632 Every person who, between the fifteenth day of November in any year and the first day of May of the year following, buys, sells, takes, catches, kills, or has in his possession, any variety of white fish or trout, except steelhead trout; or who between the first day of April, 1907, and the first day of May, 1909, takes, catches, kills, or has in his possession, any variety of golden trout; or who at any time buys, sells, or offers for sale any trout of less than one pound in weight; or who, at any time takes, catches or kills any trout, except with hook and line; or who, at any time, takes, catches, kills, or has in his possession, during any one calendar day, more than fifty trout; or who at any time takes or catches any trout, steelhead trout or salmon of less than six inches in length, without at once returning the same to the water from which it was taken or caught; or who, at any time, takes, catches, kills, or has in his possession, during any one calendar day, trout, other than steelhead trout, the total weight of which exceeds twenty-five pounds, is guilty of a misdemeanor. Every person found guilty of any violation of any of the provisions of this section must be fined in a sum not less than twenty dollars, or be imprisoned in the county jail in the county in which the conviction shall be had, not less than ten days or be punished by both such fine and imprisonment; and all fines collected for any violation of any of the provisions of this section must be paid into the State treasury to the credit of the "Fish Commission Fund." Nothing in this section prohibits the United States Fish Commission and the Fish Commission of this State from taking at all times such trout as they deem necessary for the purpose of propagation or for scientific purposes.

Senator Willis moved to amend the amendment as follows:

Amend the amendment by striking out of Section 4, line 13, the word "six," and inserting the following: "five."

Amendment to the amendment, adopted.

Amendment as amended, adopted.

Also:

All of line 3, page 1, printed bill, and all the succeeding portion of Section 1, be stricken out and in lieu thereof insert the following:

628 Every person who, between the fifteenth day of February and the fifteenth day of September of each year, buys, sells, takes, catches, kills, or has in his possession, any lobster or crawfish; or who at any time has in his possession any lobster or crawfish of less than eleven inches in length, measured from one extremity to the other, exclusive of legs, claws or feelers; or who, at any time, offers for shipment, ships, or receives for shipment or transportation, from the State of California to any place in any other State, territory, or foreign country, any dried shrimp or shrimp shells of shrimp caught or taken in the waters of this State, is guilty of a misdemeanor; *provided*, that the possession of such dried shrimp or shrimp shells shall be prima facie evidence of the fact that such dried shrimp or shrimp shells are of shrimp which were caught or taken in the waters of this State; and every person who between the first day of September and the first day of November of each year, buys, sells, takes, catches, kills, or has in his possession, any crab; or who, at any time, buys, sells, offers for sale, takes, catches, kills, or has in his possession any sturgeon or fresh sturgeon eggs, or any female crab, or any crab which shall measure less than six inches across the back, or any abalones or abalone shells of the kind known to commerce as the black abalone (*Haliotis californica*), the shell of which shall measure less than twelve inches around the outer edge of the shell, or any other abalone shells, or abalones, the shell of which shall measure less than fifteen

inches around the outer edge of the shell; or every person who takes, catches, kills, or has in his possession, any abalones or abalone shells taken from any of the waters of this State by the use of diving suits or diving paraphernalia of any kind, is guilty of a misdemeanor.

Amendment adopted.

Also, offered by Senator Nelson:

Amend by striking out of Section 2, page 2, line 5, the word "five" after the word "than" and inserting the following: "three."

Amendment adopted.

Also:

Amend by striking out of Section 2, line 9, after the word "than," the word "five," and inserting the following: "three."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the hour of recess was extended twenty minutes.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 13, 1907.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 579—An Act instructing the Commissioner of Public Works to purchase the north fifty-eight acres of Wood Island, situated in the County of Sacramento, State of California, and making an appropriation to pay for the same—have had the same under consideration, and respectfully report the same back, and recommend that the same be referred to the Committee on Finance.

PRICE, Chairman.

Senate Bill No. 579 referred to Committee on Finance.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 13, 1907.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 714—An Act to add a new section to the Political Code, to be numbered 1617a, requiring that the United States flag shall be hoisted on all public school houses and displayed in each schoolroom—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

ANTHONY, Chairman.

Senate Bill No. 714 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 13, 1907.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 711—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the terms of existence of corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BROUGHTON, Chairman.

Senate Bill No. 711 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILL—(OUT OF ORDER).

The following bill was introduced:

By Senator Keane: Senate Bill No. 752—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate.

Bill read first time, and referred to Committee on Judiciary.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON VISITING PUBLIC INSTITUTIONS.

MR. PRESIDENT: Your special sub-committee appointed under resolution of January 29, 1907, would respectfully report to the Senate that the said committee visited the Southern California Hospital at Patton, and after a thorough and careful examination of that institution found that the same has been excellently managed, and that the needs and requirements of the patients therein have been carefully and conscientiously attended to by the superintendent, Dr. Williamson, whom we wish to especially commend for his splendid work. All the officers of the institution appear to be competent and earnest and the affairs of the institution are safely and carefully administered and guarded. The roofs of the older main buildings are in very bad condition and must be at once repaired to protect the buildings, and we recommend strongly the appropriation asked for that purpose.

The grounds are in places badly cut by storm or flood waters and it is absolutely necessary to at once provide for protection of the lands of the hospital by the construction of storm ditches to carry off such flood waters, and we urge the necessity of the appropriation for that purpose.

We also believe that the welfare of the patients require the construction of the receiving cottages and hydrotherapeutic building, for which an appropriation is asked, so that the superintendent may properly diagnose the cases of new patients and determine his course of treatment.

If the cottages are built it will necessitate the construction of a new horse barn and implement shed, as the former are to be constructed on the present site of the old barn, which is somewhat dilapidated. Besides there is no place to put farm implements and vehicles under cover, and they should have a place of shelter.

As to the dairy barn appropriation requested, we think that while it would be a great advantage to the institution and should be constructed as soon as the finances of the State will permit, we at this time believe the same not absolutely essential, but recommend that it be constructed if the Finance Committee can recommend the appropriation of the money required.

At San Diego your committee examined the condition of the State Normal School and investigated the necessity of passing the \$20,000 appropriation asked for to determine the conflicting claims to tide lands along the water front of San Diego Bay.

The San Diego Normal School asks for three appropriations, as follows: Seventy thousand dollars for a training school, five thousand for sidewalk and improvement of grounds, and five thousand for repairs and additional equipment. A new training school is greatly needed. At present class-rooms in the normal building, divided by board partitions, make eight school rooms for the training department. In order to comply with the provisions of the Political Code, and give to each student in the senior year the practical work in teaching required, two teachers must instruct a training class at the same time. This is a most unsatisfactory makeshift, but is the best that can be done with present facilities. The committee reports that in so far as it has been able to observe better and more adequate buildings are provided for the insane than for the education of teachers who are to be the instructors of the youth of the land. The State should not be less devoted to the interests of the unfortunates of unsound mind, but more regardful of the interests of those who are fitting themselves to the education, culture, and refinement of the young men and women of the State. While the San Diego Normal is greatly in need of the \$70,000 appropriation for a training school, we believe that in the event the demand upon State funds by reason of the absolute necessity of restoring those State institutions which were destroyed by the great calamity of April 18, 1906, is so great as to make the whole appropriation impossible, not less than \$40,000 would enable the San Diego State Normal to complete a portion of this much-needed training school. The other appropriations of \$5,000 each can not well be reduced.

The appropriation of \$20,000 for the settlement of disputed titles of tide lands is urgent. There are several hundred acres lying along the water front and bordering on deep water now largely occupied by squatters which in fact belong to the State. These lands are rapidly growing in value. The Harbor Commissioners have during the past year done all they could to secure possession of these lands, and are now collecting about \$300 per month in rentals from occupants who have acquiesced to the right of the State to these lands. There is now due to the State on account of uncollected rents about \$6,000, which can not be collected until the question of titles is determined by the courts. Should suits be brought, and the squatters ejected, the revenue to the State would be increased many thousand dollars per year. It is imperative that these suits, and the necessary surveys to determine the former ordinary high tide line of San Diego Bay be provided for at this session of the Legislature. The tide line has shifted in places from a few feet to about 20 yards within the past fifty years, and there are but few living witnesses, and they are advanced in years, who can testify to the location of the former tide lines. The State by making this appropriation can recover lands worth many hundred thousand dollars, and within a very few years will be worth many times its present value. A new transcontinental railroad is now being built from San Diego eastward, and a new steamship line from New York with San Diego as its first American

port has recently been established. These new enterprises mean much for the future development of the southern part of the State, and are causing the tide lands on San Diego Bay to increase rapidly in value. Your committee, therefore, report that this appropriation is one of great importance to the State.

We also examined into the proposition of selling the normal school site in Los Angeles, and after visiting the present site and buildings, became convinced that a much better site could be obtained, and much more favorable conditions created by removal from the present location. The present site is near the heart of the city and stands on a hill without any way of reaching the buildings except by walking or driving, and we are advised and believe that such conditions are not conducive to the preservation of the health of young, growing girls. We also made many inquiries of citizens of Los Angeles, who are disinterested, concerning values, and find that the minimum sale price fixed by the bill now in the Senate is considerably above actual value. We are all of the opinion that the site should be sold if that can be accomplished under the terms of Senate Bill No. 16. We would also recommend that the pending bill be so amended that out of the purchase price, not to exceed \$50,000, may be invested in a new site to be selected by the trustees, and that the trustees in the purchase of a new site, and the building and equipping of a new normal school, shall not expend an amount exceeding the sum received for the present site.

Your committee also visited the State Asylum at Agnews. As is pretty generally known to the members of the Senate, the buildings at this institution were entirely demolished by the earthquake of April last, and a deplorable loss of life ensued. The management at the asylum is to be commended for the able manner in which, under trying conditions, they have managed the affairs of the institution and brought order out of chaos. The committee are of the opinion that the appropriation asked for will be required to rebuild the necessary buildings, but would recommend that the amount be so divided that it may be made available from more than one tax levy, thus extending the amount appropriated over several years.

The committee also visited the San José State Normal School, and found the building in an absolutely useless condition, and practically destroyed, so far as its use or safety is concerned. The building is unoccupied and fenced with a safety fence to keep out the general public and the students of the school. The school is now being held in rough board barracks or temporary buildings on the grounds, which are unsanitary and inadequate for use. The committee believe the appropriation necessary, but would suggest that the amount be portioned out similar to that proposed for Agnews.

The visit of your committee to the San Luis Obispo Polytechnic School found there a very earnest and enthusiastic corps of officers, who have the sincere welfare of the school at heart. As to the appropriations asked for, the committee ascertained that one of the dormitories could be got along without for the present, and suggest the appropriation be reduced from \$50,000 to \$25,000. Also, that the \$25,000 appropriation asked for shops and equipment be reduced to \$20,000.

Respectfully submitted.

PRICE, Chairman Special Sub-Committee.

PERMISSION TO EXPLAIN VOTE GRANTED.

Senator Caminetti asked for and was granted permission hereafter to explain his vote on Senate Constitutional Amendment No. 31, said explanation to be printed in the Journal.

ADJOURNMENT.

At twelve o'clock and fifty minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, February 14, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 13, 1907, the further reading was dispensed with, on motion of Senator Curtin.

QUESTION OF PERSONAL PRIVILEGE.

Senator Anderson arose to a question of personal privilege, and addressed the Senate for the purpose of correcting certain false impressions and statements accredited to himself in an alleged interview published yesterday in the Sacramento "Star."

BILL RECALLED FROM ENGROSSMENT FOR PURPOSE OF AMENDMENT.

Senator Belshaw asked for and was granted unanimous consent to have Senate Bill No. 113 recalled from engrossment and taken up for the purpose of amendment.

Senate Bill No. 113—An Act to amend Sections 628, 628a, 628b, 632, and 634 of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 632b, all relating to the protection and preservation of fish.

Having been recalled from engrossment, the following amendment was offered by Senator Belshaw:

Amend by striking out of Section 2, line 4, page 3 of the printed bill, the words "or has in his possession for sale," and insert in lieu thereof the following: "or takes, catches, kills, or has in his possession."

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

PETITION.

The following petition was presented by Senator Wright, and ordered printed in the Journal:

To His Excellency, James N. Gillett, Governor of California, and to the Senate, and to the Assembly, of the State of California.

We, the undersigned citizens of California, send greeting:

And we hereby earnestly petition your favorable action in passing at the present session of the Legislature remedial legislation on the subject of divorce substantially as set forth in Senate Bills Nos. 402, 403, 404, 405, and 406; providing, (1) for divorce from bed and board, and personal service on defendant whether within or without the State, and for restriction of migratory divorces; (2) for requiring the district attorney to appear in all divorce proceedings in his county in behalf of the State to prevent collusion or fraud, or a one-sided presentation of default cases; (3) for making it a misdemeanor crime to be guilty of any of the acts or omissions that constitute a ground for divorce, or to be guilty of collusion or fraud in divorce proceedings; (4) providing for service of summons and all other papers in divorce cases on the district attorney, and giving the co-respondent in adultery cases notice and right to intervene.

And in support of our petition we recite the significant facts: (1) That the number of divorces has increased to an alarming extent, illustrated by the fact that in Los Angeles County in 1905 one divorce case was filed to every four marriage licenses issued; (2) Judges estimate that in ninety per cent (90%) of divorce cases there is no appearance by defendant; (3) More than one half the divorces granted in California are for trivial causes, such as desertion and failure to provide; (4) The best thought and civic conscience of our entire nation is now being aroused to a recognition of the alarming growth of the divorce evil, a fact recognized by the President of the United States in his last annual message to Congress.

We plead (1) for a more practical and more just system of sifting out the right and wrong in divorce cases; (2) for the right to demand legal separation only, where the injured one in marital troubles has conscientious scruples against absolute divorce; (3) for the appropriate punishment of those who wilfully violate the solemn obligations

of the sacred marriage vow; (4) for the more adequate protection of the sacred marriage relation; and (5) for the stability and permanence of the home, because the home is the rock upon which both the state and the nation are founded, and if the home decays, both state and nation must crumble and fall

H. D. Williamson, Santee, Cal.; P. A. Mintor, El Cajon; C. M. Johnnie, El Cajon; J. A. Weitzel, El Cajon; Eug. Stache, El Cajon; H. Culbertson, Santee; M. V. Bottroff, A. H. Sheldon, El Cajon; W. R. Hulbert, El Cajon; Thos. Ballantyne, El Cajon; J. H. Dodson, El Cajon; Albert Bronner, El Cajon; Edward Judson, Bostonia; A. R. Asher, Louis E. Smith, El Cajon; P. Morrison, Santee; C. H. Abernethy, El Cajon.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 513—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Assembly Bill No. 522—An Act to amend an Act entitled "An Act to regulate the work and hours of employes engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof." Also: Assembly Bill No. 378—An Act to amend Section 1388 of the Civil Code, relating to succession to the estates of illegitimates.

Also: Assembly Bill No. 415—An Act providing that in any city or city and county in this State where by general law or by charter the board of police commissioners of such city or city and county is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts, and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders, and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Also: Assembly Bill No. 455—An Act providing that, in any city or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violation of any such rules and regulations, all such rules and regulations must be reasonable, and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department, and in connection with the rule or regulation to which the same is intended to apply, and provided further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Also: Assembly Bill No. 389—An Act entitled "An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay, the salaries of the chief deputy clerk and the deputy clerks of the Supreme Court."

Also: Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901.

Also: Assembly Bill No. 512—An Act regulating the hours of labor of women, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

Also: Assembly Bill No. 256—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Also: Concurred in Senate amendments to Assembly Bill No. 4—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Also: Assembly Bill No. 111—An Act relating to senior rights of members of paid police departments of counties, cities and counties, cities or towns.

Also: Assembly Bill No. 429—An Act making an appropriation to pay the claim of C. W. R. Koke, for services performed as acting guardian at the Marshall monument, at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same (the payment of which claim has been approved by the State Board of Examiners, in accordance with the provisions of law).

Also: Adopted Assembly Concurrent Resolution No. 17—Relative to Washington's birthday exercises.

Also: Amended and passed as amended Senate Bill No. 85—An Act to amend Section 595 of the Political Code, relating to the general duties of an insurance commissioner—and respectfully request your honorable body to concur in same.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 513, 522, 512, and 256 read first time, and referred to Committee on Labor, Capital and Immigration.

Assembly Bills Nos. 378 and 491 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 415 and 455 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 389 read first time, and referred to Committee on Finance.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION.

Senator McCartney asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 17 taken up for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 17.

Relating to Washington Birthday exercises.

Resolved by the Assembly, the Senate concurring. That the Senate and Assembly meet in joint session at an hour and place to be selected by the committee, as hereinafter provided, on February 22d for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

Resolved. That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate to arrange a program of exercises, and to provide a place and fix the time of said joint meeting, said committees to be appointed by the Speaker of the Assembly and President of the Senate, respectively, and any expense incurred to be paid equally by the Assembly and Senate out of their contingent funds.

Assembly Concurrent Resolution No. 17 adopted, and ordered transmitted to the Assembly.

ASSEMBLY AMENDMENTS CONCURRED IN.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 85?"

Amend by inserting in Section 1, on line 38, second page, printed bill as engrossed, after the word "if," the following: "in."

Also: Amend by striking out the word "any" of Section 1, on line 38, second page, printed bill as engrossed, and inserting in lieu thereof the following: "the."

Also: Amend by inserting in Section 1, line 42, page 2 of printed bill as engrossed, after the word "transferred," the following: "remove or cause to be removed."

The roll was called, and Assembly amendments to Senate Bill No. 85 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Hartman, Irish, Keane, Kennedy, Lynch, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Senate Bill No. 85 ordered to enrollment.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Anderson:

Resolved, That Assembly Bill No. 256 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Carter, Curtin, Hartman, Irish, Keane, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—Senators Boynton, Caminetti, Cartwright, Kennedy, and Sanford—5.

CASE OF URGENCY.

Assembly Bill No. 256—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Bill read second time.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Carter as a special committee of one, to amend as follows:

On line 46, page 2 of printed bill, strike out the word "and," and after the word "connections" insert the words "and use of such track at such places."

Also: After the semicolon on line 43, page 2 of printed bill, insert the words: "*Provided*, that whenever any other railroad corporation shall desire to run its trains in any place where it is impracticable for physical reasons, or otherwise, to lay a track in addition to the track or tracks already existing, such other railroad corporation shall have the right to use the tracks of the corporation first acquiring the right of way in such place or places, only on such conditions as may be agreed upon between corporations."

SPECIAL ORDER SET.

Senator Anderson moved that the further consideration of the above motion to refer to a special committee of one be postponed and made a special order for this day at two o'clock P. M.

Motion carried.

PRIVILEGES OF THE SENATE EXTENDED.

On motion of Senator Belshaw, unanimously carried, the privileges of the Senate were extended to ex-Senator C. N. Felton.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 13, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 658—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

Also: Senate Bill No. 722—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Also: Senate Constitutional Amendment No. 34—A resolution to propose to the people of the State of California the amendment of Section 26 of Article IV of the Constitution of said State, relating to lotteries and to fictitious sales of corporate stock, etc.

Also: Assembly Bill No. 383—An Act to amend the Civil Code, by adding a new section thereto, to be numbered 1828, relating to delivery or payment of deposit made in the names of two or more persons.

Also: Senate Bill No. 77—An Act to amend Section 205 of the Code of Civil Procedure relating to the qualifications of jurors.

Also: Assembly Bill No. 581—An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 102—An Act to amend Section 198 of the Code of Civil Procedure relating to the qualifications of jurors.

Also: Assembly Bill No. 408—An Act to add a new section to the Political Code, to be numbered Section 2656, and relating to the division of general road funds, upon the incorporation of municipalities, or annexation to municipalities.

Also: Assembly Bill No. 134—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in justices' courts.

Also: Assembly Bill No. 24—An Act to amend the Penal Code of the State of California by adding thereto a new section to be known and designated as Section 602a, relating to the tearing down of fences and the opening of gates, bars and fences and the hunting upon lands of another, and the killing, maiming or wounding of any animal, and the leaving of camp fires burning or unextinguished.

Also: Senate Bill No. 708—An Act to amend Section 608 of the Penal Code, and to add two new sections thereto, to be numbered 608a and 608b, all relating to the burning, injuring, or setting adrift rafts or vessels.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 135—An Act to amend Section 976 of the Code of Civil Procedure, relating to appeals to superior courts—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 344—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, concerning the listing of grand and trial jurors.

Also: Senate Bill No. 309—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

Have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

WOLFE, Chairman.

Senate Bills Nos. 658, 722, 77, 102, 708, and 344 ordered on file for second reading.

Senate Constitutional Amendment No. 34 ordered on file.

Assembly Bills Nos. 383, 581, 408, 134, 24, and 135 ordered on file for second reading.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Assembly Bill No. 508—An Act to amend Section 172 of the Penal Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

IRISH, Chairman.

Senate Bill No. 508 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 698—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, and the Act amendatory thereof, approved March 11, 1887, by changing the division line between said San Benito County and Monterey County so as to include in said San Benito County a part of said Monterey County, and in said Monterey County a part of said San Benito County.

Also: Senate Bill No. 648—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county and township officers of counties of the fourth class.

Also: Assembly Bill No. 3—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 19, 1903, and amended March 20, 1905, by adding Subdivision 19 thereto.

Also: Assembly Bill No. 493—An Act to amend Section 173 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, as amended March 20, 1905, relating to county and township officers of counties of the sixteenth class.

Also: Assembly Bill No. 460—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved March 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of officers of counties of the forty-sixth class.

Also: Assembly Bill No. 506—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 212 thereof, relating to the compensation of officers of counties of the fifty-fifth class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 267—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties, equitably chargeable to San Benito County," approved March 11, 1887, rectifying and rendering more certain the boundaries thereof.

Also: Senate Bill No. 48—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897 relating to the officers of a township.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors withdraw same.

CARTER, Chairman.

Senate Bills Nos. 698 and 648 ordered on file for second reading.

Assembly Bills Nos. 3, 493, 460, and 506 ordered on file for second reading.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 18—An Act to amend Section 1192 of the Political Code, relating to certificates of nomination, time for filing the same, withdrawal of candidates, how done, and the manner of filling vacancies.

Also: Senate Bill No. 19—An Act to amend Section 1189 of the Political Code, relating to certificates of nomination.

Also: Senate Bill No. 40—An Act to amend Section 1192 of the Political Code of the State of California, relating to the certificates of nomination and the filing thereof.

Also: Senate Bill No. 255—An Act to amend Sections 1079, 1115, and 1192 of the Political Code, relating to elections and election expenses.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors withdraw the same.

WALKER, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 567—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

Also: Senate Bill No. 584—An Act making an appropriation of two hundred and fifty dollars (\$250) for the purchase of a certain spring of water near the John Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.

Also: Senate Bill No. 585—An Act making an appropriation of five hundred dollars (\$500) for the purpose of repairing and preserving the John Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.

Also: Senate Bill No. 696—An Act making an appropriation to pay the claim of Victor Heck against the State of California.

Also: Senate Bill No. 706—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Also: Senate Bill No. 707—An Act appropriating \$4,500 to pay the claim of J. B. Lauck.

Also: Senate Bill No. 697—An Act making an appropriation of \$4,000 to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out provisions of an Act entitled "An Act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the old theater property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties," approved February 21, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 175—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 377—An Act appropriating money to pay the funeral expenses of the late Controller, Edward P. Colgan—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

BELSHAW, Chairman.

Senate Bills Nos. 567, 584, 585, 696, 706, 707, and 697 ordered on file for second reading.

Assembly Bill No. 175 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 454—An Act to amend Section 637a of the Penal Code of California, and to add thereto four new sections, to be numbered 637b, 637c, 637d, and 637e, all relating to protection of wild birds, other than game birds, and their nests and eggs—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

WELCH, Chairman.

Senate Bill No 454 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 298—An Act to add a new section to the Political Code of the State of California, to be numbered sixteen hundred and twenty-five, and relating to penalties of boards of trustees and city boards of education for non-fulfillment of their official duties.

Also: Assembly Bill No. 306—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and amended March 20, 1905, by amending Sections 3, 4, 5, and 6, of said Act, and by adding a new section to said Act to be numbered Section 7½.

Also: Assembly Bill No. 319—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents so as to provide for transferring the funds of lapsed school districts to the districts into which they are merged.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 307—An Act amending Section 1665 of the Political Code of the State of California, relating to studies to be taught in the primary and grammar schools.

Also: Assembly Bill No. 509—An Act to amend Section 1663 of the Political Code, relating to duties of county boards of education.

Also: Assembly Bill No. 558—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books by the several counties or cities and counties of the State.

Also: Assembly Bill No. 485—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the addition of territory thereto and taxation thereof.

Also: Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relative to duties of the text-book committee.

Also: Assembly Constitutional Amendment No. 8—Resolution to amend Section 6 of Article IX of the Constitution of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 270—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer of State in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass and be re-referred to the Committee on Finance.

ANDERSON, Chairman.

Assembly Bills Nos. 298, 306, 319, 307, 509, 558, 485, and 543 ordered on file for second reading.

Assembly Constitutional Amendment No. 8 ordered on file.

Senate Bill No. 270 referred to Committee on Finance.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 187—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Also: Assembly Concurrent Resolution No. 14—Approving two certain amendments to the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said city of Eureka at a general municipal election held therein on the 19th day of June, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SAVAGE, Chairman.

Senate Bill No. 187 ordered on file for second reading.

Assembly Concurrent Resolution No. 14 ordered on file.

ON INSURANCE AND INSURANCE LAWS.

SENATE CHAMBER, SACRAMENTO, February 13, 1907.

MR. PRESIDENT: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 685—An Act relating to vouchers for certain disbursements by life insurance companies in the State.

Also: Senate Bill No. 684—An Act relating to annual reports of life insurance companies.

Also: Senate Bill No. 684—An Act permitting the retirement of capital stock of mutual life insurance corporations in certain cases.

Also: Senate Bill No. 691—An Act providing that life insurance policies shall constitute the entire contract.

Also: Senate Bill No. 690—An Act defining the status of persons soliciting life insurance.

Also: Senate Bill No. 689—An Act to prohibit certain misrepresentations as to life insurance, and to provide penalties therefor.

Also: Senate Bill No. 692—An Act prohibiting the use for political purposes of property of certain life insurance companies.

Also: Senate Bill No. 680—An Act to repeal Section 444 of the Civil Code, relating to investments by certain life, health, and accident insurance corporations.

Also: Senate Bill No. 681—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 3, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 682—An Act to amend an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 21, 1905.

Also: Senate Bill No. 679—An Act to amend Section 421 of the Civil Code of the State of California, relating to amounts to be reserved by life insurance companies.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 686—An Act relating to the compensation of and contracts with officers, trustees, directors, and employees of life insurance companies—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

LEAVITT, Chairman.

Senate Bills Nos. 685, 683, 684, 691, 690, 689, 692, 680, 681, 682, 679, and 686 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a board of bank commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto, and repealing Section 580 of the Civil Code.

Senate Bill No. 545—An Act to provide for the acquisition, equipment and use of a railway car for the purpose of distributing live fish and stocking the waters of this State with fish, and making an appropriation therefor.

Senate Bill No. 91—An Act to add a new section to the Penal Code, to be numbered Section 1520, relating to the holding of inquests by the coroner.

Senate Bill No. 432—An Act to amend the title and Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors, other than ex-Union soldiers and sailors, of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities" (Approved March 29, 1903)

Senate Bill No. 609—An Act creating a contingent fund for the use of the State prison at San Quentin and making an appropriation therefor to be expended for the objects hereinafter specified; for the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the purchase and installation of a ventilating system for the jute mill, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors

Senate Bill No. 611—An Act providing for the maintenance of a residence for the Governor of the State of California, and providing the salaries of the necessary employés and servants selected and employed by the Governor therein, and for the appropriation of necessary moneys for such purpose, and directing the State Controller to issue warrants upon the general fund, and directing the State Treasurer to pay said warrants.

Senate Bill No. 558—An Act to grant rights of way over the public lands of the State of California for ditches, tunnels, and telephone and transmission lines.

Senate Bill No. 275—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.

Senate Bill No. 341—An Act providing for an appropriation of \$8,000 for the purpose of purchasing additional land along the south line of "L" street, between Twenty-sixth and Twenty-eighth streets, in Sacramento City, so as to extend and improve the grounds in and about "Sutter's Fort."

Senate Bill No. 610—An Act creating a contingent fund for the use of the State prison at Folsom, and making an appropriation therefor to be expended for the objects hereinafter specified; for the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Senate Bill No. 514—An Act to amend Section 2955 of the Civil Code of California, relating to what personal property may be mortgaged by adding two new subdivisions thereto, providing that saw milling machinery and outfits used therewith may be mortgaged.

Senate Joint Resolution No. 10—Relative to modification of rules regarding issuance of patents to mining claims

Senate Bill No. 533—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof relating to the salaries of county and township officers in counties of the thirty-sixth class and repealing all conflicting Acts

Senate Bill No. 425—An Act to amend Section 439 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Judiciary Committee Substitute for Senate Bills Nos. 227 and 346—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment.

Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to the extension of the terms of existence of corporations

Senate Bill No. 477—An Act to amend Section 109 of the Penal Code, relating to assisting prisoners, paroled prisoners, and escapes to escape.

Senate Bill No. 464—An Act to amend the Political Code of the State of California, by adding eight new sections thereto to be numbered 338, 339, 339a, 339b, 339c, 340, and 340a, under a new article, to be numbered thirteen (13), to be added to chapter two (2) title one (1), part three (3) of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

Senate Bill No. 22—An Act to regulate the removal of members of paid police departments of counties, cities and counties cities or towns.

Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Senate Bill No. 470—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Senate Bill No. 489—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3½, providing for petitions of remonstrance and written objections, hearings thereon, and the determination thereof by the city council.

Senate Bill No. 490—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 396, 545, 91, 432, 609, 611, 558, 275, 341, 610, 514, 533, 425, 477, 464, 22, 240, 470, 489, and 490 ordered on file for third reading.

Senate Joint Resolution No. 10 ordered on file.

Committee Substitute for Senate Bills Nos. 227 and 346 ordered on file for third reading.

Senate Constitutional Amendment No. 31 ordered on file.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 13, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred: *Resolved*, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Secretary of Senate in the sum of \$100 for rubber stamps, expressage, and postage, the same payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Nelson, Price, Reily, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

WITHDRAWAL OF BILLS.

Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Bill No. 309.

Senate Bill No. 309 withdrawn and ordered stricken from the file.

Senator Lynch asked for and was granted unanimous consent to withdraw Senate Bill No. 267.

Senate Bill No. 267 withdrawn and ordered stricken from the file.

Senator Savage asked for and was granted unanimous consent to withdraw Senate Bill No. 48.

Senate Bill No. 48 withdrawn and ordered stricken from the file.

Senator Keane asked for and was granted unanimous consent to withdraw Senate Bills Nos. 18 and 19.

Senate Bills Nos. 18 and 19 withdrawn and ordered stricken from the file.

Senator Anthony asked for and was granted unanimous consent to withdraw Senate Bill No. 255.

Senate Bill No. 255 withdrawn and ordered stricken from the file.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 40.

Senate Bill No. 40 withdrawn and ordered stricken from the file.

Senator Belshaw asked for and was granted unanimous consent to withdraw Senate Bill No. 377.

Senate Bill No. 377 withdrawn and ordered stricken from the file.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 686.

Senate Bill No. 686 withdrawn and ordered stricken from the file.

RESOLUTION.

The following resolution was offered:

By Senator Willis:

Resolved, That Senate Bill No. 586 be recalled from engrossment and re-referred to the Committee on Judiciary, so that certain committee amendments which are being prepared may be reported to the bill, to retain place on file.

Resolution read and adopted.

BILL, RECALLED FROM ENGROSSMENT AND RE-REFERRED TO COMMITTEE.

Whereupon Senate Bill No. 586—An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of uniform system of county and township government—was recalled from engrossment and re-referred to the Committee on Judiciary, to retain its place on file.

MOTION.

On motion of Senator Willis, the following report was ordered printed in the Journal:

SUPPLEMENTAL REPORT ON THIRD-READING FILE CODE REVISION BILLS.

SACRAMENTO, February 14, 1907.

To the Senate Judiciary Committee.

GENTLEMEN: The explanation of the amendments in all Code revision bills, except the following, are contained in the Senate Journal of the 11th instant. The reasons for the five remaining bills on said file, are as follows:

Senate Bill No. 642. Section 384c, Pen. C.

The word "or" is substituted for the word "and," after the word "willfully," to correct an error.

Senate Bill No. 421. Section 1118, C. C. P.

The words "a special session" are eliminated, there being, under the new Constitution, no "special sessions" of the Superior Court.

Senate Bill No. 622. Section 273, Pen. C.

There are at present two sections on different subjects numbered 273 in the Penal Code. The bill repeals the Section 273 approved March 7, 1905, and reenacts it as Section 273f.

Senate Bill No. 641. Section 52, Pol. C.

Omits present subdivision six, declaring that the residence of an unmarried minor who has a parent cannot be changed either by him or his guardian. The present provision appears to be inconsistent with Section 1753 of the Code of Civil Procedure.

Senate Bill No. 586. Sections 4000-4326, incl., Pol. C.

This is a codification of the County Government Act of 1897, amended to date, and of the Fee Bill of 1895. A detailed explanation of the various sections is set forth in the Senate Journal of February 4, 1907.

Respectfully submitted.

WILLIS,

Chairman Senate Judiciary Sub-Committee on Code Revision Bills.

WITHDRAWAL OF BILL.

Senator Anderson asked for and was granted unanimous consent to withdraw Senate Bill No. 239—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1873, by amending Section 465, relating to the powers of railroad corporations.

Senate Bill No. 239 withdrawn and ordered stricken from the file.

MOTION TO RECONSIDER POSTPONED, AND SPECIAL ORDER STRICKEN FROM FILE.

The hour having arrived for the consideration of the special order, heretofore set, and in compliance with his notice given on Friday, February 8, 1907, Senator Carter moved that the vote whereby Senate Bill No. 105—An Act to prevent the waste of water from artesian wells, and prescribing penalties therefor, and defining artesian wells and waste—was passed, be now reconsidered.

The motion was duly seconded.

Senator Willis moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 105 was passed be postponed indefinitely and Senate Bill No. 105 be stricken from the file.

Motion carried.

MOTION TO RECONSIDER AND CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order, heretofore set, and in compliance with his notice given on Friday, February 8, 1907, Senator Curtin moved that the vote whereby Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article XII thereof by amending Sections 19 and 22 thereof, and by striking therefrom Section 23 of said article, and renumbering said article so that section number 24 of said article shall be number 23, thereby abolishing the office of Railroad Commissioner, and transferring the duties now prescribed for said Railroad Commissioner to the State Board of Equalization—was refused adoption, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Curtin moved a call of the Senate.

Motion carried.

Time, eleven o'clock and thirty minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Markey, McKee, Muenter, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and thirty-seven minutes A. M., Senators Irish and Lynch were brought to the bar of the Senate and, on motion of Senator Hartman, excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and forty-five minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Broughton.

The roll was called.

Whereupon the President announced that the motion to reconsider was lost, by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Caminetti, Carter, Cartwright, Curtin, Kennedy, Lynch, McKee, Muentner, Rolley, Rush, Sanford, Savage, Walker, and Wright—17.

NOES—Senators Anthony, Bates, Black, Boynton, Broughton, Hartman, Irish, Keane, Leavitt, Markey, Nelson, Price, Rambo, Reily, Weed, Welch, Willis, and Wolfe—18.

MOTION TO RECONSIDER AND CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order, heretofore set, and in compliance with his notice given on previous day, Senator Anthony moved that the vote whereby Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among such practitioners in the State of California—was refused passage, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Keane, Kennedy, Lynch, Markey, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—Senator Irish—1.

The question being on the passage of the bill.

SPECIAL ORDER SET.

Senator Anthony moved that the further consideration of Senate Bill No. 440 be postponed and made a special order for Friday, February 15, 1907, at eleven o'clock and thirty minutes A. M.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Hartman: Senate Bill No. 753—An Act to amend Section 1027 of the Code of Civil Procedure, relating to costs of appeal.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 754—An Act making an appropriation for the contingent expenses of the Senate for the thirty-seventh session of the Legislature.

Bill read first time, and ordered on file without reference to committee.

RUSH ORDER TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for printing Senate Bill No. 754.

SPECIAL ORDER SET.

Senator Belshaw moved that the consideration of Senate Bill No. 754 be made a special order for this day at three o'clock P. M.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

By Senator Keane: Senate Bill No. 755—An Act to amend an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880, by adding a new section, number 9, relating to furnishing the series of school text-books published by this State, to institutions in this State, conducted for the support and maintenance of minor orphans, half orphans, and abandoned children, and to appropriate money for the purchase of said text-books.

Bill read first time, and referred to Committee on Education.

By Senator Wright: Senate Bill No. 756—An Act to amend Section 1042 of the Penal Code, relating to trials.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 757—An Act to prevent the propagation by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator McKee: Senate Bill No. 758—An Act to create a reclamation district to be called "Reclamation District No. 800," and providing for the control and management thereof.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 759—An Act amending an Act entitled "An Act to provide for the appointment of a Board of Sutter's Fort Trustees and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection, and improvement of said property," approved March 7, 1891.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Price: Senate Bill No. 760—An Act to add a new section to the Political Code, to be numbered 759, relating to the appointment and employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said Code.

Bill read first time, and referred to Committee on Judiciary.

By Senator Savage: Senate Bill No. 761—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 762—An Act to amend Section 590 of the Penal Code, and to add a new section to said code to be numbered Section 590a, relating to the removal, injury, destruction, breaking or defacing of mile boards, posts or stones, or guide posts on or near highways; to the punishment thereof and to the disposition of fines collected therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Miller: Senate Bill No. 763—An Act to amend Sections 2748, 2749, 2754 and 2771 of the Political Code, to repeal Section 2761 thereof, and to add a new section thereto to be numbered 2771½, relating to permanent road divisions.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 764—An Act to amend sections numbered 1, 2, and 3 of an Act entitled "An Act requiring the recording of maps of

cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purpose of sale, and providing a penalty for the selling or offering for sale of lots or tracts in cities, towns, additions to cities, towns, subdivisions thereof, before such maps are filed and recorded," approved March 9, 1893.

Bill read first time, and referred to Committee on Judiciary.

By Senator Weed: Senate Bill No. 765—An Act to accept from E. F. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of the improvements, buildings and furnishings therein at La Tour Soda Springs, in Shasta County, and appropriating the sum of \$3,000 for the purpose of purchasing ten acres or more of land, and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place and health resort for aged, indigent ex-soldiers, sailors and marines of the United States Army, and to be known as Winslow Veterans' Home, and to provide for the government thereof by the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Irish: Senate Bill No. 766—An Act to create a fund, to be known as the United States Forest Reserve Fund, and to provide for the payment out of said fund to the treasurers of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid.

Bill read first time, and referred to Committee on Forestry and Water Preservation.

By Senator Walker: Senate Bill No. 767—An Act to amend the Political Code, by adding a new section thereto, to be numbered 1115a, requiring the county clerks and the registrar of voters of the city and county of San Francisco to furnish the Secretary of State with a certified copy of the index and supplements to the great register.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Concurrent Resolution No. 13—Approving an amendment to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the first day of August, 1906.

Senate Concurrent Resolution referred to Committee on Municipal Corporations.

RUSH ORDER TO PRINTER.

On motion of Senator Walker, the Secretary was directed to issue a rush order for printing Senate Concurrent Resolution No. 13.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

By Senator Willis: Senate Bill No. 768—An Act to promote the horticultural interests of the State by providing county commissions of horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 31, 1897, and amended and approved March 20, 1905.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

By Senator Black : Senate Bill No. 769—An Act to repeal Title XVI, of Part IV, of Division First, of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI, to take the place thereof in said Code, relating to land and building corporations, also called building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.

Bill read first time, and referred to Committee on Corporations.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 699—An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and repealing all Acts or portions of Acts in conflict herewith—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RUSH, Chairman.

Senate Bill No. 699 ordered on file for second reading.

APPOINTMENT OF SPECIAL COMMITTEE.

The President announced that, in accordance with Assembly Concurrent Resolution No. 17, adopted on this day, he had appointed Senators Belshaw, Savage, and Cartwright as a Committee on Washington Birthday Exercises, to act jointly with a similar committee of the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 587—An Act to make an appropriation for the location, survey and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.

Senate Bill No. 57—An Act appropriating money to pay expenses necessary for the proper representation of the State of California, and of an exhibit of the products thereof, at the proposed International or World's Exposition to be held in the City and County of San Francisco in 1913, commemorative of the four hundredth anniversary of the discovery of the Pacific Ocean by Vasco Nunez Balboa, and to provide for commissioners thereof.

Senate Bill No. 64—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

Senate Bill No. 65—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriation for the same.

Senate Bill No. 73—An Act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern California State Hospital, and along highways adjacent thereto, for the protection of the said lands and of the buildings thereon, and to make appropriation for the same.

Senate Bill No. 185—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Senate Bill No. 188—An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Senate Bill No. 189—An Act authorizing and directing the construction and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 587, 57, 64, 65, 78, 185, 188, and 189 ordered on file for third reading.

LEAVES OF ABSENCE.

Senators Kennedy, Carter, Sanford, and Price were, on motion of Senator Price, granted leave of absence for Friday and Saturday, February 15, 1907, and February 16, 1907, respectively.

Senator Wright was, on motion of Senator Price, granted leave of absence for Saturday, February 16, 1907.

On motion of Senator Price, leave of absence was granted to the Sergeant-at-Arms of the Senate, J. Louis Martin, for Friday and Saturday, February 15, 1907, and February 16, 1907, respectively.

RECESS.

At twelve o'clock and fifteen minutes P. M., on motion of Senator Wolfe, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read :

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 190—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Senate Bill No. 232—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.

Senate Bill No. 234—An Act to provide for repairing and plumbing, installing new bathtubs and toilets, and laying a cement flooring and repairing the walls in the bath-rooms and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Senate Bill No. 398—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed at the Napa State Hospital, and laying a pipe line from said reservoir and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.

Senate Bill No. 453—An Act making an appropriation for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.

Senate Bill No. 644—An Act to appropriate \$2,500 for the construction of retaining walls and fences on the boundary lines of the site of the State Normal School at Los Angeles, California, and authorize the trustees of said school to construct said retaining walls and fences.

Senate Bill No. 645—An Act making an appropriation of \$4,000 to be expended by the trustees of the State Normal School at Los Angeles, for any assessments levied by the City of Los Angeles, on the land of the State Normal School of Los Angeles, California, for pavement, sidewalk, curbs, gutters and other improvements, on Grand Avenue and Fifth Street, fronting on said property.

Senate Bill No. 654—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans and abandoned children," approved March 25, 1880, and to repeal Chapter XXXII of the Statutes of 1883.

Senate Bill No. 507—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts, and condemnation of property therefor.

Senate Bill No. 598—An Act to amend Section 1313 of the Civil Code, relating to bequests for charitable uses.

Senate Bill No. 339—An Act to amend Section 627 of the Penal Code of the State of California, relating to hunting, shooting, and trespassing upon enclosed, cultivated and other private lands.

Senate Bill No. 650—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

Senate Bill No. 536—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof, defining the practice of dentistry.

Senate Bill No. 588—An Act to amend Sections 1123 and 1126 of the Code of Civil Procedure, relating to contesting certain elections.

Senate Bill No. 646—An Act supplementary to an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts in any county or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections; providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903," and providing for the testing and inspection of such machines.

Senate Bill No. 421—An Act to amend Section 1118 of the Code of Civil Procedure, relating to the setting of a day by the Superior Court for trial of contested election cases.

Senate Bill No. 622—An Act to repeal Section 273 of the Penal Code, as approved March 7, 1905, and to add a new section thereto, to be known as Section 273f thereof, both relating to the protection of children under eighteen years of age.

Senate Bill No. 641—An Act to amend Section 52 of the Political Code, relating to residence.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 190, 232, 234, 398, 453, 644, 645, 654, 507, 598, 339, 650, 536, 588, 646, 421, 622, and 641 ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set this day, being the further consideration of a motion to refer to a special committee of one to amend Assembly Bill No. 256—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations—the same was taken up.

The question being on the motion to refer to a special committee of one for the purpose of amendment.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bell, Boynton, Caminetti, Cartwright, Curtin, Lukens, Rush, and Sanford—8.

NOES—Senators Anderson, Bates, Black, Broughton, Carter, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Reilly, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—26.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 256 finally passed by the following vote:

AYES—Senators Anderson, Bates, Black, Broughton, Caminetti, Carter, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Muenter, Nelson, Price, Rambo, Reilly, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—Senators Bell, Boynton, Cartwright, Curtin, Rush, Sanford, and Welch—7.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Caminetti gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 256 was this day finally passed.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 91—An Act to add a new section to the Penal Code, to be numbered Section 1520, relating to the holding of inquests by the coroner.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 91 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Carter, Cartwright, Kennedy, Leavitt, Lukens, Lynch, McCartney, McKee, Muentner, Nelson, Rambo, Sanford, Savage, Walker, Weed, Willis, and Wolfe—24.

NOES—Senators Irish, Keane, Markey, Reily, and Wright—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 465—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigating districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Senate Bill No. 465 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 280—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Rush moved that Senate Bill No. 280 be withdrawn and stricken from the file, and Assembly Bill No. 217 be substituted therefor.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 217—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 217 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Irish, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reiley, Rush, Sanford, Savage, Walker, Weed, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 432—An Act to amend Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 20, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 432 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Irish, Kennedy, Leavitt, Lukens, Lynch, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—30.

NOES—Senator Wolfe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two (2) of Article IV thereof, relating to sessions of the Legislature and the limitation of pay of members thereof in extraordinary sessions.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 28 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 1 of Article IV thereof, relating to the legislative power and to certain reservations thereof by the people.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 25 was temporarily passed on file, to retain its place.

Senate Bill No. 397—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Senate Bill No. 397 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

On motion of Senator Boynton, Senate Bill No. 148 was temporarily passed on file, to retain its place.

Senate Bill No. 514—An Act to amend Section 2955 of the Civil Code of California, relating to what personal property may be mortgaged, by adding a new subdivision thereto, providing that saw-milling machinery and outfits used therewith may be mortgaged.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 514 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Cartwright, Curtin, Hartman, Irish, Kennedy, Leavitt, Lukens, Lynch, McKee, Muentner, Nelson, Price, Rambo, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 299—An Act entitled "An Act to amend Section 1581 of the Political Code of the State of California," relating to the formation of new school districts.

On motion of Senator Anderson, Assembly Bill No. 299 was temporarily passed on file, to retain its place.

SENATE JOINT RESOLUTION No. 10.

Relative to modification of rules regarding issuance of patents to mining claims.

WHEREAS, The honorable Secretary of the Interior has recently promulgated rules respecting the issuance of United States patents, and which rules, among other things, provide as follows:

"That hereafter no final certificate, patent, or other evidence of title shall be issued under the public land laws until an actual examination has been made upon the ground for or by an authorized officer of the Government; but the following shall be excepted from the force of this order: All claims which have heretofore been examined upon the ground by an authorized officer of the Government whose report is found satisfactory."

AND WHEREAS, The operation of said rule deprives the applicant for a patent upon a mining claim of having the proper officers of the land department receive the purchase price for the land, upon the completion of the publication of notice of the application for patent; and

WHEREAS, It is by the law now expressly provided, that after the applicant for a patent for a mine has paid for the land, the Government may subsequently refuse to issue patent therefor, for any reason satisfactory to the Government, and direct the return of the purchase price of said land to the applicant; and

WHEREAS, It is the opinion of the Legislature of the State of California that said provision of the law amply protects the Government of the United States from any fraud or imposition being practiced upon it in the issuance of patents for mining claims; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That our Senators and Representatives in Congress are hereby respectfully requested to use all honorable means to secure a modification of said rules, to the end that upon completion of the publication of notice of the application for patent upon mining claims, the receiver of the land office of the United States, in the district wherein such mining claim is situated, be directed to receive the money as the purchase price of said land and to issue the proper receipt therefor; and

Be it further resolved, That a copy of these resolutions be transmitted by the Secretary of Senate to the Honorable Secretary of the Interior and to each of our Representatives and Senators in Congress.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 10 was adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Irish, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Muenster, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

Senate Joint Resolution No. 10 ordered transmitted to the Assembly.

Senate Bill No. 558—An Act entitled "An Act to grant rights of way over the public lands of the State of California for ditches, tunnels, and telephone and transmission lines."

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 558 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Irish, Kennedy, Leavitt, Lukens, McCartney, McKee, Muenster, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order, heretofore set this day, being the consideration of Senate Bill No. 754, the same was taken up.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Senate Bill No. 754 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Cartwright, Curtin, Irish, Kennedy, Leavitt, Lukens, Markey, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 754—An Act making an appropriation for the contingent expenses of the Senate for the thirty-seventh session of the Legislature.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 754 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Irish, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 168—An Act to amend Section 718 of the Civil Code, relating to leases of town and city lots.

On motion of Senator McCartney, Senate Bill No. 168 was temporarily passed on file, to retain its place.

Senate Bill No. 45—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

On motion of Senator Sanford, Senate Bill No. 45 was temporarily passed on file, to retain its place.

Committee Substitute for Senate Bill No. 346 and Senate Bill No. 227—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, and providing for the publication and distribution of a pamphlet showing the comparative statement of the operations of the present section or article of the Constitution and of the result to be effected by the proposed amendment.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 346 and Senate Bill No. 227 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 533—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof relating to the salaries of county and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 533 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 16—An Act to authorize and empower the Board of Trustees of the State Normal School of Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, and apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings.

On motion of Senator Carter, Senate Bill No. 16 was temporarily passed on file, to retain its place.

Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.

On motion of Senator Willis, Senate Bill No. 247 was temporarily passed on file, to retain its place.

Senate Bill No. 545—An Act to provide for the acquisition, equipment, and use of a railway car for the purpose of distributing live fish and stocking the waters of this State with fish, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 545 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a board of bank commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 396 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 162—An Act creating and defining the liability of railroad corporations for injuries to employes, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employé.

On motion of Senator Leavitt, Senate Bill No. 162 was temporarily passed on file, to retain its place.

Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads, and regulating the hours of employment thereof.

Read third time.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Broughton, Senate Bill No. 491 was referred to Committee on Judiciary, to retain its place on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 457—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

On motion of Senator Welch, Senate Bill No. 457 was temporarily passed on file, to retain its place.

Senate Bill No. 425—An Act to amend Section 439 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 425 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 275—An Act to appropriate money to protect the banks of the Eel River from erosion by means of jetty work and riprap along the banks thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 275 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Curtin, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 341—An Act providing for an appropriation of \$8,000 for the purpose of purchasing additional land along the south line of L Street, between Twenty-sixth and Twenty-eighth streets, in Sacramento City, so as to extend and improve the grounds in and about Sutter's Fort.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 341 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McKee, Muentner, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 61—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of lands claimed by the State of California, fronting on the Bay of San Diego.

On motion of Senator Wright, Senate Bill No. 61 was temporarily passed on file, to retain its place.

Senate Bill No. 590—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employes thereof, defining its powers and prescribing the duties of said department, its officers and employes, to provide the compensation of such officers and employes, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make

an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof.

On motion of Senator Leavitt, Senate Bill No. 590 was temporarily passed on file, to retain its place.

Senate Bill No. 607—An Act to amend Section 2521 of the Political Code, relating to employes of the State Harbor Commission of the Port of San Francisco.

On motion of Senator Leavitt, Senate Bill No. 607 was temporarily passed on file, to retain its place.

Senate Bill No. 609—An Act creating a contingent fund for the use of the State Prison at San Quentin, and making an appropriation therefor, to be expended for the objects hereinafter specified; for the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the purchase and installation of a ventilating system for the jute mill, for the transportation of the criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other uses as may be deemed necessary by the State Board of Prison Directors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 609 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McKee, Muentner, Nelson, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 610—An Act creating a contingent fund for the use of the State Prison at Folsom, and making an appropriation therefor, to be expended for the objects hereinafter specified; for the purchase of machinery and equipment to replace the machinery and equipment already installed, for the repair of machinery and equipment already installed, for the transportation of the criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 610 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McKee, Muentner, Nelson, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 611—An Act providing for the maintenance of a residence for the Governor of the State of California, and providing the salaries of the necessary employes and servants selected and employed by the Governor therein, and for the appropriation of necessary money for such purpose, and directing the State Controller to issue warrants upon the general fund, and directing the State Treasurer to pay said warrants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 611 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Hartman, Irish, Keane, Kennedy, Lukens, Lynch, Markey, McKee, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to Article II of the Constitution of California by amending Section 2½ thereof, relating to primary elections, so as to permit the direct or other nomination of candidates for public office without conventions.

On motion of Senator Belshaw, Senate Constitutional Amendment No. 19 was temporarily passed on file, to retain its place.

SENATOR CURTIN IN THE CHAIR.

At four o'clock and five minutes P. M., Senator Curtin, of the Twelfth District, in the chair.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 167—An Act to amend an Act entitled "An Act appropriating money for building an assembly hall at the Preston School of Industry," approved March 22, 1905.

Read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 167 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Kennedy, Leavitt, Lukens, Lynch, Markey, Muentner, Nelson, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 477—An Act to amend Section 109 of the Penal Code, relating to assisting prisoners, paroled prisoners, and escapes to escape.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 477 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Nelson, Price, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 464—An Act to amend the Political Code of the State of California by adding eight new sections thereto, to be numbered 338, 338*a*, 338*b*, 339, 339*a*, 339*b*, 340, 340*a*, under a new article, to be numbered thirteen (XIII), to be added to chapter two (2), title one (1), part three (3) of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

On motion of Senator Sanford, Senate Bill No. 464 was temporarily passed on file, to retain its place.

Senate Bill No. 22—An Act to regulate the removal of members of paid police departments of counties, cities and counties, cities, or towns.

On motion of Senator Leavitt, Senate Bill No. 22 was temporarily passed on file, to retain its place.

Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 240 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Hartman, Irish, Keane, Kennedy, Lukens, Lynch, McKee, Muentner, Nelson, Price, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

• Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 470—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 470 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Cartwright, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Muentner, Nelson, Price, Reily, Rolley, Rush, Sanford, Walker, Welch, Wolfe, and Wright—27.

NOES—Senators Broughton, Curtin, Irish, Weed, and Willis—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 489—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section to be known as Section 3½, providing for a petition of remonstrance and written objection, hearings thereon, and the determination thereof by the city council.

On motion of Senator Keane, Senate Bill No. 489 was temporarily passed on file, to retain its place.

Senate Bill No. 490—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

On motion of Senator Keane, Senate Bill No. 490 was temporarily passed on file, to retain its place.

Assembly Bill No. 73—An Act to amend an Act entitled "An Act amending section two of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks and for the construction of sewers within municipalities,'" approved March 18, 1885, approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Read third time.

On motion of Senator Price, Assembly Bill No. 73 was temporarily passed on file, to retain its place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Carter moved that Senate Bill No. 16 be withdrawn and stricken from the file, and Assembly Bill No. 83 be substituted therefor.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 83—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school building.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Carter as a special committee of one, to amend as follows:

By striking out of Section 4, line 8, the period after the word "low," and inserting in lieu thereof the following: "*provided*, that the purchase price of the site selected shall not exceed fifty thousand dollars, and provided further that in the purchase of a new site and in constructing and equipping said new normal school buildings, the total expenditure shall not exceed in amount the net sum received for the property authorized to be sold by this Act."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 83, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTER, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 57—An Act appropriating money to pay expenses necessary for the proper representation of the State of California, and of an exhibit of the products thereof, at the proposed International or World's Exposition to be held in the City and County of San Francisco in 1913, commemorative of the four hundredth anniversary of the discovery of the Pacific Ocean by Vasco Nunez Balboa, and to provide for commissioners thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 57 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 188—An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 188 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Hartman, Irish, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Muentner, Price, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 189—An Act authorizing and directing the construction and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 189 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Hartman, Irish, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Muentner, Price, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 190—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 190 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Hartman, Irish, Keane, Leavitt, Lynch, Markey, Muentner, Price, Reily, Rush, Sanford, Walker, Weed, and Willis—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 587—An Act to make an appropriation for the location, survey, and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 587 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Cartwright, Curtin, Hartman, Irish, Keane, Leavitt, Lynch, McKee, Muentzer, Price, Reilly, Rush, Sanford, Walker, Weed, and Willis—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Greenwell was, on motion of Senator Belshaw, granted leave of absence for Wednesday, February 13, 1907, and also for this day.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Leavitt: Senate Bill No. 770—An Act entitled "An Act to amend Section 1240 of the Code of Civil Procedure, specifying the property which may be taken under the law of eminent domain, and authorizing proceedings therefor."

Bill read first time, and referred to Committee on Judiciary.

By Senator Carter (by request): Senate Bill No. 771—An Act creating a board to be known as the "Board of Pardons, Paroles, and Relief," whose duties shall be to hear and pass upon all applications for pardon, commutations, and paroles, and to have the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of terms of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board, and authorizing the employment of agents, clerks, and other employes, and for other purposes connected with the duty of the board, and appropriating money for the use and control of said board, its agents, clerks, and employes.

Bill read first time, and referred to Committee on State Prisons and Reformatories.

Also (by request): Senate Bill No. 772—An Act to provide for the segregation, grading, and reward and punishment of State prisoners.

Bill read first time, and referred to Committee on State Prisons and Reformatories.

By Senator Anthony: Senate Bill No. 773—An Act to increase the number of judges of the Superior Court of the City and County of San Francisco, State of California, and for the appointment of such additional judges.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 774—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1532a, determining the meaning of the words "average daily attendance," in relation to the apportionment of the State school fund.

Bill read first time, and referred to Committee on Judiciary.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Anthony, Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California—was referred to Committee on Judiciary, to retain its place on file.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FORESTRY.

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. PRESIDENT: Your Committee on Forestry, to whom was referred Assembly Bill No. 106—An Act to create a State Board of Forestry, to prescribe its duties, to establish a forestry fund, to provide for the enforcement of forest protection laws, and to repeal an Act, approved March 18, 1905, entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor"—have had the same under consideration, and respectfully report the same back, and recommend that same do not pass.

WEED, Chairman.

Assembly Bill No. 106 ordered on file for second reading.

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Assembly Bill No. 264—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California—have had the same under consideration, and respectfully report the same back, without recommendation.

KEANE, Chairman.

Assembly Bill No. 264 ordered on file for second reading.

ADJOURNMENT.

At four o'clock and forty-five minutes P. M., on motion of Senator Belshaw, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 15, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Markey, McCartnev, McKee, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Weed, Welch, Willis, Wolfe, and Wright—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVE OF ABSENCE.

Senator Greenwell was, on motion of Senator Rush, granted leave of absence until Friday, February 22, 1907.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 14, 1907, the further reading was dispensed with, on motion of Senator Keane.

PETITION.

The following petition was presented by Senator Walker, and ordered printed in the Journal:

To the Honorable the Senate and Assembly of the State of California in Legislature convened:

We, the taxpayers and voters of Southern Santa Clara County, State of California, respectfully petition that no bill be passed by the Legislature providing for or allowing the division of said Santa Clara County, and we earnestly petition our representatives in the Senate and Assembly to oppose any measure having said object in view.

Gilbert McDonald, Chas. W. Mangels, Charlie Shields, Christopher Mangels, E. H. Davis, J. P. Miner, E. R. Lewman, J. J. Killian, G. H. DuBois, F. H. Bissell, R. J. Bond, W. R. Pinkston, F. Pearce, W. L. Howes, W. B. Turnbull, G. H. Bennett, F. P. Fults, E. C. Florey, J. W. Silsbee, G. P. Weichert, M. R. Beach, A. E. Bradford, A. C. Stephenson, James Pettee, F. W. Hatch, San Martin: J. B. Machado, John Collins, Morgan Hill: J. H. McClure, Gilroy: W. H. Freeman, Gilroy: N. S. Elrod, Gilroy: W. H. Patton, Gilroy: Sam Howe, Gilroy: J. F. Machado, Morgan Hill: H. L. Hares, Morgan Hill: Chas. Tilyon: E. S. Singer: V. Ault: J. M. Willson: H. Welze: James B. Vance: W. M. Herrman: M. T. Gwinn: R. L. Cook: T. Tremoureux: Ernest A. Dunipace: B. H. Joy, Morgan Hill: E. A. Johnson, Morgan Hill: B. S. Machado, W. F. Cartwright, Morgan Hill: Wm. Kraft, Morgan Hill: H. Eng, Morgan Hill: J. W. Breton, Morgan Hill: Walter S. Breton, E. A. Spangenberg, Anton Pankoski, Morgan Hill: B. J. Machado, Morgan Hill: H. W. McCreigh, Morgan Hill: W. B. Heimgartner, Madrone: E. F. Eastman, Uvas: C. J. Lundgren: N. Ballard: C. H. Paul, A. E. Thompson, Andrew Edward, C. E. Covert, F. Yant, Thos. J. Fees, J. A. Fick, R. G. Wilson, S. Clark, J. A. Hart, W. M. Wilson, Jas. Bussing, G. G. P. Weichert, T. J. White, John Moore, Ronald S. Coates, Carl J. Olsen, Morgan Hill: George Hamilton, Morgan Hill: Wm. B. Bontelle, Morgan Hill: Frank G. Fleming, Frank Tremoureux, Morgan Hill: J. R. Henderson, Madrone: T. T. Muthieson, Madrone: Robert Bernal, Madrone: L. E. Peppin, Coyote: N. E. Thomas, Morgan Hill: John McCullen, San Martin: R. I. Young, Madrone: L. G. Pinard, Madrone: Ben Patron, Madrone: Pedro J. Borgessa, Morgan Hill: E. W. Pruett, Coyote: Wm. E. Stevens, Coyote: C. C. Shifter, Coyote: S. A. Moulton, Geo. E. Robbins, Coyote: E. T. Brown, Coyote: Geo. N. Owen, Coyote: E. F. Heple, Coyote: H. H. De Lacy, Coyote: H. A. Peppin, Coyote: Ed. gerald, Coyote: Wm. J. Fisher, Coyote: Daniel A. Fitzgerald, Coyote: C. E. Pruett, Coyote: P. A. Ramelle, Coyote: Frank Victorine, Coyote: A. B. Owen, Coyote: E. F. Heple, Coyote: H. H. De Lacy, Coyote: H. A. Peppin, Coyote: Ed. Berry, Coyote: E. E. Peppin, Coyote: F. Stevens, Coyote: G. K. Estis, M. E. Payne, F. V. Edwards, W. H. Tread, Morgan Hill: Votaw, Taylor & Co., general merchants, A. S. Votaw, Morgan Hill: Chas. Duer, E. C. Covert, Morgan Hill: Jno. R. Holly, C. W. Stone, merchant, Morgan Hill: F. W. Stone, G. F. Bontell, E. Swope, T. H. Miller, Chas. Myers, Chas. Buchheister, Morgan Hill: S. H. Naylor, Geo. A. Tallmore, H. L. Dickinson, J. C. Buchheister, W. H. Old, Geo. J. Powell, H. Hakstead, John Jay, C. F. Sellery, R. Merrill, Frank Merrill, Edward Wilson, S. J. Kenworthy, Chas. Kerr, Morgan Hill: W. B. Sanders, Gilroy: F. L. Talbert, Walter E. McCreight, J. M. Wyllie, S. J. Hindman, Wm. Britton, J. T. Green, William Stephens, V. H. Henderson, Morgan Hill: L. Pinad, Madrone: Chas. Vibrock, Uvas P. O.: M. Hobin, Madrone, W. A. Price, Geo. E. Walker, J. W. Pond, D. R. Alexander, E. M. Payne, G. E. Frey, Matthew Smith, Morgan Hill: J. A. Fitzgerald, Coyote: C. A. Smith, Coyote: W. C. Patterson, Coyote: I. Trapani, Coyote: S. M. Moulton, J. F. Callaghan, Coyote: Frank Rose, Coyote: F. C. Fisher, Coyote: P. O. Colombet: D. G. Fisher, Coyote: C.

F. Fisher, Coyote; B. Stevens, Coyote; O. H. Barnhart, Coyote; O. Stevens, Coyote; J. H. Hinter, Coyote; Geo. Fitzgerald, Coyote; Thos. N. Fisher, Coyote; F. E. David, Morgan Hill; J. B. Llewelling; Wm. Bolmer, Chilli Averill, J. C. Beach, H. A. Shiels, T. J. Bennett, W. J. Peary Strachan, John Munson, A. J. Jackson, Joseph Noakes, Wm. W. Turner, E. W. Herrold, James Pettee, O. N. Bagrill, Henry Vait, Morgan Hill; H. W. Weichert, L. Cunningham, M. G. Weichert, Morgan Hill; J. J. Jones, Morgan Hill; A. E. Buchheister, Morgan Hill; Geo. Heckel, Morgan Hill; J. W. Gosney, Morgan Hill; H. D. Peet, Morgan Hill; Clem R. Arques, San Martin; Lucas Patron, Samuel Hall, W. H. Ward, B. F. Aydelotte, Geo. A. Hamilton, Wm. Burnett, John Page, Geo. R. Lynch, Anton Olander, A. O. Arnold, B. A. Lewis, W. E. Gordon, F. B. Bussing, M. C. Votaw, Morgan Hill; C. H. Barrett, Morgan Hill; J. T. Osburn, Gilroy; T. H. Dassel, Morgan Hill; O. R. Johnson, cashier, Morgan Hill; H. W. Coe, Morgan Hill; M. Holin, G. P. Blaine, I. H. Finley, I. E. Kirby, Peter P. A. Tarp, H. L. Dickinson, Madrone; Chas. J. Parham, Miels Ashman, C. C. Paul, N. B. Paul, R. W. Thompson, Jas. Ashman, C. H. Hares, Harry Kenyon, Morgan Hill; C. E. Weddell, Gilroy; F. Knepper, Gilroy; N. S. Clark, Gilroy; R. F. D.; R. St. John, Gilroy; Arthur Froehat, Gilroy; J. W. Muleh, San Martin; C. Curtis, Gilroy, R. D. 26; H. C. Hazen, Gilroy; Wm. McVey, Gilroy; John McCane, Gilroy; W. M. Kroesen, W. E. McIntyre, Gilroy; R. D. Brandon, Gilroy; A. J. Mercer, Gilroy; Manuel Ferreira, Gilroy; T. Cottex, S. Albertini, Geo. Stevens, I. Rossi, F. S. Dassel, H. J. Ramelli, F. S. Ramelli, Wm. Ramelli, Coyote; M. E. Brock, Madrone; R. P. Mosegard, Morgan Hill; P. P. A. Tarp, Madrone; August Danberg, Morgan Hill; John J. Nielsen, Morgan Hill; P. J. Walsh, Madrone; Samuel Rossi, Madrone Winery; John Fitzgerald, Madrone; P. Raggio, Madrone; L. Malaguma, Madrone; Thos. Conlan, Domingo Garcia, Madrone; John Gallarda, Morgan Hill; J. E. Patron, Morgan Hill; M. F. Williams, Madrone; S. Barloggi, Madrone; Joe Pedrazzi, Madrone; Walter J. Walsh, Raymuse, Madrone; C. H. Kirby, Madrone; Sam'l Metaquea, Madrone; H. Gordon, Geo. Vorog, W. H. Bone, LeRoy Babcock, F. E. Bone, J. P. Ward, J. W. Montgomery, S. Jacobson, Morgan Hill; E. A. Brizee, Morgan Hill; M. Fitzgerald; W. M. Mack, Morgan Hill; H. B. Holmes, W. J. Percy, Gilroy; W. L. Kraesen, Gilroy; S. C. Richter, Gilroy; A. P. Lopez, Gilroy; T. J. Harrison, Gilroy; Thos. W. Old, Gilroy; Karl McCurdy, Gilroy; Henry Allemen, Gilroy; F. M. McCurdy, Gilroy; W. O. Gold, Gilroy; G. H. Van Sicklen, Morgan Hill.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 354—An Act to amend Section 597 of the Penal Code, relating to cruelty to animals.

Also: Assembly Bill No. 461—An Act to amend Sections 1, 3, 4, 5, 6, 7, 9, 10, 13, 14, and 20 of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Also: Assembly Bill No. 562—An Act to amend Section 446 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.

Also: Assembly Bill No. 237—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Also: Assembly Bill No. 370—An Act to amend Section 601 of the Code of Civil Procedure, relating to challenges in civil cases.

Also: Assembly Bill No. 561—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 442½, prohibiting the wearing of the uniform of the United States Army or Navy, or National Guard, and providing a penalty for the violation thereof.

Also: Senate Bill No. 20—An Act to add a new section to the Political Code, to be numbered 2524a, relating to the powers of the Board of State Harbor Commissioners.

Also: Senate Bill No. 37—An Act making an appropriation for the erection of a monument in the State burial plot at Sacramento to the memory of Honorable Edward P. Colgan, deceased, late State Controller.

Also: Senate Bill No. 44—An Act to amend Section 5 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishing thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," as amended by an Act approved March 20, 1905, omitting the provision for an adjutant.

Also: Senate Bill No. 427—An Act to declare the highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe Wagon Road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono Road, a State highway.

Also: That the Assembly on this day appointed on the joint committee provided for in Assembly Concurrent Resolution No. 17, relative to Washington's Birthday exercises, the following Assemblymen: Mr. Drew, Mr. McConnell, and Mr. Bishop.

Also: That the Assembly on this day respectfully refused to concur in Senate amendment No. 5 to Assembly Bill No. 11—An Act entitled "An Act to amend Section 737 of the Political Code," relating to salaries of superior judges—and requests that your honorable body recede therefrom, and that in case of non-receding the Assembly has appointed Assemblymen Johnson of Sacramento, Campbell, and Cutton as a committee of conference on behalf of the Assembly to meet a like committee from the Senate.

Also: That the Assembly on this day appointed Assemblymen Held, Johnson of Sacramento, and Stetson, as a committee of conference, to meet a like committee from the Senate, to consider Senate amendments to Assembly Constitutional Amendment No. 3.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 354 and 370 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 461 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 562 read first time, and referred to Committee on Finance.

Assembly Bill No. 237 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 561 read first time, and referred to Committee on Military Affairs.

Senate Bills Nos. 20, 37, 44, and 427 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bill:

Senate Bill No. 540—An Act to regulate the practice of shoeing horses, mules, and other animals in the State of California, and to require all farriers to pass an examination as to their proficiency on the following subjects: Anatomy of the feet of horses and mules; the making and fitting of shoes to the feet of horses and mules; in preparing the feet of horses and mules for shoes, and putting shoes on horses and mules; in driving nails in the feet of horses and mules, and in doing such other things as will advance the science of shoeing horses and mules to the best interests of the horse and mule, and all other animals, in the most skillful and scientific manner.

And report that the same has been correctly engrossed.

REILY, Chairman.

Senate Bill No. 540 ordered on file for third reading.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the rights of suffrage—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WALKER, Chairman.

Senate Constitutional Amendment No. 27 ordered on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 501—An Act to amend Section 1771 of the Political Code, relating to power of county boards of education.

Also: Assembly Bill No. 505—An Act to amend Section 1532 of the Political Code, relating to duties of the Superintendent of Public Instruction.

Also: Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers.

Also: Assembly Bill No. 402—An Act to add a new section to the Political Code of the State of California, to be known as Section 1641, relating to and defining who are census children.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

ANDERSON, Chairman.

Senate Bill No. 501 ordered on file for second reading.

Assembly Bills Nos. 505, 541, and 402 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 119—An Act to amend Section 2984 of the Political Code of the State of California, for the enforcement of the rules, orders and regulations of the State Board of Health within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Also: Assembly Bill No. 548—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

Also: Assembly Bill No. 125—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 372a, declaring it a misdemeanor to spit or discharge mucus upon public sidewalks, public buildings, trains, cars, stages, ferryboats, steamers, boats or other vehicles or vessels used for the transportation of the public.

Also: Assembly Bill No. 126—An Act to amend Section 374 of the Penal Code of the State of California, relating to putting dead animals in streets, rivers, etc.

Also: Senate Bill No. 571—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California where the same has been destroyed by conflagration or other public calamity.

Also: Assembly Bill No. 123—An Act to amend Sections 3, 4, 9, 10, 12, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Also: Assembly Bill No. 439—An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 56—An Act to amend Section 374 of the Penal Code of the State of California, relating to putting dead animals in streets, rivers, etc.

Also: Senate Bill No. 144—An Act to amend Sections 3, 9, 10, 12, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this Act," approved March 18, 1905.

Also: Senate Bill No. 145—An Act to amend Section 2984 of the Political Code of the State of California, for the enforcement of the rules, orders, and regulations of the State Board of Health within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Also: Senate Bill No. 146—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 372a, declaring it a misdemeanor to spit or discharge mucus upon public sidewalks, public buildings, trains, cars, stages, ferryboats, steamers, boats, or other vehicles or vessels used for the transportation of the public.

Have had the same under consideration, and respectfully report the same back, and recommend that authors withdraw the same.

McKEE, Chairman.

Assembly Bills Nos. 119, 548, 125, 126, 123, and 439 ordered on file for second reading.

Senate Bill No. 571 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 614—An Act to amend Section 825 of the Penal Code of the State of California, relating to the rights of attorneys to visit prisoners, and providing a penalty for the refusal of officers to allow the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUKENS, Chairman.

Senate Bill No. 614 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 590—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employes thereof, defining its powers and prescribing the duties of said department, its officers and employes, to provide the compensation of such officers and employes, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof—have had the same under consideration, and respectfully report the same back, and recommend that it be replaced on the file.

Also: Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 1 of Article XVI thereof, relating to State indebtedness—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BELSHAW, Chairman.

Senate Bill No. 590 ordered on file for second reading.

Senate Constitutional Amendment No. 29 ordered on file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 11—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Also: Assembly Bill No. 365—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

CARTER, Chairman.

Senate Bill No. 11 ordered on file for second reading.

Assembly Bill No. 365 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, seawall and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ROLLEY, Chairman.

Senate Bill No. 461 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Lynch asked for and was granted unanimous consent to withdraw Senate Bill No. 96.

Senate Bill No. 96 withdrawn, and ordered stricken from the file.

Senator Black asked for and was granted unanimous consent to withdraw Senate Bills Nos. 144, 145, and 146.

Senate Bills Nos. 144, 145, and 146 withdrawn, and ordered stricken from the file.

RESOLUTIONS.

The following resolutions were offered:

By Senator Bates:

Resolved, That the sum of two hundred and eighty dollars (\$280) is hereby appropriated from the Contingent Fund of the Senate for the purpose of purchasing boxes, packing, marking, and expressing all papers and documents belonging to the Senators to their places of residence at the close of the session. The Controller of State is hereby authorized to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the above amount, and the Treasurer directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Lynch:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to compile, prepare, and have printed a final calendar of the legislative business of the thirty-seventh session, comprising the history of all bills introduced, their authors, the number that have become laws, those that have been read on second readings, and all other information that will create a perfect guide and history to the session's business; together with this shall be the expenses of the Senate and Assembly, and of printing, such information being prepared not only for the book, but as a guide for the thirty-eighth session of the Legislature. For the purpose of carrying out this work, the Controller is hereby directed to draw his warrant for the sum of \$550 in favor of Lewis A. Hilborn, \$50 of which is to pay the postage and express in forwarding copies to each member of the Legislature, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

SPECIAL ORDER RESET.

Senator Anthony moved that the further consideration of Senate Bill No. 440 be postponed and made a special order for Saturday, February 16, 1907, at eleven o'clock and thirty minutes A. M.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Rush: Senate Bill No. 775—An Act relating to life, health, and accident insurance of live stock on the assessment plan, and the conduct of the business of such insurance.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Senator Cartwright: Senate Bill No. 776—An Act to amend Section 1468 of the Code of Civil Procedure, relating to property set apart to family of decedent, and apportionment thereof between surviving spouse and children.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 777—An Act to amend Section 1465 of the Code of Civil Procedure, relating to property set apart to family of decedent, and apportionment thereof between surviving spouse and children.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 778—An Act to provide for drainage by irrigation district.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Miller (by request): Senate Bill No. 779—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment, approved March 20, 1905.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 780—An Act to amend Section 1619 of the Code of Civil Procedure, relating to the compensation of attorneys of executors and administrators for extraordinary services.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 781—An Act providing compensation for judges pro tempore appointed under the provisions of Section 8 of Article VI of the Constitution.

Bill read first time, and referred to Committee on Finance.

By Senator Anderson: Senate Bill No. 782—An Act to amend Section 58 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the election of county and township officers and their terms of office.

Bill read first time, and referred to Committee on County Government.

By Senator Willis (by request of Code Commission): Senate Bill No. 783—An Act to add three new sections to the Code of Civil Procedure of the State of California, to be known as numbers 953a, 953b, and 953c, relating to a new and alternative method for the preparation of records to be used on appeals from judgments, orders, or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 784—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV of Division Second, consisting of Sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, 1426q, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act relating to the working, rights of way, easement, and drainage of mines within the State of California," approved March 31, 1891.

Bill read first time, and referred to Committee on Mines and Mining.

RUSH ORDER TO PRINTER.

On motion of Senator Willis, the Secretary was directed to issue a rush order for printing Senate Bill No. 784.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Senate Bill No. 590 taken up for the purpose of amendment.

Senate Bill No. 590—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employes thereof, defining its powers, and prescribing the duties of said department, its officers and employes, to provide the compensation of such officers and employes, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Leavitt moved to refer to Senator Wolfe, as a special committee of one, to amend Senate Bill No. 590 as follows:

By adding after Section 1 the following:

Section 1½. Upon this Act becoming effective, the Governor, by and with the advice and consent of the Senate, shall appoint five persons who shall be known as a consulting board to the Department of State Engineering upon all matters that affect irrigation, drainage, and river improvement. Such board shall be appointed from citizens of either the Sacramento or San Joaquin valleys. Such board shall meet at such times as the work requires, and shall meet at least once in two months. They may report to the advisory board upon all matters relating to irrigation, drainage, and river improvement, together with their conclusions thereon, and may render a report to the advisory board upon all plans for river improvements.

Also: Amend Section 6, line 5, by adding after the word "porter" the following: "and such additional engineers, architects, or draughtsmen as the advisory board may, in their judgment, deem necessary, and to fix their salaries and compensation."

Also: Strike out all of Section 27.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 590, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Special Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 465—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigating districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Senate Bill No. 465 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section two (2) of Article IV thereof, relating to sessions of the Legislature and limitation of pay of members thereof in extraordinary sessions.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 28 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 1 of Article IV thereof, relating to the legislative power and to certain reservations thereof by the people.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 25 was temporarily passed on file, to retain its place.

Senate Bill No. 397—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Senate Bill No. 397 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

On motion of Senator Boynton, Senate Bill No. 148 was temporarily passed on file, to retain its place.

Assembly Bill No. 299—An Act entitled "An Act to amend Section 1581 of the Political Code of the State of California," relating to the formation of new school districts.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 299 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, Muentner, Nelson, Rambo, Reily, Rush, Walker, Willis, Wolfe, and, Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 168—An Act to amend Section 718 of the Civil Code, relating to leases of town and city lots.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 168 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Caminetti, Carter, Hartman, Keane, Lukens, Lynch, Markey, McCartney, Nelson, Rambo, Reily, Rush, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—Senator Curtin—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

EXPLANATION OF VOTE.

Senator Caminetti, in explanation of his vote above recorded, arose and spoke as follows:

I voted for Senate Bill No. 168 by mistake. I am opposed to it on the ground that its objects are against the genius and spirit of our institutions.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 45—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Senate Bill No. 45 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Lukens, as a special committee of one, to amend as follows:

By striking out of Section 11, line 22, all the words after the figures "11" and inserting in lieu thereof the following: "The provisions of this Act shall not apply to any person who on his own lands hunts, pursues, or kills any of the wild birds or animals protected by the laws of this State."

Also: Add a new section, to be numbered Section 12, to read as follows:

Sec. 12. This Act shall take effect and be in force on and after July 1, 1907.

Also: By inserting in line 1, Section 1, after the words "Section 1," the following: "except as provided in Section 11 hereof."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 247, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUKENS, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 162—An Act creating and defining the liability of railroad corporations for injuries to employes, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employe.

On motion of Senator Leavitt, Senate Bill No. 162 was temporarily passed on file, to retain its place.

Senate Bill No. 457—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

On motion of Senator Welch, Senate Bill No. 457 was temporarily passed on file, to retain its place.

Senate Bill No. 540—An Act to regulate the practice of horseshoeing in the State of California, and to provide for the examination and registration of persons engaged in such pursuit.

Senate Bill No. 540 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 61—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of lands claimed by the State of California fronting on the Bay of San Diego.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 61 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Nelson, Reilly, Rolley, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 607—An Act to amend Section 2521 of the Political Code, relating to employes of the State Harbor Commission of the Port of San Francisco.

On motion of Senator Leavitt, Senate Bill No. 607 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

On motion of Senator McCartney, Senate Constitutional Amendment No. 14 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to Article II of the Constitution of California by amending Section 2½ thereof, relating to primary elections, so as to permit the direct or other nomination of candidates for public office without conventions.

On motion of Senator Belshaw, Senate Constitutional Amendment No. 19 was temporarily passed on file, to retain its place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to have Senate Bill No. 461 taken up for the purpose of amendment.

Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction by the Board of State Harbor Commissioners, of wharves, piers, seawall, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by inserting, after the word "seawall," in line 3 of the title, the words "State railroad, spurs."

Also: After the word "seawall," in line 4 of Section 1, the words "State railroad, spurs."

Also: After the word "seawall," in line 6 of Section 1, the words "State railroad, spurs."

Also: After the word "seawall," in line 27 of Section 4, the words "State railroad, spurs." Also, in same line, strike letter "s" off the word "seawalls."

Also: Amend by inserting on page 7, printed bill, after the word "void," on line 11, the following:

"Sec. 11. It shall be the duty of the Secretary of State to have this Act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this State, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and eight, the costs of publication shall be paid out of the General Fund, on Controller's warrants duly drawn for the purpose."

Also: Amend on page 7, printed bill, line 1, Section 11, by striking out "11," and inserting in lieu thereof "12."

Also: Amend on page 7, printed bill, line 1, Section 12, by striking out "12," and inserting in lieu thereof "13."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 461, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Wolfe, the Secretary was directed to issue a rush order for printing Senate Bill No. 461, the same to retain its place on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 113—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 113 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Keane, Leavitt, Lukens, McCartney, McKee, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Walker, Weed, Willis, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 22—An Act to regulate the removal of members of paid police departments of counties, cities and counties, cities, or towns.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 22 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Keane, Leavitt, Lukens, Lynch, McCartney, McKee, Nelson, Reily, Rolley, Rush, Walker, Weed, Willis, and Wright—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 489—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section to be known as Section 3½, providing for a petition of remonstrance and written objection, hearings thereon, and the determination thereof by the city council.

On motion of Senator Keane, Senate Bill No. 489 was temporarily passed on file, to retain its place.

Senate Bill No. 490—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

On motion of Senator Keane, Senate Bill No. 490 was temporarily passed on file, to retain its place.

Assembly Bill No. 73—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,'" approved March 18, 1885, approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

On motion of Senator Anderson, Assembly Bill No. 73 was temporarily passed on file, to retain its place.

Assembly Bill No. 528—An Act to provide for the issuance of duplicates of bonds, warrants, and other municipal securities which have become defaced or mutilated.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 528 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Willis, Wolfe, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and twenty minutes A. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 565—An Act providing for the appointment of police judges in municipalities having a freeholders' charter, wherein provision is made for a police court judge, but no provision is made for the appointment or election of such police judge.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 565 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Hartman, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, Nelson, Rolley, Rush, Walker, Weed, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 7—An Act to amend Section 534 of the Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 7 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Broughton, Caminetti, Curtin, Hartman, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, Muentzer, Nelson, Rambo, Rush, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 64—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

On motion of Senator Willis, Senate Bill No. 64 was temporarily passed on file, to retain its place.

Senate Bill No. 65—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 65 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Cartwright, Hartman, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, Muentzer, Nelson, Rambo, Reily, Rolley, Rush, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 78—An Act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern

California State Hospital and along the highways adjacent thereto, for the protection of said lands and of the buildings thereon, and to make appropriation for the same.

On motion of Senator Willis, Senate Bill No. 78 was temporarily passed on file, to retain its place.

Senate Bill No. 185—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 185 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Hartman, Keane, Leavitt, Lukens, Lynch, McCartney, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 30—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Boynton, as a special committee of one, to amend as follows:

To amend Assembly Bill No. 30 by striking out figure (3) and parenthesis in line 10 of printed bill.

Also: Insert figure 2, before word "This," last line of the bill.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 30, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOYNTON, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and on file for passage.

Senate Bill No. 232—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 232 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Carter, Cartwright, Hartman, Irish, Keane, Lukens, Lynch, McCartney, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 234—An Act to provide for repairing the plumbing, installing new bathtubs and toilets, and laying a cement flooring and repairing the walls in the bathroom and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 234 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, McCartney, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Walker, Weed, Wolfe, and Wright—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 398—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed at the Napa State Hospital, and laying pipe line from said reservoir and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 398 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, McCartney, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Walker, Weed, Wolfe, and Wright—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 453—An Act making an appropriation for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 453 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Walker, Weed, Wolfe, and Wright—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, by amending Section 208 thereof, relating to the counties of the fifty-first class.

Senate Bill No. 554—An Act to prevent the manufacture and sale of thread of cotton, linen and silk, where such is not labeled as to its correct yardage and weight.

Senate Bill No. 428—An Act to provide for the transfer of moneys from the county treasury to municipal corporations formed within such counties.

Senate Bill No. 265—An Act to amend Sections 625, 626a, 626d, 626g, 626i, 626j, 627b, and 637a of the Penal Code of the State of California and to add to said Penal Code a new section, to be numbered 637b, all relating to the protection and preservation of game and fish.

Senate Bill No. 560—An Act to amend Sections 1189, 1192, 1358, 1079, 1361, 1186, and 1188 of the Political Code, relating to elections.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 583, 554, 428, 265, and 560 ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Walker asked for and was granted unanimous consent to have Senate Bill No. 560 taken up for the purpose of amendment.

Senate Bill No. 560—An Act to amend Sections 1189, 1192, 1358, 1079, 1361, 1186, and 1188 of the Political Code, relating to elections.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Walker moved to refer to Senator Black, as a special committee of one, to amend as follows:

By striking out of Section 2, page 2, lines 27-30, after the word "that," in line 27, the words "no nomination shall be made or certified at a period before the day of election less than the minimum number of days provided for filing certificates of nomination made under this code," and inserting in lieu thereof the following: "Such nomination shall be made and certified, and such certificate filed at least thirty days before the day of election, and not thereafter."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

Mr. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 560, with instructions to amend, respectfully reports the same back, amended as per instructions.

BLACK, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 644—An Act to appropriate \$2,500 for the construction of retaining walls and fences on the boundary lines of the site of the State Normal School at Los Angeles, California, and to authorize the trustees of said school to construct said retaining walls and fences.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 644 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Irish, Keane, Leavitt, Lukens, Lynch, McKee, Muentner, Nelson, Reilly, Rolley, Rush, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Caminetti gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 644 was this day passed.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 645—An Act making an appropriation of \$4,000, to be expended by the Trustees of the State Normal School at Los Angeles for any assessments levied by the City of Los Angeles on the land of the State Normal School at Los Angeles, California, for pavement, sidewalk, curbs, gutters, and other improvements on Grand Avenue and Fifth Street, fronting on said property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 645 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Hartman, Irish, Leavitt, Lukens, Lynch, Markey, McKee, Muentner, Nelson, Reilly, Rolley, Rush, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 654—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half-orphans and abandoned children," approved March 25, 1880, and to repeal Chapter XXXII of the Statutes of 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 654 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Hartman, Irish, Leavitt, Lukens, Lynch, Markey, McKee, Muentner, Nelson, Reily, Rolley, Rush, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PORTER IN THE CHAIR.

At twelve o'clock M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 507—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts, and condemnation of property therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 507 passed by the following vote:

AYES—Senators Bates, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Hartman, Leavitt, Lukens, Lynch, Markey, McKee, Muentner, Nelson, Reily, Rolley, Rush, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 303—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 303 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Markey, McKee, Muentner, Nelson, Rolley, Rush, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 598—An Act to amend Section 1313 of the Civil Code, relating to bequests for charitable uses.

Senate Bill No. 598 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 339—An Act to amend Section 627 of the Penal Code of the State of California, relating to hunting, shooting, and trespassing upon enclosed, cultivated and other private lands.

Senate Bill No. 339 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 650—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 20, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

On motion of Senator Leavitt, Senate Bill No. 650 was temporarily passed on file, to retain its place.

Senate Bill No. 536—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof defining the practice of dentistry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 536 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Irish, Keane, Leavitt, Lukens, Lynch, Markey, McKee, Muentner, Nelson, Reily, Rolley, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 588—An Act to amend Sections 1123 and 1126 of the Code of Civil Procedure, relating to contesting certain elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 588 passed by the following vote:

AYES—Senators Anderson, Bell, Black, Boynton, Broughton, Caminetti, Irish, Keane, Leavitt, Lukens, Markey, McKee, Nelson, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, Wolfe, and Wright—23.
NOES—Senators Carter and Curtin—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 646—An Act supplementary to an Act entitled "An Act creating a State commission on voting and balloting machines, defining their power, and providing for the use at the option of indicated local authorities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 646 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Irish, Keane, Leavitt, Lukens, Markey, Muentner, Nelson, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, Wolfe, and Wright—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 34—Relative to dealing in stocks on margins.

On motion of Senator Wolfe, Senate Constitutional Amendment No. 34 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 8—To propose to the people of the State of California the repeal of Section 12 of Article XIII of the Constitution of the State of California, whereby to abolish State poll tax.

Senate Constitutional Amendment No. 8 was temporarily passed on file, in the absence of the author, to retain its place.

Assembly Concurrent Resolution No. 14—Relative to the approving of amendments to the charter of the City of Eureka, Humboldt County.

On motion of Senator Rolley, Assembly Concurrent Resolution No. 14 was temporarily passed on file, to retain its place.

LEAVES OF ABSENCE.

Senator Nelson was, on his own motion, granted leave of absence until Monday, February 18, 1907.

Senator Irish was, on his own motion, granted leave of absence for the remainder of this day.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator McKee: Senate Bill No. 785—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 19, 1903, and March 20, 1905, by amending Section 162 thereof, relating to the fees and the salaries of county and township officers in counties of the fifth class.

Bill read first time, and referred to Committee on County Government.

By Senator Welch: Senate Bill No. 786—An Act to provide for the construction and maintenance of a fire boat for the protection of shipping and appropriating money therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Boynton: Senate Bill No. 787—An Act to dissolve Protection District No. 2, of Yuba County, California, and providing for the liquidation and winding up of said dissolved district.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 788—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the appropriation of water and the time in which to commence the excavation and construction.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 789—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Bill read first time, and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 719—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto to be designated as Section 151, relating to offenses against public justice.

Also: Senate Bill No. 246—An Act to authorize the Board of State Harbor Commissioners to execute and deliver and to receive grants in the name of the State of California,

so as to settle the westerly line of East street, in the block bounded by Drumm, Washington, Jackson and East Streets, in the City and County of San Francisco, with the owners of property in said block fronting thereon.

Also: Assembly Bill No. 223—An Act to amend Section 827 of the Civil Code of the State of California, relating to changing terms of lease.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 40—An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells.

Also: Senate Bill No. 643—An Act to provide for and regulate the deposit of public moneys in banks and banking corporations, and providing a penalty for the illegal deposit and use thereof.

Also: Senate Bill No. 633—An Act to add a new section to the Penal Code of the State of California, to be known as Section 810, authorizing and providing for the filing and substitution of a copy of the information or other pleading for the original in criminal actions, when such original information or other pleading has heretofore been, or shall hereafter be, lost or destroyed.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

Also: Senate Bill No. 555—An Act to amend Sections 336, 337, 338, 339, and 344 of the Code of Civil Procedure, all relating to the time within which certain actions must be commenced—have had the same under consideration, and respectfully report a committee substitute therefor, and recommend that the substitute do pass.

Also: Senate Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Subdivision (i), Section 6 of said Act.

Also: Senate Bill No. 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by adding a new section thereto, to be known as Section 6a, and relating to the consolidation in one section of proceedings under said Act of March 17, 1897, and proceedings authorized by "An Act to provide for the establishment and quieting of titles to real estate in case of the loss or destruction of public records," approved June 16, 1906.

Have had the same under consideration, and respectfully report a committee substitute therefor, and recommend that the substitute do pass.

LUKENS, Chairman.

Senate Bills Nos. 719, 246, 643, 633, 555, 436, and 437 ordered on file for second reading.

Assembly Bills Nos. 223 and 40 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 488—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that the same be re-referred to Finance Committee.

McKEE, Chairman.

Senate Bill No. 488 referred to Committee on Finance.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

SECOND READING OF BILLS.

Senate Bill No. 496—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by amending Section 5 thereof, in relating to practicing without a certificate.

On motion of Senator McKee, Senate Bill No. 496 was temporarily passed on file, to retain its place.

Senate Bill No. 399—An Act authorizing and directing the Board of Managers of the Napa State Hospital to purchase and install a home telephone system at the Napa State Hospital between the various wards and departments thereof, and making an appropriation therefor.

On motion of Senator Rush, Senate Bill No. 399 was temporarily passed on file, to retain its place.

Senate Bill No. 400—An Act authorizing and directing the remodeling and refurnishing of the main kitchen at the Napa State Hospital, and making an appropriation therefor.

On motion of Senator Rush, Senate Bill No. 400 was temporarily passed on file, to retain its place.

SENATOR LEAVITT IN THE CHAIR.

At two o'clock and five minutes p. m., Senator Leavitt, of the Sixteenth District, in the chair.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 175—An Act to add a new section to the Civil Code, to be numbered 617, relating to cemetery corporations.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, lines 8 and 9, strike out the words "heretofore and hereafter."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 629—An Act to amend Section 499 of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different managements.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 17, strike out the period "." and insert in lieu thereof the following: "When such portion of such street shall be occupied by a track or tracks of a different gauge from the track or tracks proposed to be constructed thereon by a line of street railway may nevertheless construct its track or tracks, subject to the limitation before prescribed, over the same ground as may be occupied by such prior track or tracks, provided the same can be so constructed as not to interfere with the operation of such prior track or tracks beyond such necessary interference therewith as shall be incident to such construction with reasonable skill, care, and diligence.

Sec. 2. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 406—An Act to amend Section 1174 of the Code of Civil Procedure of the State of California, relating to the verdict of the jury and judgment of the court in forcible entry or forcible or unlawful detainer cases.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 3, strike out the words "verdict and judgment."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 705—An Act to add a new section to the Penal Code, to be known as Section 273*g*, relating to indulging in degrading, lewd, immoral or vicious habits, or practices, or being habitually drunk in the presence of children.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 574—An Act to amend Section 213 of the Penal Code of the State of California and to add a new section thereto, numbered 212*a*, relating to the crime of robbery and its punishment.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 630—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 612—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602*a*, relating to corporations sold.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 653—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 104.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 17—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof, relating to prize fighting.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 619—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454*a*, allowing the plaintiff in an action upon a contract of insurance, wherein exemption from liability is claimed by the defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 613—An Act to add a new section to the Civil Code, to be numbered 423, relating to the deposits for the protection of policy holders by insurance companies engaged in the business of insuring or indemnifying employers and others against loss or damage for personal injury or death resulting from accidents to employes or persons other than employes.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 620—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered 437*a*,

relating to the pleadings in actions upon contracts of insurance, wherein exemption of liability is claimed by the defendant on the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 310—An Act to amend Section 5 of "An Act regulating the employment and hours of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 736—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employés.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 556—An Act to amend Sections 3093, 3094, and 3095 of the Political Code, relating to dissection, enacted March 12, 1872.

During second reading of bill, the following amendments were submitted by committee:

On page 1, strike out the words "enacted March 12, 1872," in the title of the printed bill and insert in lieu thereof the following: "of dead bodies."

Amendment adopted.

Also:

On pages 1 and 2, after enacting clause, strike out the words "Amend Section 3093 to read as follows: Physicians, etc., may obtain dead bodies," and insert in lieu thereof the following:

SECTION 1. Section 3093 of the Political Code is hereby amended to read as follows: 3093," before "any," line 3.

Amendment adopted.

Also:

On page 1, line 2, strike out the words "amend Section 3094 to read as follows:—Bodies required to be buried at public expense," and insert in lieu thereof the following:

SECTION 2. Section 3094 of the Political Code is hereby amended to read as follows: 3094," before "any."

Amendment adopted.

Also:

On page 2, lines 1 and 2, strike out the words "Amend Section 3095 to read as follows: Physician to give certificate from County Board of Supervisors," and insert in lieu thereof the following:

SECTION 3. Section 3095 of the Political Code is hereby amended to read as follows: 3095," before "every," line 3.

Amendment adopted.

Also:

Insert after the word "feeling," line 11, page 2, printed bill, the following:

SECTION 4. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.*

Senate Bill No. 602—An Act to amend the Penal Code by adding thereto two new sections, to be designated as Sections 367*b* and 367*c*, to provide against the offense of hazing.

During second reading of bill, the following amendments were submitted by committee:

By striking out the word "Two," line 1 of the title, and inserting in lieu thereof the word "a."

Amendment adopted.

Also:

By striking out the letter "s" from the word "sections" of the title.

Amendment adopted.

Also:

By striking out the words "designated as sections" and inserting in lieu thereof the word "numbered" of the title.

Amendment adopted.

Also:

By striking out the word "and" and the number "367c," in the second line of the title.

Amendment adopted.

Also:

After the word "to," in line 5 of the printed bill, insert the word "haze."

Amendment adopted.

Also:

Strike out the word "dose," in line 6 of the printed bill; also change the word "engage," in line 6 of the printed bill, to "engages"; also strike out the words "the practice of," in line 6 of the printed bill; also strike out the word "of" before the word "committing," and change the word "committing" in said line to "commit."

Amendment adopted.

Also:

Strike out all of Section 2 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 714—An Act to add a new section to the Political Code, to be numbered 1617a, requiring that the United States flag shall be hoisted on all public school houses and displayed in each schoolroom.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 711—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the terms of existence of corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 658—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 722—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 383—An Act to amend the Civil Code, by adding a new section thereto, to be numbered 1828, relating to delivery of payment of deposit made in the names of two or more persons.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 77—An Act to amend Section 205 of the Code of Civil Procedure, relating to the qualifications of jurors.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 581—An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 344—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, concerning the listing of grand and trial jurors.

On motion of Senator McKee, Senate Bill No. 344 was temporarily passed on file, to retain its place.

Senate Bill No. 102—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

During second reading of bill, the following amendment was submitted by committee:

On page 1, line 13, strike out, after the word "him," the "." and insert in lieu thereof the following: "or to a firm of which he is a member, or is the owner of stock in a corporation whose property is assessed on the last complete assessment roll of the county, city or county, for property belonging to it."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 408—An Act to add a new section to the Political Code, to be numbered Section 2656, and relating to the division of general road funds upon the incorporation of municipalities or annexation to municipalities.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the word "section."

Amendment adopted.

Also:

On page 2, Section 2, lines 2 and 3, strike out the word "all" after the word "repealed," and add a new section to read as follows:

"SEC. 3. This Act shall take effect and be in force from and after its passage."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 134—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in justices' courts.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, strike out the word "Sec."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 24—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be known and designated as Section 602½, relating to the tearing down of fences and the

opening of gates, bars and fences, and the hunting upon lands of another, and the killing, maiming, or wounding of any animal, and the leaving of camp fires burning or unextinguished.

During second reading of bill, the following amendments were submitted by committee:

On page 1, title, line 3, strike out the figure " $\frac{1}{2}$," and insert in lieu thereof the letter "a."

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the words " $\frac{1}{2}$," and insert in lieu thereof the following: "a."

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the words " $\frac{1}{2}$ " and insert in lieu thereof the following: "a."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 708—An Act to amend Section 608 of the Penal Code, and to add two new sections thereto, to be numbered 608a and 608b, all relating to the burning, injuring, or setting adrift rafts or vessels.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 3, lines 3 and 4, strike out the words "cuts, breaks, injures."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 135—An Act to amend Section 976 of the Code of Civil Procedure, relating to appeals to superior courts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 508—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 3—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 19, 1903, and amended March 20, 1905, by adding subdivision 19 thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 493—An Act to amend Section 173 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, as amended March 20, 1905, relating to county and township officers of counties of the sixteenth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 460—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved March 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of officers of counties of the forty-sixth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 506—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 212 thereof, relating to the compensation of officers of counties of the fifty-fifth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 648—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county and township officers of counties of the fourth class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 698—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, and the Act amendatory thereof, approved March 11, 1887, by changing the division line between said San Benito County and Monterey County so as to include in said San Benito County a part of said Monterey County, and in said Monterey County a part of said San Benito County.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 567—An Act to make an appropriation to pay the claim of F. A. Cromwell against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 584—An Act making an appropriation of two hundred and fifty dollars (\$250) for the purchase of a certain spring of water near the John Marshall monument at Coloma, and for piping the water to the ground surrounding said monument.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 585—An Act making an appropriation of five hundred dollars (\$500) for the purpose of repairing and preserving the John Marshall monument at Coloma, and for the care and improvement of the grounds around said monument.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 696—An Act making an appropriation to pay the claim of Victor Heck against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 706—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 707—An Act appropriating \$4,500 to pay the claim of J. B. Lauck.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 697—An Act making an appropriation of \$4,000 to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the old theatre property at

Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties," approved February 21, 1905.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 175—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

During second reading of bill, the following amendments were submitted by committee:

On line 12, page 1 of the printed bill, strike out the word "twenty-four." and insert in lieu thereof the word "eighteen."

Amendment adopted.

Also:

On lines 12 and 13, page 1 of the printed bill, strike out after the word "librarian" the word "twenty-four," and insert in lieu thereof the word "eighteen."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 454—An Act to amend Section 637a of the Penal Code of California, and to add thereto four new sections, to be numbered 637b, 637c, 637d, and 637e, all relating to protection of wild birds, other than game birds, and their nests and eggs.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 298—An Act to add a new section to the Political Code of the State of California, to be numbered 1625, and relating to penalties of boards of trustees and city boards of education for non-fulfillment of their official duties.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 306—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and amended March 20, 1905, by amending Sections 3, 4, 5, and 6 of said Act, and by adding a new section to said Act, to be numbered Section 7½.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 319—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents so as to provide for transferring the funds of lapsed school districts to the districts into which they are merged.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 307—An Act amending Section 16½5 of the Political Code of the State of California, relative to studies to be taught in the primary and grammar schools.

During second reading of bill, the following amendments were submitted by committee:

Strike out "Sec." from line 3, page 1 of the printed bill.

Amendment adopted.

Also:

In line 6, page 1 of the printed bill, after the word "study," insert a comma followed by the words "with special reference to agriculture."

Amendment adopted.

Also:

In line 12, page 1 of the printed bill, strike out the word "funds," after the word "district."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 509—An Act to amend Section 1663 of the Political Code, relating to duties of county boards of education.

During second reading of bill, the following amendments were submitted by committee:

Strike out the brackets on line 4, page 1 of the printed bill.

Amendment adopted.

Also:

In line 14, page 2 of the printed bill, strike out the word "prohibit," and insert in lieu thereof the words "be construed as prohibiting."

Amendment adopted.

Also:

In line 15, page 2 of the printed bill, after the word "work," insert the word "heretofore."

Amendment adopted.

Also:

In line 17, page 2 of the printed bill, after the word "class," strike out the words "or the first two."

Amendment adopted.

Also:

In line 18, page 2 of the printed bill, strike out the word "years."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 558—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books by the several counties or cities and counties of the State.

During second reading of bill, the following amendments were submitted by committee:

Strike out, on page 2 of the printed bill, the words and figures "Sec. 2, Sec. 3, Sec. 4," and make the number of the lines run consecutively from 32 on.

Amendment adopted.

Also:

In line 4, Section 2 of the printed bill, strike out the words and figure "of Section 1."

Amendment adopted.

Also:

In line 5, Section 2 of the printed bill, strike out the word "act," and insert in lieu thereof the word "section."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 485—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the addition of territory thereto, and taxation thereof.

During second reading of bill, the following amendments were submitted by committee:

In line 1, page 1 of printed bill, strike out the word "one" and insert the figure "1"; also, strike out the hyphen or dash.

Amendment adopted.

Also:

Strike out the hyphen, in line 2, page 1 of the printed bill.

Amendment adopted.

Also:

Strike out the word "section," on line 3, page 1 of the printed bill.

Amendment adopted.

Also:

Strike out the brackets on lines 34 and 38, page 2 of the printed bill.

Amendment adopted.

Also:

Strike out on page 2 of the printed bill, the last line, being the word and figure "Section 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relative to duties of the text-book committee.

During the second reading of bill, the following amendments were submitted by committee:

In line 2a of the engrossed bill, strike out the sign of section before the figures "1874."

Amendment adopted.

Also:

In line 3 of the engrossed bill, strike out the figure "7" with its brackets, and on line 4 strike out the figure "9" with its brackets.

Amendment adopted.

Also:

In line 18, page 2 of the engrossed bill, strike out the following: "the common schools."

Amendment adopted.

Also:

In line 174, page 6 of the engrossed bill, strike out "\$200.00."

Amendment adopted.

Also:

Strike out the last line on page 6 of the engrossed bill.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 187—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund, in the several counties, cities and counties, cities, and towns of the State," approved March 20, 1905.

During second reading of bill, the following amendments were offered by Senator Muentzer:

On page 5, Section 6, line 10, strike out the word "plus," and insert in lieu thereof the following: "surplus."

Amendment adopted.

Also:

On page 5, Section 7, line 1, strike out the words "Sec. 7. This Act shall take effect immediately," and insert in lieu thereof the following:

"Sec. 7. All Acts and parts of Acts inconsistent with this Act, except the Act of which this Act is amendatory, are hereby repealed.

"Sec. 8. This Act shall take effect immediately."

Amendment adopted.

Also:

Amend by striking out all of Section 4, of printed bill, and inserting in lieu thereof the following:

Sec. 4. Section 12 of of said Act is hereby amended to read as follows:

Section 12. The board of supervisors, or other governing authority of any county, city and county, city or town, shall, for the purposes of said "firemen's relief and pension fund" hereinbefore mentioned, direct the payment monthly into such relief and pension fund of the following moneys:

First—All rewards given or paid to members of such fire department.

Second—All fines imposed upon members of the fire department in keeping with the rules and regulations of the department.

Third—All fines imposed and collected for violation of laws pertaining to precaution against fire.

And such governing authority shall also direct the payment annually into such relief and pension fund of the following moneys:

First—All moneys awarded or apportioned by the State of California to any such county, city and county, city, or town, for the use of the fire department of such county, city and county, city, or town.

Second—All moneys derived from the tax levied, collected, and apportioned as hereinafter in this section set forth.

The board of firemen's pension fund commissioners of every county, city and county, city or town, must at least fifteen days before the first day of the month, in which the board of supervisors or other governing authority of such county, city and county, city or town, is required by law to levy the amount of taxes required for each county, city and county, city or town purposes, furnish to the board of supervisors, or other governing authority, an estimate in writing of the minimum amount needed for the "firemen's relief and pension fund" of such county, city and county, city or town, for the ensuing year, which amount must be computed as follows:

First—Such board of firemen's pension fund commissioners shall calculate and ascertain the amounts of money paid into said fund from rewards to members, fines imposed upon members, fines imposed and collected for violation of laws pertaining to precaution against fire, and moneys awarded or apportioned by the State to such county, city and county, city or town, for the use of the fire department of such county, city and county, city or town, and shall deduct the total amount of such sums from the average yearly amount paid out on account of said fund, ascertained by taking all moneys paid out on account of said fund for the three preceding years, and the remainder shall be the amount needed for the "firemen's relief and pension fund" of such county, city and county, city or town, for the ensuing year, and which amount so found shall be raised by a tax to be levied and caused to be collected by the board of supervisors, or other governing authority, as hereinafter immediately set forth.

The board of supervisors or other governing authority of every county, city and county, city or town, must annually, at the time and in the manner of levying other county, city and county, city or town taxes, levy and cause to be collected for the county, city and county, city or town "firemen's relief and pension fund," a tax, to be known as the county, city and county, city or town "firemen's relief and pension fund tax," the maximum rate of which tax must not exceed two cents on each one hundred dollars of taxable property in such county, city and county, city or town, nor must the minimum rate be less than sufficient to raise the amount estimated by the board of firemen's pension fund commissioners to be necessary to be raised as hereinabove particularly set forth. *Provided*, that all moneys provided herein to be paid into said "firemen's relief and pension fund," shall be paid into and become a part thereof and shall be used for no other purposes than such as are in this Act set forth; provided, however, that the board of supervisors or other governing authority of any such county, city and county, city or town may, by proper procedure, borrow and transfer from said fund to another fund, but any sum so borrowed shall be returned to said fund upon request of the board of firemen's pension fund commissioners.

Amendment adopted.

Also:

On page 3, Section 3, lines 17 and 18, strike out the words "to such beneficiary as such member may have last nominated and designated in writing to said board," and insert in lieu thereof the following: "to his mother, or, if he left no mother, then to his unmarried sister, or unmarried sisters in equal shares."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 685—An Act relating to vouchers for certain disbursements by life insurance companies in this State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 683—An Act relating to annual reports of life insurance companies.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 684—An Act permitting the retirement of capital stock of mutual life insurance companies in certain cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 691—An Act providing that life insurance policies shall constitute the entire contract.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 690—An Act defining the status of persons soliciting life insurance.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 689—An Act to prohibit certain misrepresentations as to life insurance, and to provide penalties therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 692—An Act prohibiting the use for political purposes of property of certain life insurance companies.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 680—An Act to repeal Section 444 of the Civil Code, relating to investments by certain life, health, and accident insurance corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 682—An Act to amend an Act entitled "An Act to repeal Section 427 of an Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872." and to add a new section thereto, to be numbered 421. both in relation to how funds of insurance may be invested, approved March 21, 1905.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 6, lines 43 and 44 of printed bill, strike out the words "first mortgage bonds of same" and insert in lieu thereof the following: "bonds of any corporation of any State or Territory of the United States."

Amendment adopted.

Also:

On page 2, Section 1, line 16 of printed bill, strike out all following after the word "property" and insert in lieu thereof the following: "no loan to exceed sixty per cent of the market value of any piece of real estate to be taken as security."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 679—An Act to amend Section 431 of the Civil Code of the State of California relating to amounts to be reserved by life insurance companies.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, line 20 of printed bill, strike out the word "of" and insert in lieu thereof the following: "or."

Also: On line 18 strike out the word "up."

Amendments adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 681—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 3, 1905.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 699—An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and repealing all Acts or portions of Acts in conflict herewith.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 106—An Act to create a State Board of Forestry, to prescribe its duties, to establish a forestry fund, to provide for the enforcement of forest preservation laws, and to repeal an Act approved March 18, 1905, entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor."

Bill read second time, and ordered on file for third reading.

Assembly Bill No 264—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California.

Bill read second time, and ordered on file for third reading.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER SET.

In compliance with his notice given on previous day, Senator Caminetti moved that the vote whereby Assembly Bill No. 256—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations—was passed, be now reconsidered.

The motion was duly seconded.

Senator Caminetti moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 256 was passed be postponed and made a special order for Wednesday, February 20, 1907.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 526—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901,'" by amending Sections 8 and 14 thereof, and adding a new section thereto to be numbered and designated Section 9½—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 467—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, by amending Section 1 thereof, and providing for the sale of drugs, compounds and medicine by storekeepers in unincorporated towns and cities.

Also: Senate Bill No. 191—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that authors withdraw the same.

McKEE, Chairman

Senate Bill No. 526 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Wright asked for and was granted unanimous consent to withdraw Senate Bill No. 467.

Senate Bill No. 467 withdrawn, and ordered stricken from the file.

Senator Rambo asked for and was granted unanimous consent to withdraw Senate Bill No. 191.

Senate Bill No. 191 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 131—An Act to amend Section 1576a of the Political Code, relating to clerks of school boards in certain cases, and for payment of their salaries, herein providing for the adoption of a course of study, and the appointment of a superintendent of schools in certain cases, and for payment of his salary—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

ANDERSON, Chairman

Senate Bill No. 131 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following bills:

Senate Bill No. 462—An Act amending an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision, without Governor's approval, February 25, 1901, by amending Sections 2, 5, 7, and 9 thereof.

Senate Bill No. 550—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery and wagons, buggies, vehicles, and other articles; providing for the collection thereof and making the violations of this Act a misdemeanor.

Senate Bill No. 442—An Act to amend an Act entitled "An Act to establish the fees of the county, township, and other officers, and of jurors and witnesses, in this State," approved March 28, 1895, by adding thereto a new section to be numbered 5.

Senate Bill No. 589—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction and completion thereof," approved February 25, 1901.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 462, 550, 442, and 589 ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILL.—(OUT OF ORDER).

The following bill was introduced:

By Senator Lynch: Senate Bill No. 790—An Act to add a new section to the Political Code to be numbered Section 1671a, and relating to the issue of bonds for the support of county high schools.

Bill read first time, and referred to Committee on County Government.

ANNOUNCEMENT.

Senator Wolfe asked for and was granted unanimous consent to make the following announcement:

MR. PRESIDENT: I desire to announce that I yesterday wired Congressman Hayes at Washington if possible to get a two weeks' postponement to the Japanese school case pending in the United States Circuit Court and the Supreme Court of this State, to which I have received the following reply:

"Hon. E. I. Wolfe, Senate Chamber, Sacramento, Cal.

"President and Attorney-General agree. Instructions will be sent Devlin to-day.

"E. A. HAYES."

PRESIDENT PORTER IN THE CHAIR.

At two o'clock and forty-five minutes P. M., Lieutenant-Governor Warren R. Porter in the chair.

SPECIAL CODE REVISION FILE.

On motion of Senator Leavitt, the special file of Code revision bills, heretofore made a special order for this day at eight o'clock P. M., was taken up for consideration.

THIRD READING OF CODE BILLS.

Senate Bill No. 355—An Act to amend Section 595 of the Political Code, relating to the general duties of insurance commissioners.

WITHDRAWAL OF BILL.

Senator Willis asked for and was granted unanimous consent to withdraw Senate Bill No. 355.

Senate Bill No. 355 withdrawn, and ordered stricken from the file.

THIRD READING OF CODE BILLS.—(RESUMED).

Senate Bill No. 208—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil action. Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 208 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Hartman, Keane, Leavitt, McCartney, Muentner, Rambo, Rush, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 203—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 203 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Hartman, Keane, Leavitt, McCartney, Muentner, Rambo, Rush, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVES OF ABSENCE.

Senator Curtin was, on his own motion, granted leave of absence for the remainder of this day and for Saturday, February 16, 1907.

Senator Wright was, on his own motion, granted leave of absence for the remainder of this day.

THIRD READING OF CODE BILLS—(RESUMED).

Senate Bill No. 209—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 209 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Leavitt, McKee, Muentner, Rambo, Reily, Rush, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 201—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110a, requiring notice to be given to the real parties in interest in certain proceedings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 201 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Leavitt, McCartney, Muentner, Rambo, Reily, Rush, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 202—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 202 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Leavitt, McCartney, Muentner, Rambo, Reily, Rush, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 204—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 204 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Hartman, Keane, Leavitt, McCartney, Muentner, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 205—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 205 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Keane, Leavitt, McCartney, Muentner, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 211—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 211 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Leavitt, McCartney, McKee, Muentner, Rambo, Reily, Rush, Walker, Welch, Willis, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 215—An Act to repeal Section 749 of the Code of Civil Procedure, as approved March 31, 1891, relating to service of summons by publication in actions relating to real property in this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 215 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Leavitt, McCartney, McKee, Muentner, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 216—An Act to amend Section 740 of the Code of Civil Procedure, relating to actions for the recovery of property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 216 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Leavitt, McCartney, McKee, Muentner, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 217—An Act to amend Section 728 of the Code of Civil Procedure, relating to sales in actions to foreclose mortgages.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 217 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, McCartney, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 218—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 218 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, McCartney, Muentzer, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 362—An Act to repeal Section 599 of the Penal Code, as approved March 18, 1905, and to add a new section thereto, to be known as Section 599f, both relating to the killing of any elk within the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 362 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, McCartney, McKee, Muentzer, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 361—An Act to repeal Section 526 of the Penal Code, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public places of amusement for more than the original price thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 361 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, McCartney, McKee, Muentzer, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 213—An Act to amend Section 803 of the Code of Civil Procedure, relating to action for the usurpation of an office or franchise.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 213 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Leavitt, McCartney, McKee, Muentner, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 219—An Act to amend Section 700 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 700a, both relating to execution sales.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 219 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Keane, Leavitt, McCartney, McKee, Muentner, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 210—An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 210 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Keane, Leavitt, Lukens, McCartney, McKee, Muentner, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 313—An Act to amend Sections 387, 388, and 389 of the Code of Civil Procedure, all relating to parties to civil actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 313 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Keane, Leavitt, Lukens, McCartney, McKee, Muentner, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 317—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 317 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Keane, Leavitt, Lukens, McCartney, McKee, Muentner, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 321—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 321 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Keane, Leavitt, Lukens, McCartney, McKee, Muentner, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 303—An Act to repeal Sections 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, and 79 of the Code of Civil Procedure, all relating to courts of justice.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 303 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Keane, Leavitt, Lukens, McCartney, McKee, Muentner, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 304—An Act to repeal Section 115 of the Code of Civil Procedure, relating to the criminal jurisdiction of justices' courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 304 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Keane, Leavitt, McCartney, McKee, Muentner, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 305—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 305 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, McCartney, McKee, Muentner, Rambo, Reily, Rush, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 306—An Act to amend Section 139 of the Code of Civil Procedure and to repeal Section 140 thereof, both relating to proceedings in case of absence of judge.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 306 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 307—An Act to amend Section 144 of the Code of Civil Procedure, relating to places of holding courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 307 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 308—An Act to repeal Sections 156 and 157 of the Code of Civil Procedure, both relating to the eligibility of judicial officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 308 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Hartman, Keane, Leavitt, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 312—An Act to amend Sections 352 and 355 of the Code of Civil Procedure, both relating to the time of commencing actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 312 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Boynton, Broughton, Caminetti, Hartman, Keane, Leavitt, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 314—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 314 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Hartman, Keane, Leavitt, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 315—An Act to add two new sections to the Code of Civil Procedure, to be numbered 417 and 418, both relating to actions for libel and slander.

Read third time.

On motion of Senator Leavitt, Senate Bill No. 315 was temporarily passed on file, to retain its place.

Senate Bill No. 320—An Act to amend Sections 566 and 567 of the Code of Civil Procedure, both relating to receivers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 320 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Hartman, Keane, Leavitt, Lynch, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 220—An Act to amend Sections 681, 687, 688, and 689 of the Code of Civil Procedure, all relating to execution in civil cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 220 passed by the following vote:

AYES—Senators Anderson, Bates, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McCartney, McKee, Muentner, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR KEANE IN THE CHAIR.

At three o'clock and ten minutes P. M., Senator George B. Keane, of the Twenty-third District, in the chair.

THIRD READING OF CODE BILLS—(RESUMED).

Senate Bill No. 359—An Act to amend Section 1475 of the Penal Code, relating to the issuance of writs of habeas corpus and to petitions therefor, and to service of copies thereof upon the district attorney in certain cases, and to the discharge of persons on such writs.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Willis moved a call of the Senate.

Motion carried.

Time, three o'clock and fifteen minutes P. M.

The Acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bates, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McKee, Muentner, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—20.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and seventeen minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Willis.

The roll was called.

Whereupon the Acting President announced that Senate Bill No. 359 was passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF CODE BILLS—(RESUMED).

Senate Bill No. 330—An Act to amend Section 1365 of the Code of Civil Procedure, relating to persons entitled to administer on the estates of decedents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 330 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 415—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 415 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 416—An Act to repeal Sections 288, 289, 290, 291, 292, 293, 294, and 295 of the Political Code, all relating to the contesting of elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 416 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 417—An Act to amend Section 4452 of the Political Code, relating to liabilities of counties and cities for injuries to property by mobs or riots.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 417 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Boynton, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 418—An Act to amend Section 1973 of the Code of Civil Procedure, relating to agreements which, or some note of memorandum whereof, must be in writing.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 418 passed by the following vote:

AYES—Senators Anthony, Bates, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 423—An Act to add a new section to the Political Code, to be known as Section 3975a, providing for the transfer of certain moneys from one county to another when a new county has been formed and organized.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 423 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 483—An Act to amend Section 3902 of the Political Code, relating to the division of the State into counties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 483 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McKee, Muentner, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 485—An Act to repeal Section 3366 of the Political Code, relating to the imposition of license taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 485 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 486—An Act to amend Section 7 of the Civil Code, relating to holidays.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 486 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 419—An Act to amend Section 172 of the Penal Code, relating to keeping of intoxicating liquors within or contiguous to certain State buildings and grounds.

On motion of Senator Willis, Senate Bill No. 419 was temporarily passed on file, to retain its place.

Senate Bill No. 424—An Act to amend the Code of Civil Procedure by adding a new title thereto, to be known as Title XIV of Part III, relating to special proceedings; said title to relate to proceedings for the adjustment, settlement, and payment of any indebtedness existing against any city or municipal corporation at the time of exclusion of territory therefrom, and the division of the property thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 424 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McCartney, McKee, Muentner, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 484—An Act to repeal Section 3977 of the Political Code, to add a new section thereto, to be known as Section 3975b, and to amend Sections 3976, 3981, and 3985 thereof, all relating to county seats and proceedings for the change thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 484 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 357—An Act to amend Section 1239 of the Penal Code, relating to the time in which appeals may be taken in criminal actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 357 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 324—An Act to amend Section 625 of the Code of Civil Procedure, relating to when a general or special verdict may be rendered.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 324 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 421—An Act to amend Section 1118 of the Code of Civil Procedure, relating to the setting of a day by the Superior Court for trial of contested election cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 421 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 622—An Act to repeal Section 273 of the Penal Code as approved March 7, 1905, and to add a new section thereto, to be known as Section 273*f* thereof, both relating to the protection of children under eighteen years of age.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 622 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 641—An Act to amend Section 52 of the Political Code, relating to residence.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 641 passed by the following vote:

AYES—Senators Anderson, Bates, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 207—An Act to amend Sections 1025 and 1031, both relating to costs in civil actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 207 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Broughton, Caminetti, Hartman, Keane, Leavitt, Lukens, Lynch, McCartney, McKee, Muentner, Rambo, Rolley, Rush, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read.

The following amendment to the title was offered by Senator Willis:

Amend by striking out of the title the comma after the word "thirty-one," and inserting in lieu thereof the following: "of the Code of Civil Procedure."

Amendment adopted.

Title approved as amended.

Bill ordered transmitted to the Assembly.

PRESIDENT PORTER IN THE CHAIR.

At three o'clock and forty minutes P.M., Lieutenant-Governor Warren R. Porter in the chair.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Bates: Senate Bill No. 791—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written-up pass-book or bank-book or to statements of his deposit account within a certain time or be concluded thereby.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 792—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349½, relating to books or records of any bank, banker, trust company, or savings and loan society that have been lost or destroyed by conflagration, earthquake, or other public calamity, and prescribing a time within which certain actions shall be commenced.

Bill read first time, and referred to Committee on Judiciary.

By Senator McCartney: Senate Bill No. 793—An Act to authorize the United States of America to sue the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 794—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 3524, relating to the sale of certain State lands.

Bill read first time, and referred to Committee on Revenue and Taxation.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 238—An Act to amend an Act entitled "An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and to punish persons violating the provisions of this Act," which became a law under constitutional provision, without the Governor's approval, March 9, 1901, by amending Sections 2, 3, 4, 7, and 8, changing Section 9 to Section 10, and Section 10 to Section 11, and adopting a new section, to be known as Section 9.

Also: Senate Bill No. 710—An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation.

Also: Senate Bill No. 665—An Act to amend Section 1 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," which became a law under the constitutional provision, without the Governor's approval, February 27, 1901.

Have had the same under consideration, and respectfully report the same back, and recommend a committee substitute therefor, and that the same do pass.

MARKEY, Chairman.

Senate Bills Nos. 238, 710, and 665 ordered on file for second reading.

ADJOURNMENT.

At three o'clock and fifty minutes P. M., Senator Leavitt moved that the Senate adjourn.

Senator Hartman moved, as an amendment, that the Senate adjourn until Monday, February 18, 1907, at ten o'clock A. M.

Amendment lost.

Motion carried.

Whereupon the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Saturday, February 16, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Cartwright, Keane, Leavitt, Lukens, McKee, Rambo, Reily, Rolley, Rush, Walker, Weed, Willis, Wolfe, and Wright—21.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVES OF ABSENCE.

Senator Anderson was, on motion of Senator Willis, granted leave of absence for this day.

Senator Hartman was, on motion of Senator Keane, granted leave of absence for this day.

Senator Welch was, on motion of Senator Bell, granted leave of absence for this day.

Senator Black was, on motion of Senator Walker, granted leave of absence for this day.

Senator Mattos was, on motion of Senator Lukens, granted leave of absence for this day.

Senator McCartney was, on motion of Senator Rolley, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 15, 1907, the further reading was dispensed with, on motion of Senator Keane.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Assembly Bill No. 295—An Act to provide for repairing the plumbing, installing new bathtubs and toilets and laying a cement flooring, and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Assembly Bill No. 62—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital, and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

Also: Assembly Bill No. 294—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.

Also: Assembly Bill No. 235—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Assembly Bill No. 64—An Act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern California State Hospital, and along highways adjacent thereto, for the protection of the said lands and of the buildings thereon, and to make appropriation for the same.

Also: Assembly Bill No. 12—An Act appropriating money for advertising and exploiting the State Fair.

Also: Assembly Bill No. 43—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California.

Also: Assembly Bill No. 153—An Act appropriating money to be used to replace the library of the Supreme Court destroyed by fire in San Francisco.

Also: Assembly Bill No. 154—An Act appropriating money for furniture, carpets, fixtures and other accessories necessary for the use of the Supreme Court.

Also: Assembly Bill No. 155—An Act appropriating money to pay the increased salaries of Justices of the Supreme Court for the current fiscal year.

Also: Assembly Bill No. 644—An Act making an appropriation of \$4,000 to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the old theater property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties," approved February 21, 1905.

Also: Assembly Bill No. 371—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.

Also: Assembly Bill No. 441—An Act to amend Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 20, 1903, by providing a penalty for the violation thereof.

Also: Assembly Bill No. 244—An Act providing for the registration of the purchasers of guns, pistols and other firearms; and providing for the punishment of dealers neglecting to register such purchasers.

Also: Assembly Bill No. 545—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Also: Assembly Bill No. 366—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Sections 7, 10, 11, and 12 thereof.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 295, 294, 235, 12, 43, 153, 154, 155, and 644 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 62 and 64 read first time, and ordered on file without reference to committee.

Assembly Bill No. 371 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 441 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 244 and 545 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 366 read first time, and referred to Committee on Insurance and Insurance Laws.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 15, 1907

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 80—An Act to provide for the erection of a horse barn, carriage house and implement shed at the Southern California State Hospital, and to make appropriation for the same.

Senate Bill No. 290—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct and equip for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of \$800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost and authorizing and directing the State Controller to draw his warrant for the said sum and the State Treasurer to pay the same.

Senate Bill No. 535—An Act to provide for the erection and equipment of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Senate Bill No. 662—An Act to provide for the erection and equipment on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward and for the treatment of acute cases by hydrotherapy and electricity, and making an appropriation therefor.

Senate Bill No. 578—An Act to create a reclamation district to be called Reclamation District No. 774, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

Senate Bill No. 347—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary and stenographer, and to appropriate money therefor," approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof relating to the powers and duties of such commission, and by amending Section 9 thereof, relating to the tenure of such commission.

Senate Bill No. 530—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 231, relating to the adoption of children.

Senate Bill No. 626—An Act to add a new section to the Code of Civil Procedure, to be numbered 751a, relating to the effect of judgments in actions to quiet title and determine adverse claims to real property and in actions for specific performance.

Senate Bill No. 564—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators and guardians in certain cases.

Senate Bill No. 597—An Act to amend Section 1 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the construction thereof and the exemption of the community property from the tax thereby imposed.

Senate Bill No. 628—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Senate Bill No. 642—An Act to amend Section 384c of the Penal Code, relating to the injuring of animals by persons hunting.

Senate Bill No. 705—An Act to add a new section to the Penal Code, to be known as Section 273g, relating to indulging in degrading, lewd, immoral or vicious habits or practices, or being habitually drunk in the presence of children.

Senate Bill No. 574—An Act to amend Section 213 of the Penal Code of the State of California and to add a new section thereto, numbered 212a, relating to the crime of robbery and its punishment.

Senate Bill No. 630—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Senate Bill No. 612—An Act to add a new section to the Civil Code of the State of California, to be known as Section number 602a, relating to corporations sole.

Senate Bill No. 653—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section to be numbered 10½.

Senate Bill No. 17—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof, relating to prize fighting.

Senate Bill No. 619—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454a, allowing the plaintiff in an action upon a contract of insurance, wherein exemption from liability is claimed by the defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.

Senate Bill No. 613—An Act to add a new section to the Civil Code, to be numbered Section 423, relating to deposits for the protection of policy holders by insurance companies engaged in the business of insuring or indemnifying employers and others against loss or damage for personal injury or death resulting from accidents to employés or persons other than employés.

Senate Bill No. 620—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 437a, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance.

Senate Bill No. 736—An Act to amend Section 1979 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employés.

Senate Bill No. 714—An Act to add a new section to the Political Code, to be numbered 1617a, requiring that the United States flag shall be hoisted on all public school houses and displayed in each school room.

Senate Bill No. 711—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the terms of existence of corporations.

Senate Bill No. 658—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

Senate Bill No. 722—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Senate Bill No. 77—An Act to amend Section 205 of the Code of Civil Procedure, relating to the qualifications of jurors

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 80, 290, 535, 662, 578, 347, 530, 626, 564, 597, 628, 642, 705, 574, 630, 612, 653, 17, 619, 613, 620, 736, 714, 711, 658, 722, and 77 ordered on file for third reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 16, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 389—An Act entitled an Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Supreme Court.

Also: Assembly Bill No. 564—An Act to amend Sections 439 and 440 of the Political Code, relating to the employés in the Controller's office and the salaries paid to such employés.

Also: Senate Bill No. 441—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Also: Senate Bill No. 443—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duties of such board; and providing when proceedings under this Act shall be admissible in evidence, approved February 26, 1903, as amended by Sections 11, 12, 13, 14 and 15 of an Act amendatory of the same, approved March 22, 1905."

Also: Senate Bill No. 499—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.

Also: Senate Bill No. 721—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Senate Bill No. 727—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of \$2,000 therefor.

Also: Senate Bill No. 740—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Also: Senate Bill No. 765—An Act to accept from E. F. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of and to vest the title in the State of California of the improvements, buildings, and furnishings therein at La Tour Soda Springs, in Shasta County, and appropriating the sum of \$3,000 for the purpose of purchasing ten acres or more of land, and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States army, to be known as Winslow Veterans' Home, and to provide for the government thereof by the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 618—An Act to authorize local boards of managers of the several State hospitals for the insane of the State of California to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said hospitals, and to provide for their compensation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

Assembly Bills Nos. 389 and 564 ordered on file for second reading.

Senate Bills Nos. 441, 443, 499, 721, 727, 740, 765, and 618 ordered on file for second reading.

ON FORESTRY AND WATER PRESERVATION.

SENATE CHAMBER, SACRAMENTO, February 16, 1907.

MR. PRESIDENT: Your Committee on Forestry and Water Preservation, to whom was referred Senate Bill No. 766—An Act to create a fund to be known as the United States Forest Reserve Fund, and to provide for the payment out of such fund to the treasurers of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

WEED, Chairman.

Senate Bill No. 766 ordered on file for second reading.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 767—An Act to amend the Political Code by adding a new section thereto, to be numbered 1115a, requiring the county clerks, and the registrar of voters of the City and County of San Francisco to furnish the Secretary of State with a certified copy of the index and supplements to the Great Register—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALKER, Chairman.

Senate Bill No. 767 ordered on file for second reading.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 734—An Act to amend Sections 1908, 1914, 1916, 1922, 1923 all of the Political Code of the State of California, relating to the enrolled militia—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Senate Concurrent Resolution No. 10—Relative to the formation of rifle clubs throughout California under Act of Congress, approved March 3, 1905, and message of President of the United States, dated December 3, 1906—have had the same under consideration, and respectfully report the same back with two amendments, and recommend that the same do pass as amended.

Also: Senate Bill No. 733—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111 and

2112, all of the Political Code of the State of California, relating to the National Guard—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended, and be re-referred to the Committee on Finance.

ANTHONY, Chairman.

Senate Bill No. 734 ordered on file for second reading.

Senate Concurrent Resolution No. 10 ordered on file.

Senate Bill No. 733 referred to Committee on Finance.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 747—An Act to amend Section 777 of the Penal Code of the State of California relating to local jurisdiction of public offenses.

Also: Senate Constitutional Amendment No. 8—To propose to the people of the State of California the repeal of Section 12, of Article XIII of the Constitution of the State of California, whereby to abolish State poll tax.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 752—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto to be numbered 114a, 114b and 114c, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund and providing for the custody and management of said fund and the determination and disposition of claims against the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also: Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education and text-books, and providing for free text-books—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Education.

Also: Assembly Bill No. 358—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895, and an Act amendatory thereof, approved March 20, 1905—have had the same under consideration, and respectfully report the same back, and recommend that same be re-referred to Committee on Public Buildings and Grounds.

Also: Senate Bill No. 655—An Act to amend Section 789 of the Civil Code, relating to notice required in terminating tenancies or other estates at will, however created.

Also: Senate Bill No. 656—An Act to amend Section 427 of the Civil Code, relating to notice required for changing terms of tenancies or other estates at will, however created, and of all leases of lands or tenements, or of any interest therein, from month to month.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Constitutional Amendment No. 24—A resolution to be proposed to the people of the State of California, an amendment to the Constitution of the State, by amending Section 6 of Article I thereof, relating to bail, punishment and witnesses, and prohibiting the death penalty, except in certain cases.

Also: Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to Section 1 of Article VI of the Constitution of the State of California, relating to the judicial power of the State and creating a court of impeachment.

Have had the same under consideration, and respectfully report the same back, and recommend that they be not adopted.

LUKENS, Chairman.

Senate Bills Nos. 747, 752, 655, and 656 ordered on file for second reading.

Senate Constitutional Amendments Nos. 8, 24, and 30 ordered on file.

Assembly Constitutional Amendment No. 5 referred to Committee on Education.

Assembly Bill No 358 referred to Committee on Public Buildings and Grounds.

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 16, 1907.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Senate Bill 599—An Act to promote the safety of employes and travelers upon

railroads by limiting the number of hours of service of employes thereon, and to provide a penalty for the violation thereof—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

KEANE, Chairman.

Senate Bill No. 599 ordered on file for second reading.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California—Senator Anthony moved that the further consideration of the same be postponed and made a special order for Monday, February 18, 1907, at eleven o'clock A. M.

Motion carried.

MOTION TO RECONSIDER POSTPONED, AND SPECIAL ORDER SET.

In compliance with his notice given on previous day, Senator Caminetti moved that the vote whereby Senate Bill No. 644—An Act to appropriate \$2,500 for the construction of retaining walls and fences on the boundary lines of the site of the State Normal School at Los Angeles, California, and to authorize the trustees of said school to construct said retaining walls and fences—was passed, be now reconsidered.

The motion was duly seconded.

Senator Caminetti moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 644 was passed, be postponed and made a special order for Monday, February 18, 1907, at eleven o'clock A. M.

Motion carried.

RESOLUTION.

The following resolution was offered:

By Senator Caminetti:

WHEREAS, Sections 9, 10, 11, 14, 15, 17, 18, 19, 20, and 21, of Article XII of the Constitution of the State of California, relate to and affect railroad corporations doing business in this State; and

WHEREAS, Some of said sections prescribe conditions and impose restrictions on said corporations for the protection of the people of this State; and

WHEREAS, Some of said sections plainly provide what are the duties of, and what is the authority conferred on, the Railroad Commission of this State; and

WHEREAS, The erroneous idea seems to prevail in some quarters that such commission can act only on the complaint of some individual; and

WHEREAS, From an examination of said above recited sections it is evident that ample and full authority to act upon and remedy many of the abuses which have caused and are now causing injury to the producers, shippers, and consumers of California has been conferred on said commission; and

WHEREAS, It has been absolutely established by evidence taken recently in various places in California by a section of the Interstate Commerce Commission, presided over by the Honorable Franklin K. Lane, and by testimony secured for the National Government by the Honorable James R. Garfield, Commissioner of Corporations of the United States, that railroad corporations have been guilty of abuses, many violations of law, and discriminations, not only as to places and certain industrial activities, but also as to persons, all of which are subject to State regulation; and

WHEREAS, Among the many references in Mr. Garfield's report touching on the subject of railroad discriminations in California, all of which are set forth in the last message of Governor George C. Pardee, the following is found: "The investigations developed the existence of more than eighty different deviations from published tariff rates in oil in California"; and

WHEREAS, Such abuses, violations, and discriminations have gone on unredressed and without receiving any attention and consideration from said Railroad Commission; and

WHEREAS, Experience in other States having the commission system has proven that by the reasonable and just execution of constitutional and statute provisions on the subject of railroad regulation, great good has resulted to the people; and

WHEREAS, By reason of the power at present conferred by the National Government on the Interstate Commerce Commission, and the activity displayed by the members of said Commission in investigating and remedying abuses in interstate railroad traffic, it is not only important, but absolutely essential for this State, in the interest of the producer, shipper, and consumer, to supplement this work within the jurisdiction of this State by an energetic administration of our laws on the subject; and

WHEREAS, By Section 24 of said Article XII it is made the duty of the Legislature to "pass all laws necessary for the enforcement of the provisions," of said article; and

WHEREAS, As suggested by said message of Governor George C. Pardee, there is a "most remarkable absence of statute law," not only as bearing upon Section 21 of said article, but also upon other important and vital provisions of the same; and

WHEREAS, A continuance of the "do nothing" policy of the Railroad Commission would substitute for the adage that "public office is a public trust," that dangerous motto "some public offices are a railroad trust"; therefore, be it

Resolved, That in the opinion of the Senate many of the abuses practiced against the interests of the producers, shippers, and consumers, including discriminations between persons, industries, and places, should have received due consideration by the Railroad Commission in the past, and the Senate expresses the hope that these matters will receive the earnest attention of the present Railroad Commission; and, be it further

Resolved, That the Committee on Judiciary is hereby requested to prepare a report to the Senate, at its earliest convenience, of all necessary legislation in the nature of proposed amendments to the Constitution, and also "all laws necessary for the enforcement of the provisions" of said Article XII.

SPECIAL ORDER SET.

Senator Wolfe moved that the above resolution be printed in the Journal and the consideration of same be made a special order for Tuesday, February 19, 1907, at eleven o'clock A. M.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Wright (by request): Senate Bill No. 795—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Willis (by request of Code Commission): Senate Bill No. 796—An Act to amend Section 2349 of the Political Code and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

Bill read first time, and referred to Committee on Judiciary.

By Senator Boynton: Senate Bill No. 797—An Act fixing the price, terms, and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment for offenses under the same.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Reily: Senate Bill No. 798—An Act to provide for suitable toilet rooms in certain foundries, and providing a penalty for a violation of this Act.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 799—An Act to establish the payment of weekly wages to certain employes, and providing a penalty for a violation thereof.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

By Senator Carter: Senate Bill No. 800—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employes of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employes.

Bill read first time, and referred to Committee on County Government.

CONSIDERATION OF DAILY FILE.

On motion of Senator Leavitt, the second-reading file was taken up for consideration.

SECOND READING OF BILLS.

Senate Bill No. 496—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by amending Section 5 thereof, in relation to practicing without a certificate.

WITHDRAWAL OF BILL.

Senator McKee asked for and was granted unanimous consent to withdraw Senate Bill No. 496.

Senate Bill No. 496 withdrawn and ordered stricken from the file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 344—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, concerning the listing of grand and trial jurors.

On motion of Senator McKee, Senate Bill No. 344 was temporarily passed on file, to retain its place.

Senate Bill No. 501—An Act to amend Section 1771 of the Political Code, relating to the power of county boards of education.

During second reading of bill, the following amendments were submitted by committee:

Strike out the brackets around the numbers of the sub-sections wherever they appear in the printed bill.

Amendment adopted.

Also:

On line 10, of the printed bill, strike out the following: "(To grant limited certificates)."

Amendment adopted.

Also:

On line 25, page 2, of the printed bill, strike out the following: "(To grant permanent certificates)."

Amendment adopted.

Also:

On line 41, page 2, of the printed bill, after the word "for" insert the words "immoral or."

Amendment adopted.

Also:

On line 45 of the printed bill, before the word "unprofessional" insert the words "immoral or."

Amendment adopted.

Also:

On line 57, strike out the word "of" after the word "trial" of the printed bill and insert in lieu thereof the word "or."

Amendment adopted.

Also:

Strike out of line 80, printed bill, the following: "(To adopt and use seal—Printing)."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 505—An Act to amend Section 1582 of the Political Code, relating to the duties of the Superintendent of Public Instruction.

During second reading of bill, the following amendments were submitted by committee:

On line 28, page 2, of the printed bill, strike out "(\$250)."

Amendment adopted.

Also:

Strike out the brackets on lines 56 and 57.

Amendment adopted.

Also:

On line 68 of printed bill, strike out the words "four and eighteen" and insert in lieu thereof the words "five and seventeen."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers.

On motion of Senator Caminetti, Assembly Bill No. 541 was temporarily passed on file, to retain its place.

Assembly Bill No. 402—An Act to add a new section to the Political Code of California, to be known as Section 1641, relating to and defining who are census children.

During second reading of bill, the following amendments were submitted by committee:

On line 4, page 1 of the printed bill, strike out the word "section."

Amendment adopted.

Also:

On line 5 of the printed bill, strike out the words "four and eighteen" and insert in lieu thereof the words "five and seventeen."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 119—An Act to amend Section 2984 of the Political Code of the State of California, for the enforcement of the rules, orders, and regulations of the State Board of Health within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities in relation to the State Board.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 548—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

Read second time.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Leavitt, Assembly Bill No. 548 was re-referred to Committee on Public Health and Quarantine.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 125—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 372a, declaring it a misdemeanor to spit or discharge mucus upon public sidewalks, public buildings, trains, cars, stages, ferry boats, steamers, boats, or other vehicles or vessels used for the transportation of the public.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 126—An Act to amend Section 374 of the Penal Code of the State of California, relating to putting dead animals in streets, rivers, etc.

On motion of Senator McKee, Assembly Bill No. 126 was temporarily passed on file, to retain its place.

Senate Bill No. 571—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California where the same has been destroyed by conflagration or other public calamity.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 123—An Act to amend Sections 3, 9, 10, 12, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities, and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 439—An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 614—An Act to amend Section 825 of the Penal Code of the State of California, relating to the right of attorneys to visit prisoners, and providing a penalty for the refusal of officers to allow the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 11—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 8 of the printed bill, strike out the word "twelve" and insert in lieu thereof the word "five."

Amendment adopted.

Also:

On page 1, Section 1, line 9, insert after the word "divided," and before the period, the following: "And in every case where the county seat of the county sought to be divided is situated at or within the boundaries of any incorporated town or city, such county seat shall, for the purposes of this Act, be held to include and to be co-terminous with the territory included within the boundaries of the incorporated town or city whereat or wherein the county seat of the county sought to be divided is situated, as such boundaries are legally fixed and determined at the date of the filing of the petition or petitions referred to in Section 2 of this Act. Nor shall any new county be formed which shall reduce to less than seven hundred and fifty square miles the area of any existing county from which territory is taken to form such new county."

Amendment adopted.

Also:

On page 2, Section 2, line 3 of the printed bill, after the word "such" insert the words "then existing."

Amendment adopted.

Also:

On page 2, Section 2, line 19 of the printed bill, strike out the words "electors of each" and insert in lieu thereof the words "qualified electors of each of."

Amendment adopted.

Also:

On page 2, Section 2, line 25 of the printed bill, after the word "proposed" insert the word "new."

Amendment adopted.

Also:

On page 2, Section 2, line 30 of the printed bill, strike out the word "nearly" and insert in lieu thereof the word "near."

Amendment adopted.

Also:

On page 2, Section 2, strike out lines 34 and 35 of the printed bill, and insert in lieu thereof the following: "A statement of the area in square miles which will remain in the county or counties from which territory is taken to form such new county, after such new county is formed."

Amendment adopted.

Also:

On page 3, Section 2, line 36 of the printed bill, after the word "proposed" insert the word "new."

Amendment adopted.

Also:

On page 3, Section 2, line 37 of the printed bill, after the word "proposed" insert the word "new."

Amendment adopted.

Also:

On page 3, Section 2, line 44 of the printed bill, before the word "electors" insert the word "qualified."

Amendment adopted.

Also:

On page 3, Section 2, strike out lines 58, 57, 58, 59, 60, and 61 of the printed bill and insert in lieu thereof the following: "Upon the filing of such petition or petitions and affidavit with the clerk of the said Board of Supervisors said board shall forthwith fix a date to hear the proof of the said petitioners and of any opponents thereto, which date must not be less than thirty nor more than forty days, subsequent to the filing of such petition with the clerk of said board."

Amendment adopted.

Also:

On page 4, Section 2, strike out lines 98 and 99 of the printed bill, and insert in lieu thereof the following: "than thirty-five per cent of the votes cast at said election are 'For the new county of —' (naming the proposed new county) No."

Amendment adopted.

Also:

On page 5, Section 2, line 117 of the printed bill, strike out the words "the proposed new county from which it is taken" and insert in lieu thereof the following: "Each of such existing counties which it is proposed to take into the proposed new county."

Amendment adopted.

Also:

On page 5, Section 2, after line 125 of the printed bill, insert a new paragraph as follows: "6th. Whether the area of any existing county from which territory is taken to form such new county will be reduced to less than seven hundred and fifty square miles by taking the territory proposed to be taken therefrom to form such new county."

Amendment adopted.

Also:

On page 5, Section 2, line 126 of the printed bill, strike out the word "6th." and insert in lieu thereof the word "7th."

Amendment adopted.

Also:

On page 5, Section 2, strike out all of line 133 and the words "general election held" in line 134 of the printed bill, and insert in lieu thereof the following: "of qualified electors recorded on the great register at the date when said petition is filed."

Amendment adopted.

Also:

On page 5, Section 2, strike out lines 137 to 147, both inclusive, of the printed bill, and insert in lieu thereof the following:

"On the final hearing said Board of Supervisors must, upon petition of not less than fifty per cent of the qualified electors of any territory lying within said proposed new county and contiguous to the boundary line thereof, and lying entirely within a single old county, and described in said petition, asking that said territory be not included within the proposed new county, make such changes in the proposed boundaries as will exclude such territory from such new county, and shall establish and define such boundaries; *provided*, that any changes made by said Board shall not reduce the population of the proposed new county to less than six thousand."

Amendment adopted.

Also:

On page 6, Section 3, strike out lines 1 to 17½ of the printed bill.

Amendment adopted.

Also:

On page 6, Section 3, line 20 of printed bill, after the figures "25,000" insert the following: "nor the area thereof to less than 750 square miles."

Amendment adopted.

Also:

On page 6, Section 3, line 25 of the printed bill, before the word "electors" insert the word "qualified."

Amendment adopted.

Also:

On page 7, Section 3, line 40 of the printed bill, strike out the period at the end of the line and insert the following: "*provided*, that the boundary lines of no such precinct shall extend beyond the boundary lines of the existing county in which it is located and from which the territory is proposed to be taken; and said board shall appoint the election officers to act at said election and to be paid by said board."

Amendment adopted.

Also:

On page 7, Section 3, strike out lines 41 and 42, and the words "but not longer than," in line 43, of the printed bill, and insert in lieu thereof the word "within."

Amendment adopted.

Also:

On page 7, Section 3, strike out lines 54, 55, 56, and 57 of the printed bill, and insert in lieu thereof, "all qualified electors resident within the proposed new county who are qualified electors of the county or counties from which territory is taken to form such proposed new county, and who have been such resident qualified electors twenty-five days prior to the date of said election, shall be entitled to vote at said election. Registration and transfers of registration shall be made and shall close in the manner and at the time provided by law for registration and transfers of registration for a general election in the State of California."

Amendment adopted.

Also:

On page 8, Section 3, after the word "county," and before the period, in line 92 of the printed bill, insert the following: "and such board shall cause the clerk of said county to furnish to the officers of each precinct in such proposed new county all ballots, poll lists, tally lists, registers for voters' signatures, ballot boxes, and other election supplies and equipment necessary to conduct such election and which are not hereinafter specifically directed to be furnished by the clerk of another county or counties."

Amendment adopted.

Also:

On page 8, Section 3, line 97, of the printed bill, after the word "shall " insert the following: "five days before the date of such election."

Amendment adopted.

Also:

On page 8, Section 3, line 102 of the printed bill, strike out the words "within ten" and insert in lieu thereof the following: "up to twenty-five."

Amendment adopted.

Also:

On page 9, Section 4, line 2 of the printed bill, strike out the word "sixty" and insert the word "sixty-five."

Amendment adopted.

Also:

On page 9, Section 4, line 4 of the printed bill strike out the word "sixty" and insert the word "sixty-five."

Amendment adopted.

Also:

On page 9, Section 4, line 7 of the printed bill, before the word "yes" insert the words "(naming it)."

Amendment adopted.

Also:

On page 2, Section 4, line 11 of the printed bill, after the word "place" insert the words "(naming it)."

Amendment adopted.

Also:

On page 9, Section 4, line 12 of the printed bill, strike out the words "(naming it)" and insert in lieu thereof the words "for county seat."

Amendment adopted.

Also:

On page 10, Section 4, line 35 of the printed bill, after the word "qualified" and before the period, insert the following: "and for the purpose of determining the term of office of such officers, the years said officers are to hold office, are to be computed respectively from and including the first Monday after the first day of January following the last preceding general election."

Amendment adopted.

Also:

On page 10, Section 4, line 37 of the printed bill, strike out the word "forty" and insert in lieu thereof the word "thirty-five."

Amendment adopted.

Also:

On page 10, Section 4, line 39, of the printed bill, strike out the word "forty" and insert in lieu thereof the word "thirty-five."

Amendment adopted.

Also:

On page 10, Section 4, line 42 of the printed bill, before the word "no" insert the following: "(naming it)."

Amendment adopted.

Also:

On page 12, Section 7, line 9 of the printed bill, strike out the word "them" and insert in lieu thereof the word "whom."

Amendment adopted.

Also:

On page 12, Section 7, line 22, after the word "except" insert the word "that."

Amendment adopted.

Also:

On page 12, Section 7, line 24, after the word "formed," and before the period, insert the following: "shall in no case be taken from the county seat of said county."

Amendment adopted.

Also:

On page 13, Section 8, line 14 of the printed bill, before the word "counties" insert the words "original old."

Amendment adopted.

Also:

On page 13, Section 8, strike out line 18 of the printed bill, and insert in lieu thereof the following: "taken from the old county or counties from which said new county was formed."

Amendment adopted.

Also:

On page 14, Section 8, strike out lines 64 to 72, both inclusive, and the words "and the old county shall pay the same," in line 73 of the printed bill, and insert in lieu thereof the following: "from the new county to the old county."

Amendment adopted.

Also:

On page 18, add a new section as follows:

Sec. 19. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 365—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator McKee, Assembly Bill No. 365 was re-referred to Committee on County Government, to retain its place.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 555—An Act to amend Sections 336, 337, 338, 339, and 344 of the Code of Civil Procedure, all relating to the time within which certain actions must be commenced.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 555.

An Act to amend section three hundred thirty-seven and three hundred thirty-nine of the Code of Civil Procedure, relating to time within which certain actions must be commenced.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three hundred thirty-seven of the Code of Civil Procedure is hereby amended to read as follows:

337. Within four years—

1. An action upon any contract, obligation or liability founded upon an instrument in writing executed within this state; *provided*, that wherever the time within which any such action must be so commenced would in any case expire by the terms of this section after the first day of June, one thousand nine hundred and six and before the first day of January, one thousand nine hundred and seven, such action may be commenced at any time before the first day of January, one thousand nine hundred and seven, with the same force and effect as if commenced within four years as in this section provided.

2. An action to recover a balance due upon a mutual, open and concurrent account or upon an open book account.

SEC. 2. Section three hundred and thirty-nine of the Code of Civil Procedure is hereby amended to read as follows:

339. Within two years—

1. An action upon a contract, obligation or liability not founded upon an instrument of writing, other than that mentioned in subdivision two of section three hundred thirty-seven of this code; or an action founded upon an instrument of writing executed out of the State.

2. An action against a sheriff, coroner, or constable upon a liability incurred by the doing of an act in his official capacity and in virtue of his office, or by the omission of an official duty, including the non-payment of money collected upon an execution. But this subdivision does not apply to an action for an escape.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

COMMITTEE SUBMITS SUBSTITUTE FOR TWO BILLS.

Senate Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending subdivision (i) of Section 6 of said Act.

Senate Bill No. 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by adding a new section thereto, to be known as Section 6a, and relating to the consolidation in one section of proceedings under said Act of March 17, 1897, and proceedings authorized

by "An Act to provide for the establishment and quieting of titles to real estate in case of the loss or destruction of public records," approved June 16, 1906.

During second reading of bills the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 436 AND 437.

An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending section six of said Act, and by adding a new section thereto, to be known as section six *a*, the latter relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by "An Act to provide for the establishment and quieting of titles to real estate in case of the loss or destruction of public records," approved June 16, 1906.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, is hereby amended so as to read as follows:

Section 6. The petition shall set forth substantially:

(a) The name, occupation, place of residence, and postoffice address of the applicant, and if the application is by one acting in behalf of another, the name, place of residence, post office address, and capacity of the person so acting, and the nature of the disability of the person for whom he is acting.

(b) Whether the applicant (except in case of a corporation) is married or not, and, if married, the name and residence of the husband or wife.

(c) The description of the land.

(d) The applicant's estate or interest in the same, and whether the same is subject to an estate of homestead.

(e) Whether the land is occupied or unoccupied, and if occupied, the name and postoffice address of each occupant, and what estate or interest he has or claims in the land.

(f) Whether the land is subject to any easement, lien, or incumbrance, and, if any, the name and postoffice address, if known, of each holder thereof, and the nature and amount of the same, and, if recorded, the book and page of the record.

(g) Whether any other person has any estate or claims any interest in the land, in law or equity, in possession, remainder, reversion, or expectancy, and, if any, the name and the postoffice address, if known, of every such person, and the nature of his estate or claim.

(h) The name and postoffice addresses of all the owners of the adjoining lands, so far as he is able, upon diligent inquiry, to ascertain the same.

(i) If the applicant is a male, that he is of the full age of twenty-one years; if a female, that she is of the full age of eighteen years. If the application is made by a corporation, its name, when and where incorporated, its principal place of business, and the names and postoffice addresses of its president and secretary. If the application is by a husband or wife, and the property is community property, the petition must so state, and both spouses must join therein.

If said land is part of a city, town, or subdivision, of which an official map is on file in the office of the county recorder, county surveyor or city engineer, and upon such map said land appears in such manner that it can be identified thereon by reference, the same shall be, in said application, designated by reference to such map. In all cases where said land can not be identified upon such map by reference, or where no such map is on file in any of such offices, a plat or plan of survey of the land made by the county or a licensed surveyor, must accompany the application.

If it appears by the verified petition that the applicant by himself or by himself and his predecessors in interest has been and is in the actual, exclusive and adverse possession of the land continuously for at least twenty years next preceding the filing of the petition, claiming to own the same in fee against the whole world and that he has or that he and his predecessors in interest have paid all taxes of every kind legally levied or assessed against the property during the period of five years continuously next preceding the filing of the petition, the applicant must also state the particulars regarding such possession at the commencement of said period of twenty years, and must make proof of all such facts to the satisfaction of the court on the hearing and must also prove that said land has not been theretofore brought under the operation of this Act.

In all cases in which actual, exclusive and adverse possession and payment of taxes is not alleged as in this subdivision provided, each application must be accompanied by an abstract of the title, verified by the searcher making the same, as required in proceedings in partition, or, if made by a corporation engaged in the business of making and certifying abstracts of title, then in lieu of the affidavit a certificate of such corporation, under its seal, shall be sufficient. Where actual, exclusive and adverse possession is alleged but not proved to the satisfaction of the court on the hearing, the court may require an abstract of the title as herein provided to be furnished, which shall then

be used in the same manner as if such abstract had been filed with the application. When the title to the land in question has been previously determined by a final decree of a court of competent jurisdiction, such abstracts need not antedate such decree unless required by the court in which such application is filed.

No person or corporation shall be authorized to make or furnish such abstracts of title until after entering into an undertaking with two or more sufficient sureties to the people of the State of California in a sum not less than \$10,000, which sum may be increased from time to time by order of the court, whenever it shall appear to such court that, by reason of the number of abstracts of title which any one person or corporation is making or furnishing under one bond, the State is not sufficiently secured thereby.

Such bond shall be recorded in the record of official bonds in the recorder's office of the county, and a duplicate filed in the county clerk's office. Said bond shall be conditioned to pay all damages and costs which the State may sustain by reason of any error or insufficiency in said abstract. The sureties on such bond shall qualify as provided in section ten hundred and fifty-seven of the Code of Civil Procedure, and the sufficiency of the bond and of the sureties thereon shall be approved by a judge of the superior court of the county where such bond is to be filed. The sureties upon such bond may become severally liable in portions of not less than five hundred dollars each, making in the aggregate at least two sureties for the whole sum.

SEC. 2. A new section, to be known as section six *a*, is hereby added to an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, to read as follows:

Section *6a*. Whenever a person entitled to take advantage of the provisions of this Act shall bring the action authorized by "An Act to provide for the establishment and quieting of title to real estate in case of the loss or destruction of public records," approved June 16, 1906, and the complaint in said action shall also set forth the facts required by subdivisions "a" to "g" inclusive of Section 6 of this Act and shall therein pray that the land in question be brought under the operation of this Act, the court in which such action is required to be commenced shall have jurisdiction to entertain the same and to grant the remedies provided by both this Act and said Act of June 16, 1906, in one and the same proceeding, and the plaintiff in said action shall be entitled to the joint remedy provided by both said Acts; whatever procedure is required by the provisions of both said Acts shall be followed in such action except that the summons, the provisions relating to service thereof and the time for appearance after service required by said Act of June 16, 1906, shall supplant the notice, the provisions relating to service thereof and the time for appearance after service provided by Section 13 of this Act, and except, further, that the provisions of subdivisions "h" and "i" of Section 6 of this Act shall not apply to actions brought by virtue hereof; said action shall be one in rem against all the world and the decree granting the joint remedies under both said Acts shall be in the nature of a decree in rem; this Act authorizing proceedings under both said Acts shall not be construed as in any manner affecting proceedings brought under either one of said Acts independently of each other.

SEC. 3. This Act shall be in force immediately.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 719—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 246—An Act to authorize the Board of State Harbor Commissioners to execute and deliver and to receive grants in the name of the State of California, so as to settle the westerly line of East Street, in the block bounded by Drumm, Washington, Jackson, and East streets, in the City and County of San Francisco, with the owners of property in said block fronting thereon.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 223—An Act to amend Section 827 of the Civil Code of the State of California, relating to changing terms of lease.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 40—An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, insert after the word "capped" the word "equipped."

Amendment adopted.

Also:

On page 2, Section 5, line 5, insert the following: after the word "imprisonment" the words "All prosecutions for the violation of any of the provisions of this Act shall be instituted in the justices' court of the county in which such well is situated."

Amendment adopted.

Also:

On page 2, Section 5, line 6, insert after the word "fine" "imposed under the provisions of this Act."

Amendment adopted.

Also:

On page 2, Section 5, line 5, strike out the word "such" after the word "imprisonment" and insert in lieu thereof the following: "any."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 643—An Act to provide for and regulate the deposit of public moneys in banks and banking corporations, and providing a penalty for the illegal deposit and use thereof.

During second reading of bill, the following amendments were submitted by committee:

On page 1, title, line 1, strike out the word "Public" and insert in lieu thereof the following: "County and Municipal."

Amendment adopted.

Also:

On page 1, Section 1, line 1, strike out the words "to the State or."

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the words "the treasurer" and insert in lieu thereof the following: "Any officer of such county or municipality having the legal custody of such county or municipal funds."

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the words "the state, or of any" and insert in lieu thereof the following: "such."

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the words "within the State."

Amendment adopted.

Also:

On page 1, Section 1, line 11, insert before the word "attorney" the word "district."

Amendment adopted.

Also:

On page 1, Section 1, line 12, strike out the words "State, county or" and insert in lieu thereof the following: "County or City Attorney for the."

Amendment adopted.

Also:

On page 2, Section 2, line 3, strike out the words "in the case of the State the rate of" and insert in lieu thereof the following: "The rate of."

Amendment adopted.

Also:

On page 2, Section 2, lines 4 and 5, strike out the words "By the Governor, Controller, and State Treasurer, and."

Amendment adopted.

Also:

On page 2, Section 2, lines 15 to 20, strike out the words beginning with "said" down to and including the word "directs" on line 20, and insert in lieu thereof the following: "Interest on all moneys deposited as herein provided for shall belong to the county or municipality represented by the officer making such deposit and shall be paid quarterly into the general fund of such county or municipality except where the law otherwise directs."

Amendment adopted.

Also:

On page 2, Section 3, line 1, strike out the word "treasurer" and insert in lieu thereof the following: "officer."

Amendment adopted.

Also:

On page 2, Section 3, strike out all of lines 5, 6, 7, and 8, down to and including the word "treasurer" in line 8, and insert in lieu thereof the following: "Officer shall keep on file in his office and."

Amendment adopted.

Also:

On page 3, Section 6, line 3, strike out the words "recognized and counted as cash by the officers," and insert in lieu thereof the following: "held by the treasurer making the deposit and be recognized and counted as cash to the amount recited in the receipt by the officers."

Amendment adopted.

Also:

On page 4, Section 11, line 1, strike out the word "State."

Amendment adopted.

Also:

On page 4, Section 11, line 3, strike out the words "or receiving."

Amendment adopted.

Also:

On page 4, Section 11, lines 5 and 6, strike out the words "or bank receiving such deposit."

Amendment adopted.

Also:

On page 4, Section 11, line 7, insert after the word "corporation" the words "shall be punishable by a fine not exceeding five hundred dollars for each offense and."

Amendment adopted.

Also:

On page 4, Section 12, line 1, insert after the word "Sec." the figures 12.

Amendment adopted.

Also :

On page 4, Section 12, lines 1 and 2, strike out the words "the State or."

Amendment adopted.

Also:

On page 5, Section 12, line 6, strike out the words "the State or."

Amendment adopted.

Also:

On page 2, Section 2, line 13, strike out the word "State."

Amendment adopted.

Also:

On page 1 of title, line 3, insert, after the word "corporation" the words "limiting the amount of public moneys that may be deposited therein."

Amendment adopted.

Also:

On page 2, Section 2, line 7, insert after the word "auditor" the words "(or clerk in municipalities having no auditor)."

Amendment adopted.

Also:

On page 2, Section 3, line 10, before the word "as" the words "(or clerk in municipalities having no auditor)."

Amendment adopted.

Also:

On page 3, Section 6, line 1, strike out the words "certificate of deposit," and insert in lieu thereof the following: "receipt."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 633.—An Act to add a new section to the Penal Code of the State of California, to be known as Section 810, authorizing and providing for the filing and substitution of a copy of the information or other pleading for the original in criminal actions, when such original information or other pleading has heretofore been, or shall hereafter be, lost or destroyed.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, add a new section to be known as:
SEC. 2. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 526—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved

March 23, 1901," by amending Sections 8 and 14 thereof and adding a new section thereto, to be numbered and designated Section 9½.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 131—An Act to amend Section 1576a of the Political Code, relating to clerks of school boards in certain cases, and for payment of their salaries, herein providing for the adoption of a course of study, and the appointment of a superintendent of schools in certain cases, and for payment of his salary.

During second reading of bill, the following amendment was submitted by committee:

Line 4, page 1 of the printed bill, strike out the word "Section."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

COMMITTEE SUBMITS SUBSTITUTE FOR THREE BILLS.

Senate Bill No. 238—An Act to amend an Act entitled "An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and to punish persons violating the provisions of this Act," which became a law under constitutional provision, without the Governor's approval, March 9, 1901, by amending Sections 2, 3, 4, 7, and 8, changing Section 9 to Section 10, and Section 10 to Section 11, and adopting a new section, to be known as Section 9.

Senate Bill No. 710—An Act for the regulation of the practice of medicine and surgery.

Senate Bill No. 665—An Act to amend Section 1 of an Act entitled "An Act for the regulation of the practice of medicine in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," which became a law under the constitutional provision, without the Governor's approval, February 27, 1901.

During second reading of bills the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 238, 665, AND 710.

An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. *Appointment of board, quorum.* The Governor shall appoint a board of medical examiners, to be known as the Board of Medical Examiners of the State of California, consisting of eleven members. Such appointments shall be made from separate lists presented to him every second year: five members from a list of ten names presented by the Medical Society of the State of California, two members from a list of four names presented by the California State Homoeopathic Medical Society, two members from a list of four names presented by the Eclectic Medical Society of the State of California, and two members from a list of four names presented by the Osteopathic Association of the State of California. Vacancies occurring in the representation of said societies, respectively, shall be filled by appointment from said lists. The appointment of each member shall be for a term of two years, and until his successor is appointed and qualified; *provided, however,* that no professor, instructor, or other person in any manner connected with, or financially interested in any college or school of medicine or surgery or osteopathy shall be appointed a member of said board. It shall require the affirmative vote of seven members of said board to carry any motion or resolution to adopt any rule to pass any measure or to authorize the issuance of any certificate as in this Act provided.

SEC. 2. *Oath.* Each member of said board shall, before entering upon the duties of his office, take the constitutional oath of office, and shall, in addition, make oath that he is a graduate in medicine and surgery or osteopathy, and a licensed practitioner of medicine and surgery, or of osteopathy, of this State.

SEC. 3. *Organization. Report to Governor.* Said board shall organize on or before the first Tuesday of August by electing from its number a president, vice-president, secretary and treasurer, who shall hold their respective positions during the pleasure of said board. Said board shall hold its regular meetings in the City and County of San Francisco on the first Tuesday of April, August, and December of each year, with power of adjournment from time to time until its business is concluded; *provided, however,* that examinations of applicants for certificates may, in the discretion of the board, be conducted in any part of the State designated by the board. Notice of each regular meeting of the board shall be given by publication twice a week for each of the two weeks next preceding each meeting, in two daily papers published in the City of San Francisco, in one daily paper published in the City of Sacramento, and one daily paper published in the City of Los Angeles, which notice shall also specify the time and place of holding the examination of applicants. Special meetings of the board may be held at such time and place as the board may designate, and the same notice thereof shall be given as in case of regular meetings. Said board shall receive through its secretary applications for the certificates provided to be issued by this Act, and shall on or before the first day of January of each year transmit to the Governor a full report of all its proceedings, together with a report of its receipts and disbursements.

SEC. 4. *Location and residence of the board.* The office of said board shall be in the City and County of San Francisco, and in all legal proceedings against the board the said city and county shall be deemed to be the residence of the members thereof.

SEC. 5. *Rules.* Said board may from time to time adopt such rules as may be necessary to enable it to carry into effect the provisions of this Act. Any member of said board may administer oaths in all matters pertaining to the duties of said board, and the board shall have authority to take evidence in any manner cognizable by it.

SEC. 6. *Certificate and requirements therefor.* Three forms of certificate shall be issued by said board under the seal thereof and signed by the president and the secretary: first, a certificate authorizing the holder thereof to practice medicine and surgery; second, a certificate authorizing the holder thereof to practice osteopathy; third, a certificate authorizing the holder thereof to practice any other system or mode of treating the sick or afflicted not referred to in this section.

In order to procure a certificate to practice medicine and surgery, the applicant for such certificate must file with said board at least two weeks prior to a regular meeting thereof, satisfactory testimonials of good moral character, and a diploma issued by some legally chartered medical school, the requirements of which shall have been at the time of granting such diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, or satisfactory evidence of having possessed such diploma, and he must also file with said diploma an application sworn to before some person authorized to administer oaths, and attested by the hand and seal of such officer, if he have a seal, stating that he is the person named in said diploma, that he is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination, without fraud or misrepresentation. The said application shall be made upon a blank furnished by said board, and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as said board may by rule provide. Applicants who have failed to meet the above requirements must be rejected. Applicants for a certificate to practice osteopathy shall be subject to the above regulations, except that in place of the diploma hereinbefore referred to, they shall be required to file a diploma from a legally chartered college of osteopathy, having a course of instruction of at least twenty months, requiring actual attendance, and after 1908, of three years of nine months each, and including the studies examined upon under this Act. Applicants for a certificate to practice any other system or mode of treatment not in this Act referred to, shall be subject to above regulations, except that in place of the diplomas hereinbefore referred to, they shall be required to file a diploma from a legally chartered college of the system or mode of treatment which the applicant claims he intends to follow.

In addition to the requirements above set forth, all applicants for a certificate must be personally examined by said board as to their qualifications. The examination shall be conducted in the English language, shall be practical in character and designed to discover the applicant's fitness to practice his profession, and shall be, in whole or in part, in writing, on the following fundamental subjects, to wit: Anatomy, histology, gynecology, pathology, bacteriology, chemistry and toxicology, physiology, obstetrics, general diagnosis, hygiene. Examinations in each subject shall consist of not less than ten questions, answers to which shall be marked upon a scale of zero to ten. But all applicants must obtain not less than a general average of seventy-five per cent, and not less than sixty per cent in any one subject; *provided,* that the applicants who can show at least ten years of reputable practice shall be granted a credit of five per cent upon the general average, and five per cent additional for each subsequent ten years of such practice.

The examination papers shall form a part of the records of the board and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the

name attached to the number shall be kept secret until after the board has finally voted upon the applicant. The secretary of the board shall in no instance participate as an examiner in any examination held by the board.

SEC. 7. Each applicant on making application shall pay to the secretary of the board a fee of twenty-five (25) dollars, which shall be paid to the treasurer of the board by said secretary. In case the applicant's credentials are insufficient, or in case he does not desire to take the examination, the sum of ten (10) dollars shall be retained, the remainder of the fee being returnable on application.

SEC. 8. *Record of proceedings.* Said board shall keep an official record of all its proceedings, a part of which record shall consist of a register of all applicants for certificates under this Act, with the result of each application. Said record shall be evidence of all the proceedings of said board which are set out therein.

SEC. 9. *Registration.* Every person holding a certificate authorizing him to practice medicine and surgery, or osteopathy, or any other system or mode of treating the sick, or afflicted, in this State, must have it recorded in the office of the county clerk of the county in which the holder of said certificate is practicing his profession, and the fact of such recording shall be endorsed on the certificate by the county clerk recording the same. Every such person, on each change of his residence, must have his certificate recorded in the county to which he shall have changed his residence. The absence of such record shall be prima facie evidence of the want of possession of such certificate. And any person holding a certificate who shall practice medicine or surgery or osteopathy, or any other system or mode of treating the sick or afflicted, in this State, or to attempt to practice medicine or surgery or osteopathy or any other system or mode of treating the sick or afflicted, in this State, without first having filed his certificate with the county clerk as herein provided, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail for a period of not less than thirty days nor more than sixty days, or by both such fine and imprisonment.

SEC. 10. *County clerk to keep record.* The county clerk shall keep in a book provided for the purpose a complete list of the certificates recorded by him, with the date of the record and said book shall be open to public inspection during his office hours.

SEC. 11. *Refusal to grant certificates; revocation of certificates; unprofessional conduct.* Said board must refuse a certificate to any applicant guilty of unprofessional conduct; but before such refusal the applicant must be cited by citation, signed by the secretary of the board, and sealed with its seal. No such citation shall be issued except upon a sworn complaint filed with the secretary of the board, charging the applicant with having been guilty of unprofessional conduct, and setting forth the particular acts constituting such unprofessional conduct. On the filing of such complaint the secretary must forthwith issue a citation and make the same returnable at the next regular session of said board, occurring at least thirty days next after filing the complaint. Such citation shall notify the applicant of the time and place, when and where the matter of said unprofessional conduct shall be heard, the particular unprofessional conduct with which the applicant is charged, and that the applicant shall file his written answer, under oath, within twenty days next after the service on him of said citation, or default will be taken against him, and his application for a certificate refused. The attendance of witnesses at such hearing shall be compelled by subpoenas issued by the secretary of the board under its seal; and said secretary shall in no case refuse to issue any such subpoena, upon a fee of twenty cents being paid him for each subpoena. Said citation and said subpoenas shall be served in accordance with the statutes of this State then in force as to the service of citations and subpoenas generally, and all provisions of the statutes of this State then in force relating to subpoenas are hereby made applicable to the subpoenas provided for herein. If any person refuse to obey a subpoena served upon him in accordance with the statutes of this State then in force providing for the manner of serving subpoenas, the fact of such refusal shall be certified by the secretary of said board, under the seal thereof, to the superior court of the county in which the service was had, and said court shall thereupon proceed to hear said matter in accordance with the statutes of this State then in force as to contempt for disobedience of process of the court; and should said court find that the subpoena has been legally served, and that the party so served has wilfully disobeyed the same, it shall proceed to impose such penalty as provided in cases of contempt of court. In all cases of alleged unprofessional conduct arising under this Act, depositions of witnesses may be taken, the same as in civil cases, and all the provisions of the statutes of this State then in force as to the taking of depositions are hereby made applicable to the taking of depositions under this Act. If the applicant shall fail to file with the secretary of said board his answer, under oath, to the charges made against him, within twenty days after service on him of said citation, or within such further time as the board may give him, and the charges on their face be deemed sufficient by the board, default shall be entered against him, and his application refused. If the charges on their face be deemed sufficient by the board, and issue be joined thereon by answer, the board shall proceed to determine the matter; to that end shall hear such evidence as may be adduced before it; and if it appear to the satisfaction of the board that the applicant is guilty as charged, no certificate shall be issued to him. No certificate shall be refused on the ground of unprofessional conduct unless the applicant has been guilty of such conduct within two years next preceding his application. Whenever any holder of a certificate herein provided for is guilty of unprofessional conduct, as the same is defined in this Act, and the said

unprofessional conduct has been brought to the attention of the board granting said certificate, in the manner hereinafter pointed out, or whenever a certificate has been procured by fraud or misrepresentation, or issued by mistake, it shall be their duty to, and they must, revoke the same at once, and the holder of said certificate shall not be permitted to practice medicine or surgery, or osteopathy, or any other system or mode of treating the sick or afflicted, in this State. But no such revocation shall be made unless such holder is cited to appear and the same proceedings are had as is hereinbefore provided in this section in case of refusal to issue certificates. Said secretary in all cases of revocation shall enter on his register the fact of such revocation and shall certify the fact of such revocation under the seal of the board, to the county clerk of the counties in which the certificate of the person whose certificate has been revoked, is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person, the following: "This certificate was revoked on the — day of —," giving the day, month and year of such revocation in accordance with said certification to him by said secretary. The record of such revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all the proceedings of said board in the matter of said revocation. From the time of the revocation of a certificate the holder thereof shall be disqualified from practicing medicine or surgery, osteopathy, or any other system or mode of treating the sick or afflicted, in this State.

The words "unprofessional conduct," as used in this Act, are hereby declared to mean:

First—The procuring, or aiding or abetting in procuring a criminal abortion.

Second—The wilfully betraying a professional secret.

Third—All advertising of medical business which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons, and so be harmful or injurious to public morals or safety.

Fourth—All advertising of any medicine or of any means whereby the monthly periods of women can be regulated or the menses reestablished or suppressed.

Fifth—Conviction of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence.

Sixth—Habitual intemperance.

Seventh—The personation of another licensed practitioner of a like or different name.

SEC. 12. *Expenditures of the board.* Said board shall have the power to employ legal counsel and clerical assistance and to fix the salaries of the same, and to incur such other expenses as may be deemed necessary to carry into effect the provisions of this Act. It shall also fix the salary of the secretary, not to exceed the sum of twelve hundred dollars (\$1200) per annum, and the sum to be paid to other members of said board, not to exceed ten (10) dollars per diem each, for each and every day of actual service in the discharge of official duties; and said board may, in its discretion, add to said sums necessary traveling expenses. All money in excess of the actual expenses of the board shall be paid annually into the State treasury.

SEC. 13. *Illegal practice and penalty therefor.* Any person who shall practice or attempt to practice or advertise or hold himself out as practicing medicine or surgery, osteopathy, or any other system or mode of treating the sick or afflicted, in this State, without having, at the time of so doing, a valid, unrevoked certificate, as provided in this Act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred (100) dollars, nor more than five hundred (500) dollars, or by imprisonment in the county jail for a term of not less than sixty (60) days, nor more than one hundred and eighty (180) days, or by both such fine and imprisonment. In each such conviction the fine shall be paid, when collected, to the State Treasurer, and shall constitute a special fund for the prosecution of illegal practitioners as defined in this Act, the said fund to be paid to the said board upon warrants drawn therefor by its secretary, and the said board is authorized to prosecute all persons guilty of a violation of the provisions of this section.

SEC. 14. *Unauthorized registration.* Every person filing for record, or attempting to file for record, the certificate issued to another, falsely claiming himself to be the person named in such certificate, or falsely claiming himself to be the person entitled to the same, shall be guilty of a felony, and, upon conviction thereof, shall be subject to such penalties as are provided by the laws of this State for the crime of forgery.

SEC. 15. *False representation.* Any person assuming to act as a member of the State Board of Medical Examiners without so being, or who shall sign, or subscribe, or issue, or cause to be issued, or seal or cause to be sealed, a certificate authorizing any person to practice medicine or surgery, or osteopathy, or any other system or mode of treating the sick or afflicted, in this State, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for a term of not less than sixty nor more than one hundred and eighty days, or by both such fine and imprisonment.

SEC. 16. *Previous registration.* Any person who holds a certificate from the Board of Medical Examiners created by "An Act for the regulation of the practice of medicine and surgery, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of such regulation," which took effect August the first, nineteen hundred and one, or from one of the boards of examiners heretofore existing, under the provisions of "An Act to regulate the practice of medicine in the State of California," approved April third, eighteen hundred and seventy-six, or an Act supplemental and amendatory to said Act, which became a law, April first, eighteen hundred and seventy-

eight, shall be entitled to practice medicine and surgery in this State, the same as if it had been issued under this Act; any person who holds a certificate from the Board of Osteopathic Examiners of the State of California, under the provisions of "An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and to punish persons violating the provisions of this Act," which became a law under constitutional provisions without the Governor's approval, March ninth, nineteen hundred and one, shall be entitled to practice osteopathy in this State, the same as if it had been issued under this Act; but all certificates herein mentioned may be revoked for unprofessional conduct, and in the same manner, and upon the same grounds, as if they had been issued under this Act.

SEC. 17. Nothing in this Act shall be so construed as to inhibit service in the case of emergency, or to the domestic administration of family remedies; nor shall this Act apply to any commissioned medical officer in the United States Army, Navy or Marine Hospital Service, in the discharge of his official duties; nor to any licensed dentist when engaged exclusively in the practice of dentistry. Nor shall this Act apply to any practitioner from another State or territory, when in actual consultation with a licensed practitioner of this State, if such practitioner is, at the time of such consultation, a licensed practitioner in the State or Territory in which he resides; *provided*, that such practitioner shall not open an office or appoint a place to meet patients or receive calls within the limits of this State. Nor shall this Act be construed so as to discriminate against any particular school of medicine or surgery or osteopathy, or any other system or mode of treating the sick or afflicted, or to interfere in any way with the practice of religion.

SEC. 18. *Repeal.* All Acts, or parts of Acts, in any wise conflicting with the provisions of this Act, are hereby repealed.

SEC. 19. This Act shall take effect from and after the first day of August, nineteen hundred and seven.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

CONSIDERATION OF CODE BILL—(OUT OF ORDER).

Senator Keane asked for and was granted unanimous consent to have Senate Bill No. 315 taken up for the purpose of amendment.

Senate Bill No. 315—An Act to add two new sections to the Code of Civil Procedure, to be numbered 417 and 418, both relating to actions for libel and slander.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Keane moved to refer to Senator Rolley as a special committee of one, to amend as follows:

By inserting after the word "dismissed," on line 20, Section 2, page 2, the following: "upon the motion of the defendant."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 315, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROLLEY, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reengrossment.

LEAVES OF ABSENCE.

Senator Wolfe was, on his own motion, granted leave of absence for Monday, February 18, 1907.

Senator Belshaw was, on his own motion, granted leave of absence until Wednesday, February 20, 1907.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Willis asked for and was granted unanimous consent to have Senate Bill No. 642 taken up for immediate consideration.

Senate Bill No. 642—An Act to amend Section 384c of the Penal Code, relating to the injuring of animals by persons hunting.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 642 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Cartwright, Irish, Keane, Leavitt, Lukens, McKee, Rambo, Reily, Rolley, Rush, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At eleven o'clock and twenty minutes A. M., on motion of Senator Leavitt, the President declared the Senate adjourned until Monday, February 18, 1907.

IN SENATE.

SENATE CHAMBER,

Monday, February 18, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—33.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVES OF ABSENCE.

Senator Welch was, on motion of Senator Nelson, granted leave of absence for this day.

Senator Anderson was, on motion of Senator McCartney, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, February 16, 1907, the further reading was dispensed with, on motion of Senator Mattos.

QUESTIONS OF PERSONAL PRIVILEGE.

Senator Bell arose to a question of personal privilege and addressed the Senate, denying the truth of certain statements made in the Sacramento correspondence of the Los Angeles "News," published on February 15, 1907, and correcting another report in the same publication relative to his vote on Senator Anderson's so-called "four-track bill."

Senator Greenwell arose to a question of personal privilege and addressed the Senate for the purpose of denying *in toto* certain disgraceful stories recently published in the press of the State, reflecting upon his character, declaring that at the proper time he would prove to his friends and all others his innocence of all charges made.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 4—Relative to the relief of San Francisco by admitting all building material into port free of all duty.

Also, under a case of urgency, passed Senate Bill No. 754—An Act making an appropriation for the contingent expenses of the Senate for the thirty-seventh session of the Legislature.

Also, passed Senate Bill No. 88—An Act to amend Section 270 of the Penal Code and to add two new sections thereto, to be numbered 270a and 270b, relating to the neglect and abandonment of minor children by parents, and neglect and abandonment of wives by husbands, and providing the punishment therefor.

Also: Assembly Bill No. 159—An Act to change, establish, and permanently locate the boundary lines of the County of Kings.

Also: Assembly Bill No. 67—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriations therefor.

Also: Assembly Bill No. 496—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California with reference to the appointment of guardians of insane and other incompetent persons.

Also: Assembly Bill No. 352—An Act to amend Section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of State hospitals.

Also: Assembly Bill No. 271—An Act to amend Section 2158 of the Political Code of the State of California, relating to the contingent fund at State hospitals.

Also: Assembly Bill No. 351—An Act to amend Section 2146 of the Political Code of the State of California, relating to the acquisition and tenure of property by State hospitals.

Also: Assembly Bill No. 662—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602a, relating to corporations sole.

Also: Assembly Bill No. 661—An Act to amend Section 2959 of the Civil Code by providing for recording mortgages of personal property by persons who do not reside in this State.

Also: Assembly Bill No. 676—An Act supplementary to the Act approved June 16, 1906, entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," providing for the making and recordation of notice of ownership or claim to real property.

Also: Assembly Bill No. 643—An Act to amend "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, numbered 51, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Also: Assembly Bill No. 656—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 437a, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Joint Resolution No. 4 referred to Committee on Federal Relations.

Senate Bills Nos. 754 and 88 ordered to enrollment.

Assembly Bill No. 159 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 67 and 271 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 496, 351, 661, and 676 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 352 read first time, and referred to Committee on Hospitals and Asylums.

Assembly Bill No. 662 read first time, and referred to Committee on Corporations.

Assembly Bill No. 643 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 656 read first time, and referred to Committee on Insurance and Insurance Laws.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 16, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 12—Approving the charter of the City of Long Beach, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for the purpose of ratifying said charter, on the 5th day of February, 1907.

Also: Senate Concurrent Resolution No. 13—Approving an amendment to the Charter of the City of San Jose, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 1st day of August, 1906.

Also: Assembly Bill No. 544—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3½, providing for petitions of remonstrance and written objections, hearing thereon, and the determination thereof by the city council.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SAVAGE, Chairman.

Senate Concurrent Resolutions Nos. 12 and 13 ordered on file.

Assembly Bill No. 544 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 16, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads, and regulating the hours of employment thereof.

Also: Assembly Bill No. 242—An Act to amend Section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employes of the Senate and Assembly.

Also: Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 23 of Article IV thereof, relating to the compensation of members of the Legislature, and limiting the expense of employes of the Senate and Assembly.

Also: Senate Bill No. 625—An Act relating to the restoration by certain public officers of public records, other than court records or public records of private writings, when such public records have been lost, injured or destroyed by conflagration or other public calamity.

Also: Assembly Bill No. 5—An Act to amend Article IV of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions out of the State, by adding a new section thereto, to be known as Section 2029.

Also: Senate Bill No. 749—An Act to authorize suits against the State of California concerning certain real property, and regulating the procedure therein.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 632—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act"—have had the same under consideration, and respectfully report a committee substitute therefor, and recommend that the substitute do pass.

SAVAGE, Chairman pro tem.

Senate Bills Nos. 491, 625, 749, and 632 ordered on file for second reading.

Assembly Bills Nos. 242 and 5 ordered on file for second reading.

Senate Constitutional Amendments Nos. 16 and 32 ordered on file.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 18, 1907.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 99—An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded, and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded.

Also: Senate Bill No. 103—An Act to add a new section to the Political Code, to be numbered Section 1888a, relating to the levy of taxes for the payment of school district bonds.

Also: Assembly Bill No. 462—An Act to amend Section 443 of the Political Code, relative to State school tax.

Also: Senate Bill No. 660—An Act to amend Sections 3804 and 3805a of the Political Code, relating to the refunding of taxes, and the cancellation of certificates of tax sales.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

McCARTNEY, Chairman.

Senate Bills Nos. 99, 103, 462, and 660 ordered on file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 18, 1907.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 538—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation districts, and condemnation of property therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PRICE, Chairman.

Assembly Bill No. 538 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 18, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 648—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county and township officers of counties of the fourth class.

Also: Senate Bill No. 698—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, and the Act amendatory thereof, approved March 11, 1887, by changing the division line between said San Benito County and Monterey County, so as to include in said San Benito County a part of said Monterey County, and in said Monterey County a part of said San Benito County.

Also: Senate Bill No. 567—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

Also: Senate Bill No. 584—An Act making an appropriation of two hundred and fifty dollars (\$250) for the purchase of a certain spring of water near the John Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.

Also: Senate Bill No. 585—An Act making an appropriation of five hundred dollars (\$500) for the purpose of repairing and preserving the John Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.

Also: Senate Bill No. 696—An Act making an appropriation to pay the claim of Victor Heck against the State of California.

Also: Senate Bill No. 706—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Also: Senate Bill No. 707—An Act appropriating \$4,500 to pay the claim of J. B. Lauck.

Also: Senate Bill No. 697—An Act making an appropriation of \$4,000, to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the old theater property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties," approved February 21, 1905.

Also: Senate Bill No. 454—An Act to amend Section 637a of the Penal Code of California and to add thereto four new sections, to be numbered 637b, 637c, 637d, and 637e, all relating to protection of wild birds other than game birds, and their nests and eggs.

Also: Senate Bill No. 685—An Act relating to vouchers for certain disbursements by life insurance companies in this State.

Also: Senate Bill No. 683—An Act making an appropriation of \$7,500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting a hospital building, and furnishing and equipping the same, at said school.

Also: Senate Bill No. 684—An Act permitting the retirement of capital stock of mutual life insurance corporations in certain cases.

Also: Senate Bill No. 691—An Act providing that life insurance policies shall constitute the entire contract.

Also: Senate Bill No. 690—An Act defining the status of persons soliciting life insurance.

Also: Senate Bill No. 689—An Act to prohibit certain misrepresentations as to life insurance, and to provide penalties therefor.

Also: Senate Bill No. 692—An Act prohibiting the use for political purposes of property of certain life insurance companies.

Also: Senate Bill No. 680—An Act to repeal Section 444 of the Civil Code, relating to investments by certain life, health, and accident insurance corporations.

Also: Senate Bill No. 681—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 3, 1905.

Also: Senate Bill No. 690—An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and repealing all Acts or portions of Acts in conflict herewith.

Also: Senate Bill No. 113—An Act to amend Sections 628, 628a, 628b, 632, and 634 of the Penal Code of the State of California, and to add to said Penal Code two new sections, to be numbered 632½ and 632b, respectively, all relating to the protection and preservation of fish.

Also: Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, seawall, State railroad, spurs, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to the vote of the people.

Also: Senate Bill No. 590—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employes thereof, defining its powers and prescribing the duties of said department, its officers and employes, to provide the compensation of such officers and employes, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled "An Act to provide for the appointment, duties, and com-

pensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof.

Also: Senate Bill No. 560—An Act to amend Sections 1189, 1192, 1358, 1079, 1361, 1186, and 1188 of the Political Code, relating to elections.

Also: Senate Bill No. 571—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California where the same has been destroyed by conflagration or other public calamity.

Also: Senate Bill No. 614—An Act to amend Section 825 of the Penal Code of the State of California, relating to the rights of attorneys to visit prisoners, and providing a penalty for the refusal of officers to allow the same.

Also: Senate Bill No. 719—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice.

Also: Senate Bill No. 246—An Act to authorize the Board of State Harbor Commissioners to execute and deliver and to receive grants in the name of the State of California, so as to settle the westerly line on East Street, in the block bounded by Drumm, Washington, Jackson, and East streets, in the City and County of San Francisco, with the owners of property in said block fronting thereon.

Also: Senate Bill No. 526—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901," by amending Sections 8 and 14 thereof and adding a new section thereto, to be numbered and designated Section 9½.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 648, 698, 567, 584, 585, 696, 706, 707, 697, 454, 685, 683, 684, 691, 690, 689, 692, 680, 681, 699, 113, 461, 590, 560, 571, 614, 719, 246, and 526 ordered on file for third reading.

RESOLUTIONS.

The following resolutions were offered:

By Senator Rolley:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of J. L. Martin, Sergeant-at-Arms, for the sum of thirty-five dollars and thirteen cents (\$35.13), out of the contingent fund of the Senate, and the Treasurer is hereby directed to pay the same, being in payment of the Senate's portion (one half) of the expenses incurred by your committee on Lincoln memorial exercises, which were held on Tuesday evening, February 12, 1907, in the Assembly Chamber, itemized account of which is as follows:

E. H. Cox & Son, decorating and picture.....	\$11 75
Peterson's Orchestra, music.....	30 50
M. H. Ebel, plants.....	11 50
Shannon-Conmy Press, "Gettysburg Address".....	16 50
	<hr/> \$70 25

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Lynch:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Secretary of Senate, in the sum of eight hundred and fifty-five dollars, payable out of the Contingent Fund of the Senate, the same being in payment of bills hereto attached.

H. S. Crocker Co.....\$855 00

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Anthony:

Resolved, That M. Hermann be, and he is, hereby elected to the position of Committee Clerk, at the salary of \$4 per day.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Broughton, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, and Wright—29.

NOES—Senator Caminetti—1.

Whereupon the President declared that the above named person had been elected.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California—Senator Anthony moved that the further consideration of the same be postponed and made a special order for Thursday, February 21, 1907, at eleven o'clock A. M.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Leavitt: Senate Bill No. 801—An Act to provide for the improvement, protection and management of wharves, docks, piers and certain of the water front lands and premises at the City of Oakland and for the possession and control thereof, defining the limits thereof, creating a Board of State Harbor Commissioners therefor, providing for the manner and time of their and their successors' appointment, defining their powers, jurisdiction, duties and qualifications, fixing their terms, salaries and bonds, providing for the filling of vacancies in said board, for the appointment, salaries and removal of officers and employes thereof, for the collection, deposit and disbursement of the revenues and funds arising from the carrying into effect this Act, creating the Oakland Harbor and Improvement Fund, appropriating public money to carry this Act into effect, defining the duties of certain State officers with reference to said board, said lands and premises, said revenues and fund, declaring and defining a misdemeanor for, and providing for the punishment as a misdemeanor of any person upon conviction of, the violation of the lawful rules or regulations of said board, and giving jurisdiction to any police court of the City of Oakland in cases of such misdemeanor.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Rush: Senate Concurrent Resolution No. 15—Approving twenty (20) certain amendments to the charter of the City of Vallejo, County of Solano, State of California, voted for and ratified by a majority of the qualified electors of the said City of Vallejo voting thereon at the special election held therein for that purpose on the fifth day of February, 1907.

Senate Concurrent Resolution referred to Committee on Municipal Corporations.

By Senator Wright: Senate Bill No. 802—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 803—An Act to add a new section to the Code of Civil Procedure to be numbered Section 329, relating to the time for bringing suits affecting the title to real property partitioned by decree of court.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 804—An Act affecting the duties of county auditors throughout the State of California.

Bill read first time, and referred to Committee on County Government.

By Senator Caminetti: Senate Bill No. 805—An Act to amend Section 1662 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Bill read first time, and referred to Committee on Judiciary.

By Senator Black: Senate Bill No. 806—An Act to pay the claim of John E. Toler, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator McCartney: Senate Bill No. 807—An Act to amend Section 34 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to the expenses of making the assessment for work authorized by this Act.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Miller: Senate Bill No. 808—An Act to increase the number of judges of the Superior Court of the County of Tulare, and to provide for the appointment of an additional judge.

Bill read first time, and referred to Committee on Judiciary.

FURTHER CONSIDERATION POSTPONED AND SPECIAL ORDER RESET.

Senator Leavitt moved that the further consideration of the question, "Shall the Senate recede from its action in amending Assembly Constitutional Amendment No. 3?" be postponed and made a special order for Thursday, February 21, 1907, at two o'clock P. M.

Motion carried.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on previous day, Senator Caminetti moved that the vote whereby Senate Bill No. 644—An Act to appropriate \$2,500 for the construction of retaining walls and fences on the boundary lines of the site of the State Normal School at Los Angeles, California, and to authorize the trustees of said school to construct said retaining walls and fences—was passed, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bell, Caminetti, Kennedy, and Wright—4.

NOES—Senators Anthony, Bates, Black, Boynton, Broughton, Carter, Curtin, Greenwell, Leavitt, Lynch, Markey, McCartney, Muentner, Nelson, Price, Rambo, Reilly, Savage, Weed, and Willis—20.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction by the Board of State

Harbor Commissioners, of wharves, piers, seawall, State railroad, spurs, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Senate Bill No. 461 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 465—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigating districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 465 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Broughton, Caminetti, Carter, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, Miller, Muenster, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—30.

NOES—Senator Curtin—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section two (2) of Article IV thereof, relating to sessions of the Legislature and the limitation of pay of members thereof in extraordinary sessions.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 28 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article IV thereof, relating to the legislative power and to certain reservations thereof by the people.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 25 was temporarily passed on file, to retain its place.

Senate Bill No. 397—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 397 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muenster, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

On motion of Senator Boynton, Senate Bill No. 148 was temporarily passed on file, to retain its place.

Senate Bill No. 45—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

On motion of Senator Sanford, Senate Bill No. 45 was temporarily passed on file, to retain its place.

Assembly Bill No. 83—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school building.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 83 finally passed by the following vote:

AYES—Senators Bates, Bell, Black, Broughton, Carter, Cartwright, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reilly, Sanford, Savage, Walker, Weed, Willis, and Wright—27.

NOES—Senators Anthony, Boynton, and Caminetti—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 162—An Act creating and defining the liability of railroad corporations for injuries of employes, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employe.

On motion of Senator Leavitt, Senate Bill No. 162 was temporarily passed on file, to retain its place.

Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads, and regulating the hours of employment thereof.

On motion of Senator Leavitt, Senate Bill No. 491 was temporarily passed on file, to retain its place.

Senate Bill No. 457—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Senate Bill No. 457 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 540—An Act to regulate the practice of horseshoeing in the State of California, and to provide for the examination and registration of persons engaged in such pursuit.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 540 passed by the following vote:

AYES—Senators Anthony, Black, Broughton, Caminetti, Carter, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Miller, Muentner, Nelson, Price, Reilly, Sanford, Savage, Walker, Weed, and Willis—23.

NOES—Senators Bell, Boynton, Irish, Mattos, Rambo, and Wright—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 583--An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to counties of the fifty-first class.

On motion of Senator Weed, Senate Bill No. 583 was temporarily passed on file, to retain its place.

Senate Bill No. 590--An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employes thereof, defining its powers and prescribing the duties of said department, its officers and employes, to provide the compensation of such officers and employes, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 590 passed by the following vote:

AYES--Senators Anthony, Bates, Bell, Black, Broughton, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, Muentner, Nelson, Price, Reilly, Rolley, Savage, Walker, Weed, Willis, and Wright--27.
NAYS--None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 18, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.

Senate Bill No. 175—An Act to add a new section to the Civil Code, to be numbered Section 617, relating to cemetery corporations.

Senate Bill No. 629—An Act to amend Section 499 of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different managements.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 247, 175, and 629 ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 247 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, McCartney, Miller, Muentner, Nelson, Reily, Savage, Walker, Weed, Willis, and Wright—22.

NOES—Senators Boynton and Sanford—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 607—An Act to amend Section 2521 of the Political Code, relating to employes of the State Harbor Commission of the Port of San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 607 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Carter, Cartwright, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 428—An Act to provide for the transfer of certain moneys from the county treasury to municipal corporations formed within such counties.

On motion of Senator Curtin, Senate Bill No. 428 was temporarily passed on file, to retain its place.

SENATE CONSTITUTIONAL AMENDMENT No. 14.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19, of Article V of said Constitution, relating to the compensation of State officers.

The Legislature of the State of California, at its regular session commencing on the second day of January, A. D. nineteen hundred and five, two thirds of all the members

elected to each of the houses of said Legislature voting in favor thereof, hereby propose that Section 19 of Article V of the Constitution of the State of California, be amended so as to read as follows:

Section 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers, as follows: Governor, ten thousand dollars per annum; Lieutenant-Governor, the same per diem as may be provided by law for the Speaker of the Assembly, to be allowed only during the session of the Legislature; the Secretary of State, Controller, Treasurer, and Surveyor-General, five thousand dollars each per annum, and the Attorney-General, six thousand dollars per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however, that the Legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution.* No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding eighteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

Senate constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 14 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, McCartney, Muenster, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, and Wright—28.

NOES—None.

Senate constitutional amendment ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to Article II of the Constitution of California by amending Section 2½ thereof, relating to primary elections, so as to permit the direct or other nomination of candidates for public office without conventions.

Senate Constitutional Amendment No. 19 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 554—An Act to prevent the manufacture and sale of thread of cotton, linen and silk, where such is not labeled as to its correct yardage and weight.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 554 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Kennedy, Leavitt, Mattos, McCartney, Miller, Muenster, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 265—An Act to amend Sections 626, 626a, 626d, 626g, 626j, 627b, and 637a of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637b, all relating to the protection and preservation of game and fish.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Lynch moved to refer to Senator Sanford, as a special committee of one, to amend as follows:

By adding a new section, to be known as Section 10:

SEC. 10. Section 626f of the Penal Code of the State of California is hereby amended to read as follows:

626j. Every person who, between the first day of October and the fifteenth day of July of the following year, hunts, pursues, takes, kills, or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the State from any other state, territory, or foreign country, any male deer, or any deer meat, is guilty of a misdemeanor.

Also amend Section 10, of printed bill, to be numbered Section 11; also amend Section 11, of printed bill, to be numbered Section 12.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 18, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 265, with instructions to amend, respectfully reports the same back, amended as per instructions.

SANFORD, Special Committee

Report of special committee of one, and amendments, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE LOST.

Senator Price moved to refer to Senator Boynton as a special committee of one, to amend as follows:

By striking out all of Section 5 and inserting in lieu thereof the following:

SEC. 5. Section 626j of the Penal Code of the State of California, is hereby amended to read as follows: 626j. Every person owning, controlling, or having possession of any dog or dogs, who willfully suffers, permits, or allows said dog or dogs to run, track or trail any deer at any time, for a period longer than five minutes, in any one season, except a wounded deer, during the season that deer may be lawfully killed, is guilty of a misdemeanor.

The motion was duly seconded.

The question being on the motion to refer to a special committee of one for the purpose of amendment.

The roll was called, resulting in the following vote:

AYES—Senators Anthony, Boynton, Broughton, Carter, Curtin, Kennedy, Lynch, Mattos, McCartney, Miller, Price, Rambo, Rolley, Savage, Weed, and Willis—16.

NOES—Senators Bates, Bell, Black, Caminetti, Cartwright, Greenwell, Hartman, Keane, Leavitt, Markey, Muentner, Nelson, Reilly, Sanford, Walker, and Wright—16.

Whereupon the President announced the vote and declared the motion lost.

POINT OF ORDER.

Senator Carter raised the point of order that, inasmuch as the roll call on the above motion had resulted in a tie vote, the President was entitled to cast the deciding vote.

POINT OF ORDER.

Senator Walker raised the point of order that the announcement of the vote and result rendered the same final.

DECISION WITHHELD.

The President asked for, and was granted, unanimous consent of the Senate to withhold his decision until he could have opportunity to consult authorities, announcing that at two o'clock P. M. of this day he would render his decision on the point of order raised by Senator Walker.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Muentner moved to refer to Senator Markey as a special committee of one to amend as follows:

By striking out of Section 1, lines 3 and 4, the words "fifteenth day of February," and inserting in lieu thereof the following: "first day of March."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 18, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 265, with instructions to amend, respectfully reports the same back, amended as per instructions.

MARKEY, Special Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Lynch, as a special committee of one, to amend as follows:

By striking out of Section 4, line 9, the word "six," and inserting in lieu thereof the following: "twelve."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 18, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 265, with instructions to amend, respectfully reports the same back, amended as per instructions.

LYNCH, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 113—An Act to amend Sections 628, 628*a*, 628*b*, 632, and 634 of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 632*b*, all relating to the protection and preservation of fish.

Senate Bill No. 113 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 560—An Act to amend Sections 1189, 1192, 1358, 1079, 1361, 1186, and 1188 of the Political Code, relating to elections.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 560 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Greenwell, Hartman, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, Muentner, Price, Reily, Rolley, Sanford, Savage, Walker, Weed, and Willis—23.

NOES—Senator Caminetti—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 464—An Act to amend the Political Code of the State of California by adding eight new sections thereto, to be numbered 338, 338*a*, 338*b*, 339, 339*a*, 339*b*, 340, 340*a*, under a new article, to be numbered thirteen (XIII), to be added to chapter two (2), title one (1), part three of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

On motion of Senator Sanford, Senate Bill No. 464 was temporarily passed on file, to retain its place.

Senate Bill No. 462—An Act amending an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisi-

tion, construction, or completion thereof," approved February 25, 1901, by amending Sections 2, 5, and 9 thereof.

Read third time.

On motion of Senator Carter, Senate Bill No. 462 was temporarily passed on file, to retain its place.

Senate Bill No. 550—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violations of this Act a misdemeanor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 550 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Nelson, Price, Reily, Rolley, Savage, Walker, Weed, Willis, and Wright—23.

NOES—Senators Carter and Mattos—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 442—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895, by adding thereto a new section, to be numbered 5.

On motion of Senator Carter, Senate Bill No. 442 was temporarily passed on file, to retain its place.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

DECISION ON POINT OF ORDER.

The President announced that he was now prepared to give his decision on the point of order raised by Senator Walker, relative to the announcement and result of the vote taken heretofore this day on a motion to refer Senate Bill No. 265 to a special committee of one for the purpose of amendment, whereby the motion was declared lost, and declared the point of order well taken.

DECISION ON POINT OF ORDER REQUESTED.

Senator Carter thereupon again raised the point of order heretofore raised by him this day relative to the President's right to cast the deciding vote on the above-mentioned motion, and asked for a decision.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of Senator Carter's point of order be made a special order for Tuesday, February 19, 1907, at eleven o'clock A. M.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 18, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 761—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SAVAGE, Chairman.

Senate Bill No. 761 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Leavitt asked for, and was granted unanimous consent to have Senate Bill No. 736 taken up for immediate consideration.

Senate Bill No. 736—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employés.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 736 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Miller, Muentner, Nelson, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Willis, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 18, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 556—An Act to amend Sections 3093, 3094, and 3095 of the Political Code, relating to dissection of dead bodies.

Senate Bill No. 602—An Act to amend the Penal Code by adding thereto a new section, to be numbered 367b, to provide against the offense of hazing.

Senate Bill No. 102—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

Senate Bill No. 708—An Act to amend Section 608 of the Penal Code, and to add two new sections thereto, to be numbered 608a and 608b, all relating to the burning, injuring, or setting adrift rafts or vessels.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 556, 602, 102, and 708, ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 489—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3½, providing for a petition of remonstrance and written objection, hearings thereon, and the determination thereof by the city council.

Read third time.

On motion of Senator Keane, Senate Bill No. 489 was temporarily passed on file, to retain its place.

Senate Bill No. 490—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

On motion of Senator Keane, Senate Bill No. 490 was temporarily passed on file, to retain its place.

Assembly Bill No. 73—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

On motion of Senator Willis, Assembly Bill No. 73 was temporarily passed on file, to retain its place.

Senate Bill No. 589—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof.

On motion of Senator Leavitt, Senate Bill No. 589 was temporarily passed on file, to retain its place.

Senate Bill No. 80—An Act to provide for the erection of a horse barn, carriage house, and implement shed at the Southern California State Hospital, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 80 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 290—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct and equip for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of \$800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing the State Controller to draw his warrant for the said sum and the State Treasurer to pay the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 290 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Miller, Muenter, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to Assembly.

Senate Bill No. 535—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 535 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Broughton, Caminetti, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Miller, Muenter, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 662—An Act to provide for the erection on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward and for the treatment of acute cases by hydrotherapy and electricity.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 662 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Muenter, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 64—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

On motion of Senator Willis, Senate Bill No. 64 was temporarily passed on file, to retain its place.

Senate Bill No. 78—An Act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern California State Hospital, and along the highways adjacent thereto, for the protection of said lands, and of the buildings thereon, and to make appropriation for the same.

On motion of Senator Willis, Senate Bill No. 78 was temporarily passed on file, to retain its place.

Assembly Bill No. 30—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 30 finally passed by the following vote:

AYES—Senators Anthony, Bates, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McKee, Miller, Muentzer, Nelson, Price, Rambo, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis—28.

NOES—Senators Bell and Boynton—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 578—An Act to create a reclamation district, to be called Reclamation District No. 774, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

On motion of Senator McKee, Senate Bill No. 578 was temporarily passed on file, to retain its place.

Senate Bill No. 598—An Act to amend Section 1313 of the Civil Code, relating to bequests for charitable uses.

Senate Bill No. 598 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 347—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of said commission, and by amending Section 9 thereof, relating to the tenure of said commission.

On motion of Senator Rolley, Senate Bill No. 347 was temporarily passed on file, to retain its place.

Senate Bill No. 530—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 230, relating to the adoption of children.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 530 passed by the following vote:

AYES—Senators Bates, Bell, Black, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Miller, Muentzer, Nelson, Price, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—26.

NOES—Senators Boynton and Mattos—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 626—An Act to add a new section to the Code of Civil Procedure, to be numbered 751½, relating to the effect of judgment in actions to quiet title and determine adverse claims to real property and in actions for specific performance.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 626 passed by the following vote:

AYES—Senators Anthony, Bell, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Mattos, McKee, Miller, Nelson, Price, Rolley, Rush, Sanford, Weed, Willis, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 564—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators, and guardians in certain cases.

Senate Bill No. 564 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 597—An Act to amend Section 1 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet titles against claims of liens arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved ———, 1905, relating to the construction thereof and the exemption of the community property from the tax thereby imposed.

Senate Bill No. 597 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 628—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Senate Bill No. 628 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 339—An Act to amend Section 627 of the Penal Code of the State of California, relating to hunting, shooting, and trespassing upon enclosed, cultivated, and other private lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 339 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Kennedy, Leavitt, Mattos, McKee, Miller, Muenter, Nelson, Price, Rush, Sanford, Savage, Weed, Willis, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 650—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 20, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 650 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McKee, Muenter, Nelson, Price, Rolley, Rush, Sanford, Weed, Willis, and Wright—25.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 34—Relative to dealing in stocks on margins.

Senate Constitutional Amendment No. 34 was temporarily passed on file, in the absence of the author, to retain its place.

Assembly Constitutional Amendment No. 8—Resolution to amend Section 6 of Article IX of the Constitution of California.

On motion of Senator Leavitt, Assembly Constitutional Amendment No. 8 was temporarily passed on file, to retain its place.

Assembly Concurrent Resolution No. 14—Relative to the approving of amendments to the charter of the City of Eureka, Humboldt County.

On motion of Senator Rolley, Assembly Concurrent Resolution No. 14 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the rights of suffrage.

On motion of Senator Cartwright, Senate Constitutional Amendment No. 27 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 1 of Article XVI thereof, relating to State indebtedness.

Senate Constitutional Amendment No. 29 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 175—An Act to add a new section to the Civil Code, to be numbered 617, relating to cemetery corporations.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Keane, as a special committee of one, to amend as follows:

By inserting after the word "profit," line 5, page 1, printed bill, "except the provisions of the succeeding section."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 18, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 175, with instructions to amend, respectfully reports the same back, amended as per instructions.

KEANE, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 629—An Act to amend Section 499 of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different managements.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 629 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Leavitt, Lynch, McCartney, McKee, Nelson, Price, Reilly, Rolley, Rush, Savage, Walker, Weed, Willis, and Wright—26.

NOES—Senator Mattos—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 406—An Act to amend Section 1174 of the Code of Civil Procedure of the State of California, relating to the verdict of the jury and judgment of the court in forcible entry or forcible or unlawful detainer cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 406 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, Nelson, Price, Rolley, Rush, Savage, Walker, Weed, Willis, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 705—An Act to add a new section to the Penal Code, to be known as Section 273g, relating to indulging in degrading, lewd, immoral or vicious habits or practices, or being habitually drunk in the presence of children.

Senate Bill No. 705 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 574—An Act to amend Section 213 of the Penal Code of the State of California and to add a new section thereto, numbered 212a, relating to the crime of robbery and its punishment.

Senate Bill No. 574 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 630—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 630 refused passage by the following vote:

AYES—Senators Bell, Boynton, Caminetti, Curtin, Lynch, Mattos, Price, Rambo, Rush, Weed, and Wright—11.

NOES—Senators Anthony, Bates, Black, Broughton, Greenwell, Hartman, Keane, Kennedy, Leavitt, McCartney, McKee, Miller, Muenter, Nelson, Savage, Walker, and Willis—17.

Senate Bill No. 612—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602a, relating to corporations sole.

Senate Bill No. 612 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 653—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 104.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 653 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Caminetti, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rush, Walker, Weed, Willis, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 17—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof, relating to prize fighting.

On motion of Senator Hartman, Senate Bill No. 17 was temporarily passed on file, to retain its place.

Senate Bill No. 619—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454a, allowing the plaintiff in an action upon a contract of insurance wherein exemption from liability is claimed by the defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 619 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Hartman, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Price, Savage, Walker, Willis, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 613—An Act to add a new section to the Civil Code, to be numbered 423, relating to the deposits for the protection of policy holders by insurance companies engaged in the business of insuring or indemnifying employers and others against loss or damage for personal injury or death resulting from accidents to employes or persons other than employes.

Senate Bill No. 613 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 620—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered 437a, relating to the pleadings in actions upon contracts of insurance wherein exemption of liability is claimed by the defendant on the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 620 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Caminetti, Carter, Cartwright, Curtin, Hartman, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Savage, Walker, Weed, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 18, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 647—An Act to amend Section 1372 of the Political Code, relating to primary elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WALKER, Chairman.

Senate Bill No. 647 ordered on file for second reading.

RE-REFERENCE OF BILLS TO COMMITTEE.

On motion of Senator Caminetti, Senate Bill No. 805—An Act to amend Section 1662 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872—was recalled from Committee on Judiciary and referred to Committee on Education.

On motion of Senator Weed, Assembly Bill No. 106—An Act to create a State Board of Forestry, to prescribe its duties, to establish a forestry fund, to provide for the enforcement of forest protection laws, and to repeal an Act approved March 18, 1905, entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor—was re-referred to Committee on Forestry and Water Preservation.

ADJOURNMENT.

At four o'clock and ten minutes P. M., on motion of Senator Hartman, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, February 19, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

Quorum present.

PRAYER.

Prayer by Rev. Henry K. Booth.

LEAVES OF ABSENCE.

Senator Anderson was, on motion of Senator McCartney, granted leave of absence for this day.

Senator Broughton was, on motion of Senator Savage, granted leave of absence for this day.

APPROVAL OF JOURNALS.

The Journals of Monday, February 11, 1907; Tuesday, February 12, 1907; Wednesday, February 13, 1907; Thursday, February 14, 1907; Friday, February 15, 1907, and Saturday, February 16, 1907, having been corrected, were read and approved.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 18, 1907, the further reading was dispensed with, on motion of Senator Mattos.

COMMUNICATION.

The following communication was presented by the President and ordered printed in the Journal:

CALIFORNIA ASSOCIATION OF WASHINGTON,
SEATTLE, February 15, 1907.

To the Honorable the Senate, State of California, Sacramento, Cal.

GENTLEMEN: The California Association of Washington, representing three thousand loyal Californians now residing in the State of Washington, has recently been formed. It has for its object the fostering of a true California spirit and promotion of trade relations between California and the Pacific Northwest.

The Association desires to call the attention of the members of the Honorable, the Senate of California, to the following important facts:

The Alaska-Yukon-Pacific Exposition, to be held in Seattle in 1909, will afford an invaluable opportunity to the countries bordering on the Pacific to exploit their resources to a vast number of people.

California, the largest and richest of the Pacific Coast States, must be represented at this a Pacific Coast Exposition, as it has never been represented at any exposition before. Assurances have been given by many other states that they will make elaborate displays in their own buildings.

CALIFORNIA MUST LEAD THEM ALL.

The members of the California Association of Washington desire that their native State shall erect a California building and place an exhibit therein that will fittingly represent the Golden State and be second to none at the exposition.

The association, through its officers, therefore strongly urges that your honorable body, now in session, make a liberal and sufficient appropriation to properly accomplish this end.

Yours respectfully,

CALIFORNIA ASSOCIATION OF WASHINGTON,

Per E. MORGENSTERN, President.

F. M. JEFFERY, Treasurer.

A. VEKANDER, Secretary.

Directors:

GEO. B. COLE.

CHAS. DUANE COBB, M.D.,

J. J. CALLAGHAN.

Executive Committee:

HARRY W. CARROLL,

HERBERT W. TAYLOR,

A. VEKANDER.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Assembly Bill No. 440—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17, of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905.

Also: Assembly Bill No. 353—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Also: Assembly Bill No. 252—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Also: Assembly Bill No. 587—An Act adding a new section to the Political Code of the State of California, to be numbered 1893, relating to duties of school trustees and city boards of education, regarding fraternities in public schools.

Also: Assembly Bill No. 241—An Act to amend an Act entitled "An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and to punish persons violating the provisions of this Act," which became a law under constitutional provisions without the Governor's approval, March 9, 1901, by amending Sections 2, 3, 4, 7, and 8, changing Section 9 to Section 10, and Section 10 to Section 11, and adopting a new section to be known as Section 9.

Also: Assembly Bill No. 69—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Also: Assembly Bill No. 567—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof, defining the practice of dentistry.

Also: Assembly Bill No. 586—An Act to amend Section 214 of the Penal Code of the State of California and to add a new section thereto, numbered 212a, relating to the crime of robbery and its punishment.

Also: Assembly Bill No. 542—An Act to amend Section 1771 of the Political Code, relating to duties of county boards of education.

Also: Assembly Bill No. 536—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Also: Assembly Bill No. 79—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union Veterans, who served honorably during the civil war, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California, for the fifty-ninth and sixtieth fiscal years.

Also: Assembly Bill No. 792—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Also: Assembly Bill No. 417—An Act to appropriate money for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.

Also: Assembly Bill No. 589—An Act to add a new article to Chapter III, of Part III, of the Political Code, to be known as Article XIII, relating to the Board of Bank Commissioners, and prescribing their duties and powers.

Also: Assembly Bill No. 506—An Act adding a new section to the Code of Civil Procedure, to be numbered and designated as Section 1124, relating to contesting elections in case of a tie.

Also: Assembly Bill No. 144—An Act to provide for making repairs and for additional equipment at the State Normal School of San Diego, and making an appropriation therefor.

Also: Assembly Bill No. 395—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violations of this Act a misdemeanor.

Also: Assembly Bill No. 296—An Act to provide for laying a cement sidewalk on California Street, along the property of the Stockton State Hospital, in the City of Stockton, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Assembly Bill No. 712—An Act appropriating \$1,500 for restoring certain records and refitting and refurnishing the office of the Clerk of the Supreme Court, in the City of San Francisco.

Also: Assembly Bill No. 322—An Act making an appropriation of \$1,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Also: Senate Bill No. 9—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo

County, and for the conduct of the experimental work and the operation of the school of agriculture and the educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose.

Also: Senate Bill No. 521—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.

Also: Senate Bill No. 289—An Act to amend Section 70 of the Civil Code, and declaring that marriage may be solemnized by a Justice of a District Court of Appeal.

Also: Senate Bill No. 169—An Act to amend Section 1160 of the Political Code, relating to elections and the time the polls must be opened and closed.

Also: Senate Bill No. 42—An Act to amend an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887, by including within the provisions of said Act the badge or button of the United Spanish War Veterans of this State.

Also: Senate Bill No. 142—An Act to amend Section 2979a of the Political Code of the State of California, relating to the preservation of the public health.

Also: Senate Bill No. 288—An Act to repeal Chapters III, IV, V, and VI of Title IV of the Political Code, as said chapters existed on the 17th Day of March, 1905, relating to the State militia.

Also: Senate Bill No. 101—An Act to amend Section 2981 of the Political Code of the State of California, relating to meetings of the State Board of Health.

Also: Senate Bill No. 10—An Act appropriating the sum of \$7,000 for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school.

Also: Adopted Assembly Concurrent Resolution No. 18—Approving the charter of the City of Long Beach, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter, on the 5th day of February, 1907.

Also: Concurred in Senate amendments to Assembly Bill No. 113—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

Also: Assembly Bill No. 290—An Act entitled "An Act to amend Section 1581 of the Political Code of the State of California," relating to the formation of new school districts.

Also: Passed, as amended, Senate Bill No. 177—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support—and respectfully ask your honorable body to concur in the amendments.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 440 and 241 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 353, 587, 69, and 395 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 567 and 586 read first time, and ordered on file without reference to committee.

Assembly Bills Nos. 252 and 566 read first time, and referred to Committee on Elections and Election Laws.

Assembly Bill No. 542 read first time, and referred to Committee on Education.

Assembly Bill No. 536 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 79, 417, 144, 296, 712, and 322 read first time, and referred to Committee on Finance.

Assembly Bill No. 792 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bill No. 589 read first time, and referred to Committee on Banking.

Senate Bills Nos. 9, 521, 289, 169, 42, 142, 288, 101, and 10 ordered to enrollment.

Assembly Concurrent Resolution No. 18 ordered on file.

ASSEMBLY AMENDMENT CONCURRED IN.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 177?"

Amend by inserting after the word "wife," where it first occurs in line 7 of Section 1 of the printed bill, these words: "or when the husband wilfully fails to provide for the wife."

The roll was called, and the Assembly amendment to Senate Bill No. 177 concurred in by the following vote:

AYES—Senators Anthony, Bates, Black, Boynton, Caminetti, Carter, Curtin, Hartman, Irish, Kennedy, Lynch, Mattos, McCartney, McKee, Miller, Price, Rambo, Reilly, Rolley, Sanford, Savage, Walker, Willis, Wolfe, and Wright—25.

NOES—None.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Savage (at the request of Senator Broughton) moved that Senate Concurrent Resolution No. 12—Approving the Charter of the City of Long Beach, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter, on the 5th day of February, 1907—be withdrawn and stricken from the file, and Assembly Concurrent Resolution No. 18 be substituted therefor.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 18, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 164—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants, and their compensation.

Senate Concurrent Resolution No. 7—Approving four certain amendments to the Charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein on the fourth day of December, 1906.

Senate Bill No. 141—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and prohibiting the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

Senate Bill No. 447—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the exoneration of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Article XIII thereof by striking therefrom and repealing Section 4 of said article, relative to the assessment of a mortgage, deed of trust, contract or other obligation by which a debt is secured and to taxes due upon such assessment.

Senate Bill No. 85—An Act to amend Section 595 of the Political Code, relating to the general duties of an insurance commissioner.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 18th day of February, 1907, at three o'clock and thirty minutes P. M.

Also, have examined the following:

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

Senate Bill No. 187—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund in the several counties, cities and counties, cities, and towns of the State," approved March 20, 1905.

Senate Bill No. 682—An Act to amend an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 21, 1905.

Senate Bill No. 679—An Act to amend Section 431 of the Civil Code of the State of California, relating to amounts to be reserved by life insurance companies.

Senate Bill No. 207—An Act to amend Sections 1025 and 1031 of the Code of Civil Procedure, both relating to costs in civil actions.

Senate Bill No. 501—An Act to amend Section 1771 of the Political Code, relating to power of county boards of education.

Senate Bill No. 11—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Senate Bill No. 643—An Act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein, and providing a penalty for the illegal deposit and use thereof.

Senate Bill No. 633—An Act to add a new section to the Penal Code of the State of California to be known as Section 810, authorizing and providing for the filing and substitution of a copy of the information or other pleading for the original in criminal actions, when such original information or other pleading has heretofore been, or shall hereafter be, lost or destroyed.

Senate Bill No. 131—An Act to amend Section 1576a of the Political Code, relating to clerks of school boards in certain cases, and for payment of their salaries, herein providing for the adoption of a course of study, and the appointment of a superintendent of schools in certain cases, and for payment of his salary.

Also: Senate Bill No. 315—An Act to add two new sections to the Code of Civil Procedure, to be numbered 417 and 418, both relating to actions for libel and slander.

And report that the same have been correctly engrossed.

REILLY, Chairman.

Senate Constitutional Amendment No. 14 ordered on file.

Senate Bills Nos. 187, 682, 679, 207, 501, 11, 643, 633, 131, and 315 ordered on file for third reading.

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, February 19, 1907.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 759—An Act amending an Act entitled "An Act to provide for the appointment of a Board of Sutter's Fort Trustees and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection, and improvement of said property," approved March 7, 1891.

Also: Assembly Bill No. 449—An Act to grant permission to the "Sacramento Society of California Pioneers," to erect a memorial building on the grounds of the Sutter's Fort Park, in Sacramento City.

Also: Assembly Bill No. 358—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895, and an Act amendatory thereof, approved March 20, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 576—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and Acts amendatory thereof, by amending Section 3 of said Act, last amendment, Statutes 1905 p. 416—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 134—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.

Also: Senate Bill No. 518—An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of said gardener.

Also: Senate Bill No. 365—An Act to provide for the purchase of additional land for the uses of the State Normal School at San Francisco, and making appropriation therefor.

Also: Senate Bill No. 497—An Act to provide for taking down the Agricultural Pavilion now located in Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said park from said material, and such additional material as may be necessary, two exhibition buildings, to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor.

Also: Senate Bill No. 577—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain street in the City of Sacramento, to wit, Twenty-sixth Street, from the south line of K Street to the north line of L Street, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to Committee on Finance.

WRIGHT, Chairman.

Senate Bills Nos. 759 and 576 ordered on file for second reading.

Assembly Bills Nos. 449 and 358 ordered on file for second reading.

Senate Bills Nos. 134, 518, 365, 497, and 577 referred to Committee on Finance.

ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, February 19, 1907.

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Senate Bill No. 784—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, and 1426q, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act relating to the working, rights of way, easement and drainage of mines within the State of California," approved March 31, 1891—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

BOYNTON, Chairman.

Senate Bill No. 784 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 18, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 605—An Act to amend Section 249 of the Penal Code, relating to punishment of libel. Also: Senate Bill No. 117—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Also: Senate Bill No. 553—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.

Also: Senate Bill No. 725—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein and prescribing the duties of the State Controller and Attorney-General with reference thereto.

Also: Senate Bill No. 744—An Act to add a new section to the Political Code, to be numbered Section 2295a, and relating to supplying the State Library with State publications for exchange purposes.

Also: Senate Bill No. 546—An Act to amend Section 16 of an Act entitled "An Act to amend an Act entitled 'An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence,'" approved February 26, 1903, approved March 22, 1895.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice and to insure the better education and promote competency and skill among such practitioners in the State of California.

Also: Senate Bill No. 595—An Act to amend Section 1050 of the Code of Civil Procedure.

Also: Senate Bill No. 254—An Act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity, also providing that in such case decrees of distribution and partition, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

Also: Senate Bill No. 72—An Act to add a new section to the Political Code of the State of California, to be numbered Section 2983, relating to the office, salary, and duties

of the attorney for the State Board of Health, and to repeal an Act entitled "An Act to create the office of attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 171—An Act to amend Sections 269*a* and 269*b* of the Penal Code, relating to cohabitation and adultery—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 170—An Act to amend Sections 1510, 1511*a*, 1511*b*, 1512, 1514, 1514*a*, 1515, 1517, and 1518 of the Penal Code, relating to coroners' inquests and duties of coroners, and to repeal Section 1511 of said Penal Code—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

WOLFE, Acting Chairman.

Senate Bills Nos. 605, 117, 553, 725, 744, 546, 440, 595, 254, 72, and 171 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator McCartney asked for and was granted unanimous consent to withdraw Senate Bill No. 170.

Senate Bill No. 170 withdrawn, and ordered stricken from the file.

On motion of Senator Wolfe, Senate Bill No. 198 was recalled from Committee on Judiciary and placed on file, whereupon Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Bill No. 198.

Senate Bill No. 198 withdrawn, and ordered stricken from the file.

RESOLUTIONS.

The following resolutions were offered:

By Senator Markey:

Resolved, That the Sergeant-at-Arms provide for the use of the Press Mailing Clerks \$100 worth of postage stamps, the same payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant for, and the Treasurer to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Muentzer:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate, in favor of the Sergeant-at-Arms, for the sum of \$221.38, in payment of the bills attached hereto:

Mrs. Clark.....	\$8 00
F. R. Pulford.....	20 00
C. W. White.....	3 00
Siller Bros.....	51 00
H. S. Crocker.....	15 00
H. S. Crocker.....	2 50
Henry E. Sleeper.....	2 50
Kane & Trainor.....	21 00
Fashion Stables.....	17 50
Hale Bros.....	2 40
John Breuner.....	10 58
Scott, Lyman & Stack.....	2 50
Scott, Lyman & Stack.....	28 35
Scott, Lyman & Stack.....	6 00
Scott, Lyman & Stack.....	5 00
Scott, Lyman & Stack.....	28 05

\$221 38

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Leavitt:

Resolved, That the State Controller be, and he is hereby directed to draw his warrant in favor of the following named persons, for the sums set opposite their respective names, out of the Contingent Fund of the Senate, the same being in payment of bills hereto attached, and the Treasurer is hereby directed to pay the same.

Mrs. Blake	\$40 00
Mrs. J. Handlin.....	20 00
Mrs. Corson.....	20 00
Mrs. F. Carey.....	20 00
Union Republican Club.....	60 00

Resolution read, and referred to Committee on Contingent Expenses.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Boynton: Senate Bill No. 809—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1243 thereof, relative to the place in court in which actions in eminent domain must be brought.

Bill read first time, and referred to Committee on Judiciary.

By Senator Price: Senate Bill No. 810—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Willis (by request of Code Commission): Senate Bill No. 811—An Act to repeal Title II, of Part IV of the Political Code, and to add a new Title II, of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments.

Bill read first time, and ordered on file without reference to committee.

RUSH ORDER TO PRINTER.

On motion of Senator Willis, the Secretary was directed to issue a rush order for printing Senate Bill No. 811.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of Senate Bill No. 811 be made a special order for Thursday, February 21, 1907, at eleven o'clock A. M.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Welch: Senate Bill No. 812—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bond, and defining the duties of State officers in relation thereto; making an appropriation of \$1,000 for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 813—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin and extending to Islais Creek, in the City and County of San Francisco, and extending their jurisdiction over the same.

Bill read first time, and referred to Committee on Finance.

By Senator Miller (by request): Senate Bill No. 814—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caminetti: Senate Bill No. 815—An Act amendatory of and supplemental to an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State,' by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,'" approved March 2, 1867, approved March 30, 1868, approved March 12, 1885.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 816—An Act to define the term "caucus"; to declare the holding of a caucus unlawful; to provide for the calling and assembling of a free caucus by members of certain legislative bodies in the State of California, and to declare violations of the provisions of this Act a misdemeanor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wright: Senate Bill No. 817—An Act to provide a method to quiet the title to real estate when such real estate has been partitioned by virtue of proceedings had in a court of competent jurisdiction within this State.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 818—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of board of school trustees and city board of education.

Bill read first time, and referred to Committee on Education.

By Senator McKee: Senate Bill No. 819—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid.

Bill read first time, and referred to Committee on Finance.

ANNOUNCEMENT.

The President announced that he desired further time to look up authorities on the point of order raised by Senator Carter on the previous legislative day regarding the President's right to cast the deciding vote on a motion to refer Senate Bill No. 265 to a special committee of one for the purpose of amendment.

Whereupon the President asked for and was granted unanimous consent to withhold his decision until a later date.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set on February 16, 1907, being the consideration of a resolution offered by Senator Caminetti regarding the present California Railroad Commission, the same was taken up for consideration.

RESOLUTION OFFERED BY SENATOR CAMINETTI.

WHEREAS, Sections 9, 10, 11, 14, 15, 17, 18, 19, 20, and 21 of Article XII of the Constitution of the State of California, relate to and affect railroad corporations doing business in this State; and

WHEREAS, Some of said sections prescribe conditions and impose restrictions on said corporations for the protection of the people of this State; and

WHEREAS, Some of said sections plainly provide what are the duties of, and what is the authority conferred on, the Railroad Commission of this State; and

WHEREAS, The erroneous idea seems to prevail in some quarters that such commission can act only on the complaint of some individual; and

WHEREAS, From an examination of said above recited sections it is evident that ample and full authority to act upon and remedy many of the abuses which have caused and are now causing injury to the producers, shippers, and consumers of California has been conferred on said commission; and

WHEREAS, It has been absolutely established by evidence taken recently in various places in California by a section of the Interstate Commerce Commission, presided over by the Honorable Franklin K. Lane, and by testimony secured for the National Government by the Honorable James R. Garfield, Commissioner of Corporations of the United States, that railroad corporations have been guilty of abuses, many violations of law, and discriminations, not only as to places and certain industrial activities, but also as to persons, all of which are subject to State regulation; and

WHEREAS, Among the many references in Mr. Garfield's report touching on the subject of railroad discriminations in California, all of which are set forth in the last message of Governor George C. Pardee, the following is found: "The investigations developed the existence of more than eighty different deviations from published tariff rates in oil in California"; and

WHEREAS, Such abuses, violations, and discriminations have gone on unredressed and without receiving any attention and consideration from said Railroad Commission; and

WHEREAS, Experience in other states having the Commission system has proven that by the reasonable and just execution of constitutional and statute provisions on the subject of railroad regulation, great good has resulted to the people; and

WHEREAS, By reason of the power at present conferred by the national government on the Interstate Commerce Commission, and the activity displayed by the members of said Commission in investigating and remedying abuses in interstate railroad traffic, it is not only important, but absolutely essential for this State, in the interest of the producer, shipper, and consumer, to supplement this work within the jurisdiction of this State by an energetic administration of our laws on the subject; and

WHEREAS, By Section 24 of said Article XII it is made the duty of the Legislature to "pass all laws necessary for the enforcement of the provisions," of said article; and

WHEREAS, As suggested by said message of Governor George C. Pardee, there is a "most remarkable absence of statute law," not only as bearing upon Section 21 of said article, but also upon other important and vital provisions of the same; and

WHEREAS, A continuance of the "do nothing" policy of the Railroad Commission would substitute for the adage that "public office is a public trust," that dangerous motto "some public offices are a railroad trust"; therefore, be it

Resolved, That in the opinion of the Senate many of the abuses practiced against the interests of the producers, shippers, and consumers, including discriminations between persons, industries, and places, should have received due consideration by the Railroad Commission in the past, and the Senate expresses the hope that these matters will receive the earnest attention of the present Railroad Commission; and be it further

Resolved, That the Committee on Judiciary is hereby requested to prepare a report to the Senate, at its earliest convenience, of all necessary legislation in the nature of proposed amendments to the Constitution, and also "all laws necessary for the enforcement of the provisions" of said Article XII.

Resolution read.

During the consideration of the resolution, the following amendment was offered by Senator Caminetti:

Strike out words "prepare a," on first line of last resolution.

Amendment adopted.

Resolution ordered to print, as amended.

SPECIAL ORDER SET.

Senator Wolfe moved that the further consideration of Senator Caminetti's resolution, as amended, be postponed, and made a special order for Thursday, February 21, 1907, at eleven o'clock A. M.

Motion carried.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, seawall, state railroad, spurs and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

On motion of Senator Rolley, Senate Bill No. 461 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two (2) of Article IV thereof, relating to sessions of the Legislature and the limitation of pay of members thereof in extraordinary sessions.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 28 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 1 of Article IV thereof, relating to the legislative power and to certain reservations thereof by the people.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 25 was temporarily passed on file, to retain its place.

Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

On motion of Senator Boynton, Senate Bill No. 148 was temporarily passed on file, to retain its place.

Senate Bill No. 45—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Sanford moved a call of the Senate.

The motion was duly seconded.

The question being on the motion for a call of the Senate.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Caminetti, Curtin, Hartman, Irish, Kennedy, Mattos, Miller, Muentner, Price, Sanford, Savage, Walker, Welch, and Willis—18.
NOES—Senators Bates, Carter, Greenwell, Leavitt, Lynch, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Weed, Wolfe, and Wright—14.

Time, eleven o'clock and forty-five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and fifty-five minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Sanford.

The roll was called.

Whereupon the President announced that Senate Bill No. 45 was refused passage by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Kennedy, Markey, Mattos, Miller, Muentner, Nelson, Walker, and Welch—15.

NOES—Senators Bates, Carter, Greenwell, Hartman, Irish, Leavitt, Lynch, McCartney, McKee, Price, Rambo, Reily, Rolley, Sanford, Savage, Weed, Willis, Wolfe, and Wright—19.

NOTICE OF MOTION TO RECONSIDER.

Senator Sanford gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 45 was this day refused passage.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 162—An Act creating and defining the liability of railroad corporations for injuries to employes, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employé.

WITHDRAWAL OF BILL.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 162.

Senate Bill No. 162 withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads, and regulating the hours of employment thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 491 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Reily, Rolley, Sanford, Walker, Weed, Welch, and Wolfe—26.

NOES—Senators Boynton and Wright—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 457—An Act to provide for the regulation of the business of watchmen, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

On motion of Senator Welch, Senate Bill No. 457 was temporarily passed on file, to retain its place.

Senate Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to counties of the fifty-first class.

On motion of Senator Weed, Senate Bill No. 583 was temporarily passed on file, to retain its place.

Senate Bill No. 428—An Act to provide for the transfer of certain moneys from the county treasury to municipal corporations formed within such counties.

On motion of Senator Curtin, Senate Bill No. 428 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to Article II of the Constitution of California, by amending Section 2 $\frac{1}{2}$ thereof, relating to primary elections, so as to permit the direct or other nomination of candidates for public office without conventions.

Senate Constitutional Amendment No. 19 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 113—An Act to amend Sections 628, 628*a*, 628*b*, 632, and 634 of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 632*b*, all relating to the protection and preservation of fish.

Senate Bill No. 113 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 464—An Act to amend the Political Code of the State of California, by adding eight new sections thereto, to be numbered 338, 338*a*, 338*b*, 339, 339*a*, 339*b*, 340, 340*a*, under a new article to be numbered thirteen (XIII), to be added to chapter two (2), title one (1), part three (3) of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

On motion of Senator Sanford, Senate Bill No. 464 was temporarily passed on file, to retain its place.

Senate Bill No. 462—An Act amending an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, for municipal improvements, and regulating the acquisition, construction or completion thereof," approved February 25, 1901, by amending Sections 2, 5, and 9 thereof.

On motion of Senator Carter, Senate Bill No. 462 was temporarily passed on file, to retain its place.

Senate Bill No. 442—An Act to amend an Act entitled "An Act to establish the fees of the county, township, and other officers, and of jurors and witnesses, in this State," approved March 28, 1895, by adding thereto a new section, to be numbered 5.

On motion of Senator Carter, Senate Bill No. 442 was temporarily passed on file, to retain its place.

Senate Bill No. 489—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3 $\frac{1}{2}$, providing for a petition of remonstrance and written objection, hearings thereon, and the determination thereof by the city council.

On motion of Senator Keane, Senate Bill No. 489 was temporarily passed on file, to retain its place.

Senate Bill No. 490—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

On motion of Senator Keane, Senate Bill No. 490 was temporarily passed on file, to retain its place.

Assembly Bill No. 73—An Act to amend an Act entitled "An Act amending section two of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Leavitt, Assembly Bill No. 73 was re-referred to Committee on Municipal Corporations.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 589—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof."

On motion of Senator Leavitt, Senate Bill No. 589 was temporarily passed on file, to retain its place.

Senate Bill No. 64—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

On motion of Senator Willis, Senate Bill No. 64 was temporarily passed on file, to retain its place.

Senate Bill No. 78—An Act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern California State Hospital, and along the highways adjacent thereto, for the protection of said lands, and of the buildings thereon, and to make appropriation for the same.

On motion of Senator Willis, Senate Bill No. 78 was temporarily passed on file, to retain its place.

Senate Bill No. 578—An Act to create a reclamation district to be called Reclamation District No. 774, and providing for the management and control thereof and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

Senate Bill No. 578 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 598—An Act to amend Section 1313 of the Civil Code, relating to bequests for charitable uses.

On motion of Senator McCartney, Senate Bill No. 598 was temporarily passed on file, to retain its place.

Senate Bill No. 347—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission

for revising, systematizing and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of said commission, and by amending Section 9 thereof, relating to the tenure of said commission.

Senate Bill No. 347 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 564—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators, and guardians in certain cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 564 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, Miller, Nelson, Reily, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 597—An Act to amend Section 1 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet titles against claims of liens arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritance, bequests and devises; to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved —, 1905, relating to the construction thereof and the exemption of the community property from the tax thereby imposed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 597 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, Miller, Muenter, Nelson, Rambo, Reily, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 628—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Senate Bill No. 628 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 34—Relative to dealing in stocks on margins.

On motion of Senator Wolfe, Senate Constitutional Amendment No. 34 was temporarily passed on file, to retain its place.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 8.

Resolution to amend Section 6 of Article IX of the Constitution of California.

The Legislature of the State of California at its thirty-seventh session commencing on the 7th day of January, 1907, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof hereby propose that Section 6 of Article IX of the Constitution of the State of California be amended to read as follows:

Public School System and Tax.

Section 6. The public school system shall include elementary schools, and such secondary schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority. The entire revenue derived from the State school fund and from the general State school tax shall be applied exclusively to the support of elementary schools; but the Legislature may authorize and cause to be levied a special State school tax for the support of secondary schools and technical schools, or either of such schools, included in the public school system, and all revenue derived from such special tax shall be applied exclusively to the support of the schools for which such special tax shall be levied.

Assembly constitutional amendment read.

During the reading of the Assembly constitutional amendment, the following amendment was submitted by committee:

Amend as follows: After the word "include," in line 8 of the printed bill, insert the words "day and evening."

Amendment adopted.

Also:

In line 9, after the word "such," insert the words "day and evening."

Amendment adopted.

Also:

In line 13, after the word "of," insert the words "day and evening."

Amendment adopted.

Also:

In line 15, after the word "of," insert the words "day and evening."

Amendment adopted.

Assembly constitutional amendment ordered to print as amended.

ASSEMBLY CONCURRENT RESOLUTION No. 14.

Approving two certain amendments to the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the 19th day of June, 1905.

WHEREAS, The City of Eureka, in the County of Humboldt, State of California, has at all times mentioned herein been, and now is, a municipal corporation of said State containing a population of more than three thousand five hundred inhabitants, and is now and has been ever since the second Monday of July, A. D. 1895, organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California—which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 26th day of January, 1895, and approved by the Legislature of the State of California on the 12th day of February, 1895, (Statutes of 1895, pages 355 to 405, inclusive,) and which said charter has never been amended; and,

WHEREAS, The legislative authority of said City of Eureka, to-wit: the council of said city, did by an ordinance by it passed on the 18th day of April, 1895, and approved by William S. Clark, the mayor and chief executive of said city, on the 18th day of April 1905, and pursuant to Section 8, Article XI of the Constitution of the State of California, duly proposed to the qualified electors of said city two certain amendments to such charter of said City of Eureka; and,

WHEREAS, Said ordinance containing said proposed amendments to said charter was duly published for twenty days after its passage and approval in the Daily Humboldt Times, a daily newspaper printed, published, and generally circulated in the City of Eureka aforesaid; and,

WHEREAS, A general municipal election was held in said City of Eureka on the 19th day of June, A. D. 1905, which date was more than forty days after said proposed amendments had been published for twenty days as aforesaid; and,

WHEREAS, In and by said ordinance so passed, approved, and published as aforesaid, said proposed charter amendments were submitted to the qualified electors of said city at said general municipal election; and,

WHEREAS, On the 20th day of June, 1905, at a meeting of said council of said City of Eureka, duly convened in accordance with law, and with the provisions of said charter of said city, said mayor and council of said City of Eureka did duly and regularly canvass the returns of said general municipal election so held on the 19th day of June, 1905, and did find therefrom that each of said proposed amendments to said charter were duly ratified by the majority of electors voting thereon; and,

WHEREAS, Said mayor and said council, after canvassing said returns, and at said meeting so held as aforesaid for said canvass, did duly find and declare that each of said proposed charter amendments had been ratified by a majority of the electors voting thereon; and,

WHEREAS, Said amendments so ratified by the electors of said City of Eureka at said general election of June 19th, 1905, are now submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California; and are in the words and figures following, to-wit:—

CHARTER AMENDMENT NO. 1 TO THE CHARTER OF THE CITY OF EUREKA.

Article III, Section 43½, The Initiative.

The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the city at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petition herein provided for.

Upon presentation to the city council of a petition or petitions signed by qualified electors of the city, in number equal to 10 per cent of said registration, asking for submission to the electors of a measure fully set forth in said petition or petitions, being a measure that the city council might itself adopt, it must either enact such measure without alteration or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions. But if such petition or petitions are signed by qualified electors in number equal to 20 per cent of said registration, then such measure, if not so enacted by the city council, must be submitted to the electorate at a special election to be called within sixty days from the filing of such petition or petitions.

If such proposed measure is a measure that the city council might adopt, except for the fact that it involves the repeal or amendment of a measure adopted by the electorate, as herein provided, and if in such case said petition or petitions are signed by qualified electors in number equal to 25 per cent of said registration, then such proposed measure must be submitted to the electors of the city at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions.

The method of signing and presenting petitions provided for herein shall be as follows: The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number.

Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within twenty days from the date of filing such petition in his office the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the city council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature whose genuineness is not called in question by the sworn affidavit of the owner thereof shall be assumed to be genuine. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within twenty days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the clerk shall submit the same to the city council without delay.

Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this section; provided, that there shall not be held under this section more than one special election in any period of six months. Whenever any measure is required or authorized by this charter to be submitted to the electors of the city, at any election, the city clerk shall cause the measure to be printed, and he shall inclose a printed copy thereof in an envelope and shall mail the same to each voter, at least ten days prior to the election, but the city council may order such measure to be printed in the official newspaper of the city, and published in a like manner as ordinances adopted by the city council are required to be published; and may order that such publication shall take the place of the printing and mailing of the measure, as first above provided.

CHARTER AMENDMENT NO. 2 TO THE CHARTER OF THE CITY OF EUREKA.

Article III, Section 43½, The Referendum.

Any measure that the city council or the electorate of the city, as herein provided has authority to adopt, the city council may of its own motion submit to a vote of its constituent electors at a general or special election.

Except as herein provided, no penal ordinance or measure, no ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessments, and contract where the subject matter involved is of less value than \$1,000,) passed by the city council, shall go into effect in less than thirty days after its final passage.

But ordinances and contracts declared by the city council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, passed by a three-fourths vote of the city council, and not obligating the city for a longer period of time than one year, may go into effect at the will of the city council or as otherwise provided by law.

If within said thirty days a petition or petitions signed by qualified electors of the city in number equal to 10 per cent of said registration, is filed with the city clerk, asking that any penal ordinance or measure, any ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject matter involved is of less value than \$1,000) adopted by the city council, is submitted to the electorate, then such ordinance or measure must either be repealed or submitted to the electors for approval or rejection at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions, or at a special election called prior to such regular city election; and if such ordinance or measure has not gone into effect before the filing of such petition or petitions, and said petition or petitions are signed by qualified electors of the city, in number equal to 15 per cent of said registration, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall be again so submitted, except by a vote of the city council, or a petition signed by 25 per cent of said registration.

Said petition or petitions shall be in all respects in accordance with the provisions of Section 43¼, except as to the percentage of signers, and be examined and certified by the clerk in all respects as therein provided.

If a majority of votes cast on any ordinance or measure referred as provided in Sections 43¼ or 43½ herein, to the electors of the city, shall be in favor thereof, it shall, if not already in effect, go into effect as a valid and binding ordinance or measure of the city, ten days after the official count shall be determined, otherwise such ordinance or measure shall be repealed or rejected; such repeal shall take effect ten days after the official count shall be determined. No ordinance or measure approved by the electorate under the provisions of these sections shall be subject to veto, or be amended or repealed except by vote of the electorate or by legislative authority superior to that of the city council.

If the provisions of two or more measures approved and adopted at the same election, under the provisions of this charter, conflict, then the measure receiving the highest affirmative vote shall control.

Now therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected voting for and concurring herein, that said amendments to the charter of the City of Eureka as proposed to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole without amendment or alteration for and as amendments to, and as part of the charter of the said City of Eureka, aforesaid.

Assembly Concurrent Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 14 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muenter, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

SENATE CONSTITUTIONAL AMENDMENT NO. 27.

A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the rights of suffrage.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session, commencing on the seventh day of January, Anno

Domini one thousand nine hundred and seven, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that Section 1 of Article II of the Constitution of the State of California be amended as follows:

SECTION 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he or she claims to vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native Asiatic, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language, and write his or her name, shall ever exercise the privilege of an elector in this State; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requirements, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upward at the time this amendment shall take effect.

Senate Constitutional Amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 27 refused adoption by the following vote:

AYES—Senators Bates, Bell, Black, Boynton, Caminetti, Cartwright, Greenwell, Keane, Lynch, Mattos, Miller, Rambo, Reily, Rolley, Rush, Sanford, Savage, and Walker—18.

NOES—Senators Anthony, Carter, Curtin, Hartman, Kennedy, Leavitt, Markey, McCartney, Muentner, Nelson, Price, Weed, Welch, Willis, Wolfe, and Wright—16.

NOTICE OF MOTION TO RECONSIDER.

Senator Wright gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 27 was this date refused adoption.

THIRD READING OF BILLS—(RESUMED).

SENATE CONSTITUTIONAL AMENDMENT No. 29.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 1, of Article 16 thereof, relating to State indebtedness.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California at its regular session commencing on the 7th day of January, 1907, two thirds of all members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that Section 1 of Article 16 of the Constitution of the State of California be amended so as to read as follows:

"Article 16. State indebtedness.

"SECTION 1. The Legislature shall not, in any manner create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of \$300,000, except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within seventy five years of the time of contracting thereof, and shall be irrevocable until the principal and interest thereon shall be paid and discharged, and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one fourth of the time of maturity of such debt or liability; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein throughout the State for three months next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same."

Senate Constitutional Amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 29 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Caminetti, Carter, Cartwright, Curtin, Greenwell, Keane, Kennedy, Leavitt, Markey, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Senate Constitutional Amendment ordered transmitted to the Assembly.

Senate Bill No. 705—An Act to add a new section to the Penal Code, to be known as Section 273g, relating to indulging in degrading, lewd, immoral or vicious habits or practices, or being habitually drunk in the presence of children.

Senate Bill No. 705 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 574—An Act to amend Section 213 of the Penal Code of the State of California and to add a new section thereto, numbered 212a, relating to the crime of robbery and its punishment.

On motion of Senator Wolfe, Senate Bill No. 574 was temporarily passed on file, to retain its place.

Senate Bill No. 612—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602a, relating to corporations sole.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 612 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 714—An Act to add a new section to the Political Code, to be numbered 1617a, requiring that the United States flag shall be hoisted on all public school houses and displayed in each schoolroom.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 714 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Senator Leavitt, of the Sixteenth District, in the chair.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Savage: Senate Bill No. 820—An Act to repeal Sections 7 and 8 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to changing boundaries of and consolidation of municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Broughton: Senate Bill No. 821—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such bonds and the filing and acceptance of new bonds in lieu thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

RUSH ORDER TO PRINTER.

On motion of Senator McCartney, the Secretary was directed to issue a rush order for printing Senate Bill No. 821.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Keane: Senate Bill No. 822—An Act to provide for the payment of attorney fees in justice's courts and other inferior courts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Black: Senate Bill No. 823—An Act to amend Section 4232 of the Political Code, relating to indexes to be kept by the recorder.

Bill read first time, and referred to Committee on County Government.

CONSTITUTIONAL AMENDMENT RECALLED FROM PRINT FOR AMENDMENT.

Senator Keane asked for and was granted unanimous consent to have Assembly Constitutional Amendment No. 8 recalled from print for the purpose of amendment.

Motion carried.

Assembly Constitutional Amendment No. 8—Resolution to amend Section 6 of Article IX of the Constitution of California.

The following amendment was offered by Senator Keane:

Amend by striking out in line 7 the words "public school system and tax."

Amendment adopted.

Assembly Constitutional Amendment ordered to print as amended.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Boynton asked for and was granted unanimous consent to have Assembly Bill No. 460 taken up for the purpose of amendment.

Assembly Bill No. 460—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved March 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of officers of counties of the forty-sixth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Boynton moved to refer to Senator Price as a special committee of one to amend as follows:

By striking out of Section 1, line 44, of printed bill the word "twenty" and inserting in lieu thereof the following: "thirty."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 19, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 460, with instructions to amend, respectfully reports the same back, amended as per instructions.

PRICE, Special Committee.

Report of special committee, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 711—An Act to amend Section 401 of the Civil Code of the State of California relating to corporations and providing for the extension of the terms of existence of corporations.

On motion of Senator McCartney, Senate Bill No. 711 was temporarily passed on file, to retain its place.

Senate Bill No. 658—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 658 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 722—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 722 passed by the following vote:

AYES—Senators Bates, Bell, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 383—An Act to amend the Civil Code by adding a new section thereto, to be numbered 1828, relating to delivery of payment of deposit made in the names of two or more persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 383 finally passed by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Curtin, Greenwell, Keane, Lukens, Lynch, McCartney, McKee, Muentner, Nelson, Price Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—23

NOES—Senator Caminetti—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 77—An Act to amend Section 205 of the Code of Civil Procedure, relating to the qualifications of jurors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 77 passed by the following vote:

AYES—Senators Anthony, Bell, Black, Caminetti, Cartwright, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 17—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof, relating to prize fighting.

Senate Bill No. 17 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 613—An Act to add a new section to the Civil Code, to be numbered 423, relating to the deposits for the protection of policy holders by insurance companies engaged in the business of insuring or indemnifying employers and others against loss or damage for personal injury or death resulting from accidents to employés or persons other than employés.

Senate Bill No. 613 was temporarily passed on file, in the absence of the author, to retain its place.

Assembly Bill No. 310—An Act to amend Section 5 of "An Act regulating the employment and hours of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 310 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 556—An Act to amend Sections 3093, 3094, and 3095 of the Political Code, relating to dissection, enacted March 12, 1872.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 556 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lukens, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 602—An Act to amend the Penal Code by adding thereto two new sections, to be designated as Sections 367*b* and 367*c*, to provide against the offense of hazing.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 602 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Boynton, Caminetti, Curtin, Greenwell, Hartman, Keane, Leavitt, Lukens, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Rolley, Rush, Sanford, Walker, Weed, and Willis—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 581—An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 581 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 102—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 102 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Caminetti, Curtin, Greenwell, Hartman, Irish, Kennedy, Leavitt, Lynch, Markey, Miller, Nelson, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—24.

NOES—Senators Boynton, Cartwright, Keane, Rambo, and Reily—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 408—An Act to add a new section to the Political Code, to be numbered Section 2656, and relating to the division of general road funds upon the incorporation of municipalities or annexation to municipalities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 408 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Curtin, Greenwell, Hartman, Kennedy, Leavitt, Lukens, Lynch, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 134—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in justices' courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 134 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Kennedy, Markey, McKee, Miller, Muentner, Nelson, Price, Reily, Rolley, Rush, Sanford, Walker, Wolfe, and Wright—24.

NOES—Senators Leavitt, Lukens, Rambo, Savage, and Weed—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 24—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be known and designated as Section 602½, relating to the tearing down of fences and the opening of gates, bars, and fences, and the hunting upon lands of another, and the killing, maiming, or wounding of any animal, and the leaving of camp fires burning or unextinguished.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 24 finally passed by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Markey, McCartney, Miller, Muentner, Nelson, Rambo, Rolley, Rush, Sanford, Savage, and Walker—24.

NOES—Price and Wolfe—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 708—An Act to amend Section 608 of the Penal Code and to add two new sections thereto, to be numbered 608a and 608b, all relating to the burning, injuring, or setting adrift rafts or vessels.

Senate Bill No. 708 was temporarily passed on file, in the absence of the author, to retain its place.

Assembly Bill No. 135—An Act to amend Section 976 of the Code of Civil Procedure, relating to appeals to Superior Courts.

On motion of Senator Muentner, Assembly Bill No. 135 was temporarily passed on file, to retain its place.

Assembly Bill No. 508—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 508 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Price, Reily, Rolley, Rush, Sanford, Savage, Willis, and Wright—28.

NOES—Senators Black, Carter, Mattos, Walker, and Weed—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 3—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 19, 1903, and amended March 20, 1905, by adding Subdivision 19 thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 3 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Miller, Muentner, Nelson, Price, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 493—An Act to amend Section 173 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, as amended March 20, 1905, relating to county and township officers of counties of the sixteenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 493 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 506—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 212 thereof, relating to the compensation of officers of counties of the fifty-fifth class.

On motion of Senator Rolley, Assembly Bill No. 506 was temporarily passed on file, to retain its place.

Senate Bill No. 648—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county and township officers of counties of the fourth class.

On motion of Senator Black, Senate Bill No. 648 was temporarily passed on file, to retain its place.

Senate Bill No. 698—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof,

and to provide for its organization," approved February 12, 1874, and the Act amendatory thereof, approved March 11, 1887, by changing the division line between said San Benito County and Monterey County so as to include in said San Benito County a part of said Monterey County, and in said Monterey County a part of said San Benito County.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Lynch, Senate Bill No. 698 was re-referred to Committee on County Government.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 567—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 567 passed by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 584—An Act making an appropriation of two hundred and fifty dollars (\$250) for the purchase of a certain spring of water near the John Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Cartwright, as a special committee of one, to amend as follows:

By striking out of title, line 3, the figures and marks as follows: (\$250.00).

Also: Strike out from title, line 4, the word "John."

Also: Strike out from Section 1, line 3, the figures and marks as follows: ("(\$250.00)").

Also: Strike out from Section 1, line 5, the word "John."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 19, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 584, with instructions to amend, respectfully reports the same back, amended as per instructions of the Senate.

CARTWRIGHT, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 585—An Act making an appropriation of five hundred dollars (\$500) for the purpose of repairing and preserving the John Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Cartwright, as a special committee of one, to amend as follows:

By striking out of line 2 the figures and marks as follows: (\$500.00).

Also: Strike out of title, line 3, the word "John."

Also: Strike out of Section 1, line 3, the figures and marks (\$500.00).

Also: Strike out of Section 1, line 5, the word "John."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 19, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 585, with instructions to amend, respectfully reports the same back, amended as per instructions of the Senate.

CARTWRIGHT, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At three o'clock and twenty minutes P. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 696—An Act making an appropriation to pay the claim of Victor Heck against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 696 passed by the following vote:

AYES—Senators Anthony, Bates, Black, Boynton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, Miller, Muenster, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welsh, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At three o'clock and twenty-five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 706—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Senate Bill No. 706 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 707—An Act appropriating \$4,500 to pay the claim of J. B. Lauck.

Senate Bill No. 707 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 697—An Act making an appropriation of \$4,000 to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the old theatre property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties," approved February 21, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 697 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Markey, Muttons, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At three o'clock and thirty-five minutes P. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Rolley asked for and was granted unanimous consent to have Senate Bill No. 461 taken up for the purpose of amendment.

Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, seawall, State railroad, spurs, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Rolley moved to refer to Senator Wolfe, as a special committee of one, to amend as follows:

By striking out of Section 11, line 7, the word "general," after the word "the," and inserting in lieu thereof the following: "San Francisco harbor improvement fund."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 19, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 461, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Rolley, the Secretary was directed to issue a rush order for printing Senate Bill No. 461.

SENATOR LUKENS IN THE CHAIR.

At three o'clock and forty minutes P. M., Senator Lukens, of the Fifteenth District, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Carter asked for and was granted unanimous consent to have Senate Bill No. 643 taken up for the purpose of amendment.

Senate Bill No. 643—An Act to provide for and regulate the deposit of public moneys in banks and banking corporations, and providing a penalty for the illegal deposit and use thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Carter moved to refer to Senator Wright, as a special committee of one, to amend as follows:

By striking out of Section 1, line 4, page 1 of the printed bill, as amended, the words: "of such county or municipality."

Also: In line 3, Section 2, page 2 of said amended bill, strike out the period after the word "year" and insert in lieu a semicolon and the following words: "provided, that the rate of interest for the year ending December 31, 1907, may be fixed as herein provided within ninety days after this Act goes into effect."

Also: In line 3, Section 3, page 2 of said printed bill, as amended, insert the words "or receipts."

Also: Strike out of lines 3 and 4, Section 11, page 2, the following: "or depositing the same in any other manner than is herein provided."

Also: Strike out of line 5, Section 11, page 2, after the word "felony," the words "In case of."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 19, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 643, with instructions to amend, respectfully reports the same back, amended as per instructions.

WRIGHT, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

WITHDRAWAL OF BILL.

On motion of Senator Welch, Senate Bill No. 345—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors—was recalled from Committee on Judiciary.

Whereupon Senator Welch asked for and was granted unanimous consent to withdraw Senate Bill No. 345.

Senate Bill No. 345 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 315—An Act to add two new sections to the Code of Civil Procedure, to be numbered 417 and 418, both relating to actions for libel and slander.

WITHDRAWAL OF BILL.

Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Bill No. 315.

Senate Bill No. 315 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 419—An Act to amend Section 172 of the Penal Code, relating to keeping of intoxicating liquors within or contiguous to certain State buildings and grounds.

WITHDRAWAL OF BILL.

Senator Willis asked for and was granted unanimous consent to withdraw Senate Bill No. 419.

Senate Bill No. 419 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 586—An Act to repeal Title II of Part IV of the Political Code and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of uniform system of county and township government.

WITHDRAWAL OF BILL.

Senator Willis asked for and was granted unanimous consent to withdraw Senate Bill No. 586.

Senate Bill No. 586 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 175—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator McCartney, Assembly Bill No. 175 was re-referred to Committee on Finance.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Caminetti: Senate Bill No. 824—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches a misdemeanor.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Price (by request): Senate Bill No. 825—An Act to define the duties of and to license land surveyors and to repeal an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Bill read first time, and referred to Committee on Judiciary.

By Senator Willis: Senate Bill No. 826—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of a central ward building, to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same," approved March 25, 1903, and to change and redirect the manner of expenditure thereof.

Bill read first time, and referred to Committee on Finance.

By Senator Carter (by request): Senate Bill No. 827—An Act fixing time for passing sentence in criminal actions.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also (by request): Senate Bill No. 828—An Act providing that credits allowed prisoners in the State prisons, and serving more than one sentence, be computed and allowed on all the terms of sentence as on one continuous term sentence.

Bill read first time, and referred to Committee on Prisons and Reformatories.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 19, 1907

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 738—An Act to add a new title to Part III of the Penal Code, to be known as Title Ia, relating to State schools of industry and reform for juvenile offenders—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUKENS, Chairman.

Senate Bill No. 738 ordered on file for second reading.

ON FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 19, 1907.

MR. PRESIDENT: Your Committee on Fruit and Vine Interests, to whom was referred Senate Bill No. 266—An Act to provide for the investigation of the nature of the diseases known as pear blight and walnut blight, and to prevent, eradicate and procure a cure for the same; and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations; making an appropriation therefor; and prescribing the duties of the Controller and Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be referred to Committee on Finance.

Also: Senate Bill No. 768—An Act to promote the horticultural interests of the State by providing county commissioners of horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 31, 1897, and amended and approved March 20, 1905—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 570—An Act to amend Section 1 of an Act entitled an Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.

Also: Senate Bill No. 601—An Act to amend Section 1 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof," approved March 19, 1889, and March 31, 1891.

And as said bills are identical we recommend that the author of Senate Bill No. 601 be permitted to withdraw it and recommend that Assembly Bill No. 570 do pass.

RAMBO, Chairman.

Senate Bill No. 266 referred to Committee on Finance.

Senate Bill No. 768 ordered on file for second reading.

Assembly Bill No. 570 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Black asked for and was granted unanimous consent to withdraw Senate Bill No. 601.

Senate Bill No. 601 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 19, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of J. L. Martin, Sergeant-at-Arms, for the sum of thirty-five dollars and thirteen cents (\$35.13), out of the contingent fund of the Senate, and the Treasurer is hereby directed to pay the same, being in payment of the Senate's portion (one half) of the expenses incurred by your committee on Lincoln memorial exercises, which were held on Tuesday evening, February 12, 1907, in the Assembly Chamber, itemized account of which is as follows:

E. H. Cox & Son, decorating and picture.....	\$11 75
Peterson's Orchestra, music.....	30 50
M. H. Ebel, plants.....	11 50
Shannon-Conmy Press, "Gettysburg Address".....	16 50
	\$70 25

Also:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate, in the sum of eight hundred and fifty-five dollars, payable out of the contingent fund of the Senate, the same being in payment of bills hereto attached.

H. S. Crocker Co. \$855 00

Also:

Resolved, That the sum of two hundred and eighty dollars (\$280) is hereby appropriated from the contingent fund of the Senate for the purpose of purchasing boxes, packing, marking, and expressing all papers and documents belonging to the Senators to their places of residence at the close of the session. The Controller of State is hereby authorized to draw his warrant in favor of the Sergeant-at Arms of the Senate for the above amount, and the Treasurer directed to pay the same.

Also:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to compile, prepare, and have printed a final calendar of the legislative business of the thirty-seventh session, comprising the history of all bills introduced, their authors, the number that have become laws, those that have been read on second readings, and all other information that will create a perfect guide and history to the session's business; together with this shall be the expenses of the Senate and Assembly, and of printing, such information being prepared not only for the book, but as a guide for the thirty-eighth session of the Legislature. For the purpose of carrying out this work, the Controller is hereby directed to draw his warrant for the sum of \$550 in favor of Lewis A. Hilborn, \$50 of which is to pay the postage and express in forwarding copies to each member of the Legislature, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anthony, Bell, Black, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Lukens, Markey, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON VISITING PUBLIC INSTITUTIONS.

MR. PRESIDENT: Your special sub-committee, appointed to visit the public institutions of this State under resolution of January 29, 1907, respectfully report that the said sub-committee visited the Home for Care and Training of Feeble-Minded Children at Glen Ellen, the Ukiah Insane Asylum, the Napa Insane Asylum, and the Soldiers' Home at Yountville, and made a thorough and careful inspection of same; that their actual expense in so doing amounted to \$95.70; therefore be it

Resolved, That the sum of \$95.70 be and the same is hereby ordered paid out of the contingent fund of the Senate to Senator W. F. Price, to pay the expenses of each member thereof, and the Controller is hereby directed to draw his warrant for the same, and the Treasurer directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

SECOND READING OF BILLS.

On motion of Senator Mattos, the second-reading file was taken up for consideration.

Senate Bill No. 344—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, concerning the listing of grand and trial jurors.

Read second time.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Wolfe, Senate Bill No. 344 was re-referred to Committee on Judiciary.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers.

During second reading of bill, the following amendment was submitted by committee:

Strike out "Sec.," line 3, page 1 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 126—An Act to amend Section 374 of the Penal Code of the State of California, relating to putting dead animals in streets, rivers, etc.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 62—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital, and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 64—An Act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern California State Hospital, and along highways adjacent thereto, for the protection of the said lands and of the buildings thereon, and to make appropriation for the same.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 618—An Act to authorize a local board of managers of the several State hospitals of insane of the State of California to employ regularly ordained ministers or priests to visit and minister spiritual advice and consolation to the inmates of said hospitals and to provide for their compensation.

During second reading of bill, the following amendment was submitted by committee:

Strike out after the word "boards," in line 8, printed bill, the following: "not under fifty, and not to exceed one hundred," and insert in lieu thereof the following: "not to exceed fifty."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 389—An Act entitled an Act to amend Section 756 of the Political Code of the State of California, and providing for the

amount and the time and manner of payment of, and making an appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Supreme Court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 564—An Act to amend Sections 439 and 440 of the Political Code, relating to the employés in the Controller's office and the salaries paid to such employés.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 441—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 443—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children, prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duties of such board; and providing when proceedings under this Act shall be admissible in evidence, approved February 26, 1903, as amended by Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same, approved March 22, 1905."

During second reading of bill, the following amendment was offered by Senator Leavitt:

Strike out all of Section 3, and insert in lieu thereof the following:

Section 13 of said Act is hereby amended to read as follows:

Section 13. The offices of chief probation officer, probation officer, and assistant probation officer are hereby created. The appointments of chief probation officer, probation officer, and assistant probation officer to serve hereunder in any county or city and county shall be made by the Judge of the Superior Court or by a majority of the judges thereof if there be more than one. The term of office of chief probation officers, probation officers, and assistant probation officers shall be during the pleasure of the Superior Court, and they may at any time be removed by the judge or judges appointing them, in their discretion.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 499—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity Rivers, to Hoopa Valley, Humboldt County, and also from a point along said routes up the Salmon River to Black Bear.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 721—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 727—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln,

and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of \$2,000 therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 740—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 765—An Act to accept from E. F. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of the improvements, buildings, and furnishings therein at La Tour Soda Springs, in Shasta County, and appropriating the sum of \$3000 for the purpose of purchasing ten acres or more of land, and for the improvements thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors and marines of the United States Army; to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 766—An Act to create a fund to be known as the United States Forest Reserve Fund and to provide for the payment out of said fund to the treasurers of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 767—An Act to amend the Political Code, by adding a new section thereto to be numbered 1115a, requiring the county clerks, and the registrar of voters of the City and County of San Francisco to furnish the Secretary of State with a certified copy of the index and supplements to the great register.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 734—An Act to amend Sections 1908, 1914, 1916, 1922, 1923, all of the Political Code of the State of California, relating to the enrolled militia.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 752—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate.

During second reading of bill, the following amendments were submitted by committee:

Insert after the word and figure "Section 1" the words and figures "Section 114 of an Act entitled."

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the words "By amending Section 114."

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the word "thereof."

Amendment adopted.

Also:

On page 2, Section 2, line 1, insert the following: "Three new sections to be known respectively as Sections 1141a, 1141b, and 1141c are hereby added to an Act entitled."

Amendment adopted.

Also:

On page 2, line 37, insert before the words "one half" the words "Sub. 3."

Amendment adopted.

Also:

On page 2, strike out last line, and on line 1 of page 3, insert "is hereby amended by adding three new sections thereto, to be known as Sections 114a, 114b, 114c."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 747—An Act to amend Section 777 of the Penal Code of the State of California, relating to local jurisdiction of public offenses.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 655—An Act to amend Section 789 of the Civil Code, relating to notice required in terminating tenancies or other estates at will, however created.

On motion of Senator Mattos, Senate Bill No. 655 was temporarily passed on file, to retain its place.

Senate Bill No. 656—An Act to amend Section 827 of the Civil Code, relating to notice required for changing terms of tenancies or other estates at will, however created, and of all leases of lands or tenements, or of any interest therein, from month to month.

On motion of Senator Mattos, Senate Bill No. 656 was temporarily passed on file, to retain its place.

Senate Bill No. 599—An Act to promote the safety of employes and travelers upon the railroads by limiting the number of hours of service of employes thereon, and to provide a penalty for the violation thereof.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, strike out the word "That," and change the first letter to a capital in the next word.

Amendment adopted.

Also:

In same page and section, on line 3, after the word "California," insert the following: "Except in case of wrecks, washouts, or breakdowns to engines."

Amendment adopted.

Also:

In same page and section, on line 8, before the word "rest," strike out the word "undisturbed."

Amendment adopted.

Also:

On page 1, Section 2, at the beginning of line 1, strike out the word "That." and change the first letter in the next word to a capital.

Amendment adopted.

Also:

In same page and section, on line 5, after the word "than," strike out the figures and sign, "\$300.00," and insert in lieu thereof the following: "\$100.00."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 632—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States, under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act."

During second reading of bill, the following substitute was submitted by committee:

SUBSTITUTE FOR SENATE BILL No. 632.

An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any water users' association is incorporated in this State for the purpose of furnishing water to its stockholders only, in order to secure the benefits of the Act of Congress approved June 17, 1902, known as the "Reclamation Act," the Secretary of State shall charge for filing its necessary articles of incorporation and for issuing the necessary certificate of incorporation the sum of twenty dollars.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 544—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3½, providing for petitions of remonstrance and written objections, hearings thereon, and the determination thereof by the city council.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 625—An Act relating to the restoration by certain public officers of public records other than court records or public records of private writings when such public records have been lost, injured, or destroyed by conflagration or other public calamity.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 6, lines 7 and 8, strike out the words after the word "this," on line 7, "upon his own recollection or."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 5—An Act to amend Article IV of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions out of the State, by adding a new section thereto, to be known as Section 2029.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, strike out the word "Section."

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the ":" after the figures "2029."

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the words "When notice may be dispensed with."

Amendment adopted.

Also:

On page 1, Section 1, lines 1 and 3, strike out the parenthesis before the word "Section," on line 1, and after the word "Follows," on line 3.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 749—An Act to authorize suits against the State of California, concerning certain real property, and regulate the procedure therein.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 9, strike out the figures "(165 64-100)."

Amendment adopted.

Also:

On page 1, Section 1, line 12, strike out the figures "(136½ ft.)."

Amendment adopted.

Also:

On page 1, Section 1, line 13, strike out the figures "(291)."

Amendment adopted.

Also:

On page 1, Section 1, line 14, strike out the figures and word "(125 ft.)."

Amendment adopted.

Also:

On page 1, Section 1, lines 15 and 16, strike out the figures and word "(295 ft.)."

Amendment adopted.

Also, offered by Senator Leavitt:

Amend Section 1 by adding thereto, at the end thereof, the words: "Each party to any of said actions may appeal from any judgment, decree, or appealable order made therein."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 242—An Act to amend Section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 99—An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded, and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded.

During second reading of bill, the following amendment was submitted by committee:

Insert the following at the end of Section 9, page 4, printed bill: "Section 10. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 103—An Act to add a new section to the Political Code, to be numbered Section 1888a, relating to the levy of taxes for the payment of school district bonds.

During second reading of bill, the following amendment was submitted by committee:

At the end of printed bill insert the following:

SEC. 2. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 462—An Act to amend Section 443 of the Political Code, relative to State school tax.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 5, strike out the word "seven" before the word "dollars" and insert in lieu thereof the following: "eight."

Amendment adopted.

Also:

On page 1, Section 1, line 6, strike out the words "four and eighteen," and insert in lieu thereof the following: "five and seventeen."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 660—An Act to amend Sections 3804 and 3805a of the Political Code, relating to the refunding of taxes and the cancellation of certificate of tax sales.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out all commencing with the word "When," in line 41, page 2 of printed bill, down to and including the word "office," in line 50.

Amendment adopted.

Also:

Amend by striking out all of Sec. 2.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 538—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts and condemnation of property therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 761—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 647—An Act to amend Section 1372 of the Political Code, relating to primary elections.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, printed bill, strike out the entire line 3 and the word "optional" in line 4, and insert in lieu thereof the following: "1372"

Amendment adopted.

Also:

On page 1, printed bill, after the word "states," on line 8, strike out all to and including line 12 of the printed bill.

Amendment adopted.

Also:

On page 2, line 33 of the printed bill, strike out all of line 33.

Amendment adopted.

Also:

On page 2 strike out lines 36 and 37 of the printed bill.

Amendment adopted.

Also:

On page 3, line 63, printed bill, after the word "petition," insert the following: "The chapter and each and every provision thereof shall also be obligatory and mandatory in the Thirteenth Senatorial District, a political subdivision of the County of Alameda, and for such purpose it is hereby declared that the population of said Thirteenth Senatorial District, a political subdivision of the said County of Alameda, is twenty-three thousand four hundred and sixteen."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

ADJOURNMENT.

At four o'clock and twenty minutes P. M., on motion of Senator Curtin, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 20, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentzer, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVES OF ABSENCE.

Senator Broughton was, on motion of Senator Savage, granted leave of absence for this day.

Senator Anderson was, on motion of Senator McCartney, granted leave of absence for this day.

Senator Rush was, on motion of Senator Kennedy, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 19, 1907, the further reading was dispensed with, on motion of Senator Miller.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 551—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Also: Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation and protection of juvenile delinquents in the State of California, to be known as the Whittier State School," by amending Sections 8, 11, 16, 17, 18, and 20 thereof, and by adding a new section thereto, to be numbered Section 131½, providing for the appointment, duties and compensation of a secretary of said school.

Also: Assembly Bill No. 13—An Act to provide for taking down the agricultural pavilion now located in Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said park from said material, and such additional material as may be necessary, two exhibition buildings, to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor.

Also: Assembly Bill No. 222—An Act to amend Section 10 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," as amended by an Act approved March 20, 1905, providing for the disposition of pension moneys belonging to deceased members.

Also: Assembly Bill No. 35—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

Also: Assembly Bill No. 699—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair or operation of any public work, improvement, or utility.

Also: Assembly Bill No. 837—An Act to add a new section to the Political Code, to be known as Section 560, relating to the amount of capital stock necessary to be paid up before a corporation may be permitted to act as executor, administrator, guardian, assignee, receiver, depository or trustee.

Also: Assembly Bill No. 426—An Act to amend Section 593 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Also: Assembly Bill No. 648—An Act compelling the attendance of children at schools where tuition, lodging, food and clothing are furnished at the expense of the United States.

Also: Assembly Bill No. 390—An Act to provide for experimental work in tobacco culture in the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 36—An Act to amend Section 595 of the Political Code, relating to the general duties of an insurance commissioner.

Also: Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

Also, that the Assembly on this day requests that your honorable body return to the Assembly, Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure—for reconsideration.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 551, 13, and 222 read first time, and referred to Committee on Finance.

Assembly Bill No. 628 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bills Nos. 35 and 390 read first time, and referred to Committee on Agriculture and Dairying.

Assembly Bill No. 699 read first time, and referred to Committee on Municipal Corporations.

Assembly Bills Nos. 837 and 648 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 426 read first time, and referred to Committee on Corporations.

Assembly Bill No. 36 read first time, and referred to Committee on Insurance and Insurance Laws.

Assembly Bill No. 6 read first time, and ordered on file without reference to committee.

On motion of Senator Leavitt, Assembly Bill No. 6 returned to the Assembly, in accordance with the request contained in the above message.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 427—An Act to declare the highway commencing at Pine Grove, in Amador county, and running thence via Hope Valley to connect at Osgood's place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road, a State highway.

Also: Senate Bill No. 754—An Act making an appropriation for the contingent expenses of the Senate for the thirty-seventh session of the Legislature.

Also: Committee Substitute for Senate Bill No. 88—An Act to amend the Penal Code by adding two new sections thereto, to be numbered 270a and 270b, relating to the neglect and abandonment of wives by husbands, and providing the punishment therefor.

Also: Senate Bill No. 20—An Act to add a new section to the Political Code, to be numbered 2524a, relating to the powers of the Board of State Harbor Commissioners.

Also: Senate Bill No. 37—An Act making an appropriation for the erection of a monument in the State burial plot at Sacramento to the memory of Honorable Edward P. Colgan, deceased, late State Controller.

Also: Senate Bill No. 44—An Act to amend Section 5 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," as amended by an Act approved March 20, 1905, omitting the provision for an adjutant.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 19th day of February, 1907, at four o'clock P. M.

Also: Have examined the following Senate bills:

Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 1 of Article XVI thereof, relating to State indebtedness.

Also: Senate Bill No. 441—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Also: Senate Bill No. 499—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.

Also: Senate Bill No. 721—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Senate Bill No. 727—An Act to purchase from the heirs of William Cogswell, deceased, two paintings—one of ex-President Abraham Lincoln and the other of ex-President William McKinley—the same to be hung in the State Capitol building, and to appropriate the sum of \$2,000 therefor.

Also: Senate Bill No. 749—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Also: Senate Bill No. 765—An Act to accept from E. F. Winslow Post, No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of and to vest the title in the State of California of the improvements, buildings, and furnishings therein at La Tour Soda Springs, in Shasta County, and appropriating the sum of three thousand dollars for the purpose of purchasing ten acres or more of land, and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States Army, to be known as Winslow Veterans' Home, and to provide for the government thereof by the State of California.

Also: Senate Bill No. 766—An Act to create a fund to be known as the United States Forest Reserve Fund, and to provide for the payment out of such fund to the treasurer of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid.

Also: Senate Bill No. 767—An Act to amend the Political Code, by adding a new section thereto, to be numbered 1115a, requiring the County Clerks and the Registrar of Voters of the City and County of San Francisco to furnish the Secretary of State with a certified copy of the index and supplements of the great register.

Also: Senate Bill No. 734—An Act to amend Sections 1908, 1914, 1916, 1922, and 1923, all of the Political Code of the State of California, relating to the enrolled militia.

Also: Senate Bill No. 747—An Act to amend Section 777 of the Penal Code of the State of California, relating to local jurisdiction of public offenses.

Also: Senate Bill No. 761—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 441, 499, 721, 727, 740, 765, 766, 767, 734, 747, and 761 ordered on file for third reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 25—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

Also: Senate Bill No. 26—An Act making an appropriation for the construction of an annex to the hospital at the Veterans' Home of California, located at Yountville, Napa County.

Also: Senate Bill No. 33—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Senate Bill No. 34—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Senate Bill No. 36—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Also: Senate Bill No. 43—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Senate Bill No. 667—An Act to appropriate the sum of sixty and fifty-one one-hundredths dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 668—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California.

Also: Senate Bill No. 669—An Act to appropriate the sum of two hundred twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Also: Senate Bill No. 670—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 671—An Act to appropriate the sum of three hundred forty-nine and sixty one-hundredths dollars to pay the claim of the Minnesota Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 672—An Act to appropriate the sum of nine hundred three and seventy-two one-hundredths dollars to pay the claim of the Massachusetts Mutual Life Insurance Company, of Springfield, against the State of California.

Also: Senate Bill No. 673—An Act to appropriate the sum of eleven and thirty one-hundredths dollars to pay the claim of the Life Association of America against the State of California.

Also: Senate Bill No. 674—An Act to appropriate the sum of one thousand seven hundred sixty-two and seventy-nine one-hundredths dollars to pay the claim of the Germania Life Insurance Company of New York against the State of California.

Also: Senate Bill No. 675—An Act to appropriate the sum of eight hundred eighty-nine and $\frac{33}{100}$ dollars to pay the claim of the Bankers Life Association of Des Moines, Iowa, against the State of California.

Also: Senate Bill No. 676—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars to pay the claim of the Fina Life Insurance Company, of Hartford, Connecticut, against the State of California.

Also: Senate Bill No. 743—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Ala-ska-Yukon-Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof.

Also: Assembly Bill No. 67—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriations therefor.

Also: Assembly Bill No. 235—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Assembly Bill No. 294—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.

Also: Assembly Bill No. 295—An Act to provide for repairing the plumbing, installing new bathtubs and toilets, and laying a cement flooring, and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 198—An Act to provide for the purchasing of a site and building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the City of Los Angeles, and to make appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 677—An Act to repeal an Act entitled "An Act to extend the time for filing with the Insurance Commissioner statements of insurance business transacted during the year ending December 31, 1905, within the time prescribed by law, and to remit penalties for failing to file the same," approved June 14, 1906—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Insurance.

BELSHAW, Chairman.

Senate Bills Nos. 25, 26, 33, 34, 36, 43, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 743, and 108 ordered on file for second reading.

Assembly Bills Nos. 67, 235, 294, and 295 ordered on file for second reading.

Senate Bill No. 677 referred to Committee on Insurance and Insurance Laws.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 572—An Act to add a new section to the Civil Code, to be numbered Section 365, and relating to contributions of corporate funds for political purposes—have had the same under consideration, and respectfully report the same back without recommendation.

WALKER, Chairman.

Senate Bill No. 572 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 237—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Also: Senate Bill No. 821—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the Legislature or other governing body of counties or municipalities the release of the sureties on such bonds and the filing and acceptance of new bonds in lieu thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 561—An Act to validate the organization and incorporation of municipal corporations—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

SAVAGE, Chairman.

Assembly Bill No. 237 ordered on file for second reading.

Senate Bills Nos. 821 and 561 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 19, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 780—An Act to amend Section 1619 of the Code of Civil Procedure, relating to the compensation of attorneys of executors and administrators for extraordinary services.

Also: Senate Bill No. 661—An Act to amend Section 61 of the Civil Code, relating to marriage contracts during life of former husband or wife, and to repeal Sections 131 and 132 of the Civil Code, relating to judgments in actions for divorce.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 723—An Act to amend Section 324 of the Civil Code, relating to the transfer of stock in corporations.

Also: Assembly Bill No. 370—An Act to amend Section 601 of the Code of Civil Procedure, relating to challenges in civil cases.

Also: Senate Bill No. 702—An Act amending the Political Code of the State of California by adding thereto a new section numbered 3571½, relating to the public lands of this State.

Also: Senate Bill No. 791—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written-up passbook or bankbook or to statements of his deposit account within a certain time or be concluded thereby.

Also: Senate Bill No. 792—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349½a, relating to books or records of any bank, banker, trust company, or savings and loan society that have been lost or destroyed by conflagration, earthquake or other public calamity, and prescribing a time within which certain actions shall be commenced.

Also: Senate Bill No. 151—An Act providing for the disposition of actions and proceedings in which the proceedings upon the trial thereof have been lost or destroyed by conflagration or other public calamity.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

LUKENS, Chairman.

Senate Bills Nos. 780, 661, 723, 702, 791, 792, and 151 ordered on file for second reading.

Assembly Bill No. 370 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 19, 1907.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 731—An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries, and provide for the expense of the establishment and maintenance thereof.

Also: Senate Bill No. 716—An Act to add a new section to the Penal Code, to be numbered Section 628e, to prevent the catching of surf fish, yellow fin or spot-fin croaker, and providing penalties therefor—have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 152—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River, Tuolumne County, and making appropriation therefor—have had the same under consideration, and respectfully report the same back favorably as amended, and recommend that said bill be re-referred to the Committee on Finance.

Also: Senate Bill No. 380—An Act to provide for the establishment and maintenance of a fish hatchery at Lake Shaver, Fresno county, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn.

WELCH, Chairman.

Senate Bills Nos. 731 and 716 ordered on file for second reading.

Senate Bill No. 152 referred to Committee on Finance.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 195—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and as amended June 13, 1906, by amending Section 2 thereof, relating to a license tax upon corporations.

Also: Assembly Bill No. 148—An Act to amend Section 3627 of the Political Code of the State of California, relating to the assessment of property for taxation.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

Also: Senate Bill No. 31—An Act to amend Sections 3732, 3746, 3756, 3758, 3759, 3764, 3797, and 3866 of the Political Code, relating to taxation.

Also: Senate Bill No. 86—An Act to amend Section 3747 of the Political Code, relating to the payment of taxes.

Also: Senate Bill No. 617—An Act to amend Section 3627 of the Political Code of the State of California, relating to the taxation and assessment of property.

Have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

McCARTNEY, Chairman.

Senate Bill No. 195 ordered on file for second reading.

Assembly Bill No. 148 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 785—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 19, 1903, and March 20, 1905, by amending Section 162 thereof, relating to the fees and salaries of county and township officers in counties of the fifth class.

Also: Senate Bill No. 652—An Act to amend Section 139 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the duties of the county surveyor.

Also: Senate Bill No. 800—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks and employes of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employes.

Also: Senate Bill No. 742—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing, or relocation of bridges over navigable waters between said counties, jointly with other persons or corporations.

Also: Assembly Bill No. 103—An Act to amend Section 33½ of "An Act to establish a uniform system of county and township government."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 700—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to officers and their salaries in counties of the fifth class.

Also: Senate Bill No. 701—An Act to amend Subdivision 15 of Section 162 of an Act entitled "An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 19, 1903, approved March 20, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that author withdraw same.

CARTER, Chairman.

Senate Bills Nos. 785, 652, 800, and 742 ordered on file for second reading.

Assembly Bill No. 103 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred:

Resolved, That the Sergeant-at-Arms provide for the use of the Press Mailing Clerks \$100 worth of postage stamps, the same payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant for, and the Treasurer to pay the same.

Resolved, That the Controller of State be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate, in favor of the Sergeant-at-Arms, for the sum of \$221.58, in payment of the bills attached hereto:

Mrs. Clark.....	\$8 00
F. R. Pulford.....	20 00
C. W. White.....	3 00
Siller Bros.....	51 00
H. S. Crocker.....	15 00
H. S. Crocker.....	2 50
Henry E. Sleeper.....	2 50
Kane & Trainor.....	21 00
Fashion Stables.....	17 50
Hale Bros.....	2 40
John Breuner.....	10 58
Scott, Lyman & Stack.....	2 50
Scott, Lyman & Stack.....	26 35
Scott, Lyman & Stack.....	6 00
Scott, Lyman & Stack.....	5 00
Scott, Lyman & Stack.....	28 06

\$221 58

Resolved, That the State Controller be, and he is hereby directed to draw his warrant in favor of the following named persons, for the sums set opposite their respective names, out of the Contingent Fund of the Senate, the same being in payment of bills hereto attached, and the Treasurer is hereby directed to pay the same.

Mrs. Blake	\$40 00
Mrs. J. Handlin	20 00
Mrs. Corson	20 00
Mrs. F. Carey	20 00
Union Republican Club	60 00

Report by committee on visiting public institutions, as follows:

MR. PRESIDENT: Your special sub-committee, appointed to visit the public institutions of this State under resolution of January 29, 1907, respectfully report that the said sub-committee visited the Home for Care and Training of Feeble-Minded Children at Glen Ellen, the Ukiah Insane Asylum, the Napa Insane Asylum, and the Soldiers' Home at Yountville, and made a thorough and careful inspection of same; that their actual expenses in so doing amounted to \$95.70; therefore be it

Resolved, That the sum of \$95.70 be and the same is hereby ordered paid out of the Contingent Fund of the Senate to Senator W. F. Price, to pay the expenses of each member, and the Controller is hereby directed to draw his warrant for the same, and the Treasurer directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

The following resolution was offered by the Committee on Contingent Expenses:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of the Red Men's Hall Association for the sum of \$1,000, the same being for one half of the February rent of the building now occupied by the Senate and Assembly of the thirty-seventh session of the Legislature.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Bates, Bell, Belshaw, Black, Caminetti, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, McCartney, McKee, Miller, Muentner, Reilly, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

WITHDRAWAL OF BILLS.

Senator Cartwright asked for and was granted unanimous consent to withdraw Senate Bill No. 380.

Senate Bill No. 380 withdrawn, and ordered stricken from the file.

Senator McCartney asked for and was granted unanimous consent to withdraw Senate Bills Nos. 31, 86, and 617.

Senate Bills Nos. 31, 86, and 617 withdrawn, and ordered stricken from the file.

Senator McKee asked for and was granted unanimous consent to withdraw Senate Bills Nos. 700 and 701.

Senate Bills Nos. 700 and 701 withdrawn, and ordered stricken from the file.

SPECIAL FILE OF ASSEMBLY BILLS ORDERED.

Senator Leavitt moved that the Secretary be instructed to prepare a special file of Assembly bills now to be found on the general file of the Senate, and that said special file of Assembly bills be considered this day from two o'clock to three o'clock and thirty minutes P. M.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Willis: Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 3 of Article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties.

Senate Constitutional Amendment referred to Committee on County Government.

By Senator Sanford: Senate Bill No. 829—An Act to add a new section to the Political Code, to be numbered Section 1361, and to amend Section 1367 of the Political Code, in relation to primary elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 830—An Act to add a new section to the Political Code, to be known as Section 3785a, relative to property sold at delinquent tax sale.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Carter (by request): Senate Bill No. 831—An Act to provide for the survey, location, plans, and estimates of costs of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also (by request): Senate Bill No. 832—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Bill read first time, and referred to Committee on County Government.

By Senator Nelson: Senate Bill No. 833—An Act to amend Section 636 of the Penal Code of the State of California, relating to the protection and preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Leavitt: Senate Bill No. 834—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 21, 1905.

Bill read first time, and referred to Committee on Municipal Corporations.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Bates asked for and was granted unanimous consent to have Senate Bills Nos. 791 and 792 taken up for the purpose of amendment.

Senate Bill No. 791—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written-up passbook or bank-book or to statements of his deposit account within a certain time or be concluded thereby.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 7, insert after the word "requested" the words "in writing."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 792—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349½, relating to books or records of any bank, banker, trust company or savings and loan society that have been lost or destroyed by conflagration, earthquake or other public calamity, and prescribing a time within which certain actions shall be commenced.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 2, of title, strike out the fraction " $\frac{1}{2}$," and insert in lieu thereof the letter "a."

Amendment adopted.

Also:

On page 1, Section 1, line 2, strike out the fraction " $\frac{1}{2}$," and insert in lieu thereof the letter "a."

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the fraction " $\frac{1}{2}$," and insert in lieu thereof the letter "a."

Amendment adopted.

Also:

On page 1, Section 1, lines 6 and 7, strike out the words "or shall hereafter be lost or destroyed."

Amendment adopted.

Also:

On page 1, Section 1, line 7, strike out the words "as evidence," and insert in lieu thereof after the word "part" a comma ",."

Amendment adopted.

Also:

On page 1, Section 1, line 11, after the word "evidence," insert a comma ",."

Amendment adopted.

Also:

On page 1, Section 1, lines 12 and 13, strike out the words "time of such loss or destruction," and insert in lieu thereof the following: "passage of this Act."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER SET.

In compliance with his notice given on previous day, Senator Wright moved that the vote whereby Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the rights of suffrage—was refused adoption, be now reconsidered.

The motion was duly seconded.

Senator Wright moved that further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 27 was refused adoption, be postponed and made a special order for Thursday, February 21, 1907, at eleven o'clock A. M.

Motion carried.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set on February 15, 1907, being the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 256—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations, was passed, the same was taken up for consideration.

Senator Caminetti moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 256 was finally passed, be postponed and made a special order for Thursday, February 21, 1907, at eleven o'clock A. M.

Motion carried.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two (2) of Article IV thereof, relating to sessions of the Legislature, and the limitation of pay of members thereof in extraordinary sessions.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 28 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 1 of Article IV thereof, relating to the legislative power and to certain reservations thereof by the people.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 25 was temporarily passed on file, to retain its place.

Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

On motion of Senator Boynton, Senate Bill No. 148 was temporarily passed on file, to retain its place.

Senate Bill No. 457—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

On motion of Senator Welch, Senate Bill No. 457 was temporarily passed on file, to retain its place.

Senate Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to counties of the fifty-first class.

On motion of Senator Weed, Senate Bill No. 583 was temporarily passed on file, to retain its place.

Senate Bill No. 428—An Act to provide for the transfer of certain moneys from the county treasury to municipal corporations formed within such counties.

Senate Bill No. 428 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to Article II of the Constitution of California by amending Section 2½ thereof, relating to primary elections, so as to permit the direct or other nomination of candidates for public office without conventions.

On motion of Senator Belshaw, Senate Constitutional Amendment No. 19 was temporarily passed on file, to retain its place.

Senate Bill No. 113—An Act to amend Sections 628, 628*a*, 628*b*, 632, and 634 of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 632*b*, all relating to the protection and preservation of fish.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 113 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Caminetti, Greenwell, Hartman, Irish, Kennedy, Leavitt, Lynch, McCartney, McKee, Miller, Muenster, Nelson, Reilly, Savage, Walker, Weed, Welch, Willis, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 464—An Act to amend the Political Code of the State of California, by adding eight new sections thereto, to be numbered 338, 338*a*, 338*b*, 339, 339*a*, 339*b*, 340, 340*a*, under a new article to be numbered thirteen (XIII), to be added to chapter two (2), title one (1), part three, (3) of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

On motion of Senator Sanford, Senate Bill No. 464 was temporarily passed on file, to retain its place.

Senate Bill No. 462—An Act amending an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, for municipal improvements, and regulating the acquisition, construction, or completion thereof," approved February 25, 1901, by amending Sections 2, 5, and 9 thereof.

On motion of Senator Carter, Senate Bill No. 462 was temporarily passed on file, to retain its place.

Senate Bill No. 442—An Act to amend an Act entitled "An Act to establish the fees of the county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895, by adding thereto a new section, to be numbered 5.

On motion of Senator Carter, Senate Bill No. 442 was temporarily passed on file, to retain its place.

Senate Bill No. 489—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3½, providing for a petition of remonstrance and written objection, hearings thereon, and the determination thereof by the city council.

Senate Bill No. 489 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 490—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February, 27, 1893.

Senate Bill No. 490 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 589—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, for municipal improvements, and regulating the acquisition, construction or completion thereof."

Senate Bill No. 589 was temporarily passed on file, in the absence of the author, to retain its place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Willis moved that Senate Bill No. 64—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital, and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same—be withdrawn and stricken from the file, and Assembly Bill No. 62 be substituted therefor.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 62—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital, and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 62 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Greenwell, Hartman, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.—

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Willis moved that Senate Bill No. 78—An Act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern California State Hospital, and along the highways adjacent thereto, for the protection of said lands, and of the buildings thereon, and to make appropriation for the same, be withdrawn and stricken from the file, and Assembly Bill No. 64 be substituted therefor.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 64—An Act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern California State Hospital, and along highways adjacent thereto, for the

protection of the said lands, and of the buildings thereon, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 64 finally passed by the following vote:

AYES—Senators Bates, Bell, Belshaw, Black, Boynton, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 578—An Act to create a reclamation district, to be called Reclamation District No. 774, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McKee moved to refer to Senator Boynton as a special committee of one, to amend as follows:

Amend amended Senate Bill No. 578, Section 1, line 4, printed bill, by striking out therefrom all contained in brackets in said line, consisting of [east bank of the

Also: By striking out from line 5, same section, all contained in brackets in said line, consisting of [north bank of].

Also: By striking out from line 6, same section, the words occurring after the word "the," where it first occurs in said line consisting of "east bank of the."

Also: By striking out from line 8, same section, all after the word "the," where it first occurs in said line, to the word "Feather," consisting of "east bank of the."

Also: By striking out from line 9, same section, after the word "the," where it first occurs in said line, the words "east bank of".

Also: By striking out from line 10, same section, the words in brackets after the word "the," where it occurs the second time in said line [south bank of].

Also: By striking out of line 11, same section, after the word "along," the words where they occur in brackets [said south bank of].

Also: By striking out from line 13, page 2, same section, the words "south bank of," where they occur in said line before the word "Bear," and the words "the south bank of," where they occur in said line.

Also: By striking out of line 14, same section, same page, the word "south," where it occurs in said line.

Also: By striking out from line 15, same section, same page, the words "bank of the," where they occur in said line.

Also: By striking out all of same section, same page, from and including line 16 down to and including line 40, and substitute therefor the following: "a north and south line two hundred feet easterly from and parallel to the north and south quarter section line running through the center of section twenty-two in Tp. 13 N., R. 4 E.; thence south along said parallel line to the south line of said section twenty-two; thence west along section lines to the quarter section corner on the north line of section twenty-eight, Tp. 13 N., R. 4 E.; thence south along the quarter section line one mile to the quarter section corner on the south line of section twenty-eight; thence west one half mile to the southwest corner of section twenty-eight; thence south along section lines two and one half miles to the quarter section corner on the west line of section nine, Tp. 12 N., R. 4 E.; thence east one half mile to the center of section nine; thence south along quarter section lines five and one half miles to the quarter section corner on the south line of section four, Tp. 11 N., R. 4 E.; thence east along section lines one and one half miles to the southeast corner of section three, Tp. 11 N., R. 4 E.; thence south three miles to the northwest corner of section twenty-six, Tp. 11 N., R. 4 E.; thence east one half mile to the quarter section corner on the north line of said section twenty-six; thence south along the quarter section line one mile to the quarter section corner on the south line of section twenty-six; thence east one half mile to the southeast corner of said section twenty-six; thence south one mile to the southeast corner of section thirty-five, Tp. 11 N., R. 4 E.; thence east along the north line of section one, Tp. 10 N., R. 4 E., to the

northeast corner of said township; thence south along the range line six miles more or less to the northwest corner of Tp. 9 N., R. 5 E.; thence east along township line to the quarter section corner on the north line of section five, Tp. 9 N., R. 5 E.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 578, with instructions to amend, respectfully reports the same back, amended as per instructions.

BOYNTON, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 598—An Act to amend Section 1313 of the Civil Code, relating to bequests for charitable uses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 598 refused passage by the following vote:

AYES—Senators Leavitt, McCartney, Rambo, and Rolley—4.

NOES—Senators Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Greenwell, Hartman, Lukens, Mattos, Miller, Price, Reily, Savage, Walker, Weed, Welch, Willis, and Wright—20.

Senate Bill No. 347—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of said commission, and by amending Section 9 thereof, relating to the tenure of said commission.

On motion of Senator Rolley, Senate Bill No. 347 was temporarily passed on file, to retain its place.

Senate Bill No. 628—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 628 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Leavitt, Lukens, Lynch, Mattos, McCartney, Miller, Nelson, Price, Rambo, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE CONSTITUTIONAL AMENDMENT No. 34.

A resolution to propose to the people of the State of California the amendment of Section 26 of Article IV of the Constitution of said State, relating to lotteries and to fictitious sales of corporate stock, etc.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session commencing on the 7th day of January, 1907, two thirds

of the members elected to each of the two houses voting in favor thereof, hereby proposes that Section 26 of Article IV of the Constitution of the State of California be amended so as to read as follows:

Section 26. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale in this State of lottery or gift enterprise ticket or tickets in any scheme in the nature of a lottery. The Legislature shall pass laws to prohibit the fictitious buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange, or stock market under the control of any corporation or association. All contracts for the purchase or sale of shares of the capital stock of any corporation or association without any intention on the part of one party to deliver and of the other party to receive the shares, and contemplating merely the payment of differences between the contract and market prices on divers days, shall be void, and neither party to any such contract shall be entitled to recover any damages for failure to perform the same, or any money paid thereon, in any court of this State.

Senate Constitutional Amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 34 adopted by the following vote:

AYES—Senators Anthony, Bell, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, and Wolfe—29.

NOES—Senators Bates, Belshaw, Black, Boynton, and Mattos—5.

Senate Constitutional Amendment ordered transmitted to the Assembly.

Senate Bill No. 705—An Act to add a new section to the Penal Code, to be known as Section 273g, relating to indulging in degrading, lewd, immoral, or vicious habits or practices, or being habitually drunk in the presence of children.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

By inserting, in Section 1, line 3, after the word "who," the following: "in the presence of any child."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 705, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELSHAW, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 574—An Act to amend Section 213 of the Penal Code of the State of California and to add a new section thereto, numbered 212a, relating to the crime of robbery and its punishment.

WITHDRAWAL OF BILL.

Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Bill No. 574.

Senate Bill No. 574 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 711—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations and providing for the extension of the terms of existence of corporations.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Cartwright, as a special committee of one, to amend as follows:

By striking out of Section 1, lines 24, 25, and 26, all after the period following the word "cases," and insert in lieu thereof the following: "In no event shall such extension be construed to prolong or extend the duration of any franchise or privilege heretofore granted to any corporation or joint stock company by special legislative act, or by the municipal authorities of any county, city, city and county, town, or other political subdivision of this State, beyond the term fixed by the provisions of the act, ordinance, or resolution conferring such franchise or privilege, or beyond the term fixed by the maximum period of existence of such corporation or joint stock company by laws in force and governing the formation and organization thereof at the time such corporation or joint stock company was formed or organized."

BILLS ORDERED TO PRINT WITH AMENDMENTS PENDING.

On motion of Senator Curtin, Senate Bill No. 711 was ordered to print with the above amendments pending, said amendments to be printed in brackets in said bill.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 17—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof, relating to prize fighting.

On motion of Senator Hartman, Senate Bill No. 17 was temporarily passed on file, to retain its place.

Senate Bill No. 613—An Act to add a new section to the Civil Code, to be numbered 423, relating to the deposits for the protection of policy holders by insurance companies engaged in the business of insuring or indemnifying employers and others against loss or damage for personal injury or death resulting from accidents to employes or persons other than employes.

On motion of Senator Wolfe, Senate Bill No. 613 was temporarily passed on file, to retain its place.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and forty-five minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 708—An Act to amend Section 608 of the Penal Code and to add two new sections thereto, to be numbered 608a and 608b, all relating to the burning, injuring, or setting adrift rafts or vessels.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Belshaw moved to refer to Senator Wright, as a special committee of one, to amend as follows:

By adding after Section 2 the following:

SEC. 3. A new section is hereby added to said Code, to be numbered 608b, and to read as follows:

608b. Every person who willfully and maliciously cuts, breaks, or injures any vessel of ten gross tons and upwards, the property of another, is guilty of a misdemeanor.

Also: Amend on page 2, printed bill, line 1, Section 3, by striking out "3." and inserting in lieu thereof "4."

Also: Amend on page 2, printed bill, line 2, by striking out the letter "b" after the word "eight," and inserting the letter "c."

Also: Amend on page 2, printed bill, line 3, by striking out the letter "b" after the numeral "608," and inserting the letter "c."

Also: Amend the title by striking out the word "two," second line, and inserting the word "three;" also, after the letter "b" in the third line insert the words "and six hundred and eight c."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 708, with instructions to amend, respectfully reports the same back, amended as per instructions.

WRIGHT, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 706—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 706 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PORTER IN THE CHAIR.

At eleven o'clock and fifty minutes A. M., Lieutenant-Governor Warren R. Porter in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 707—An Act appropriating \$4,500 to pay the claim of J. B. Lauck.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 707 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, Miller, Muentner, Nelson, Price, Reily, Rolley, Sanford, Walker, Weed, Welch, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 265—An Act to amend Sections 626, 626a, 626d, 626g, 626i, 626j, 627b, and 637a of the Penal Code of the State of California and to add to said Penal Code a new section, to be numbered 637b, all relating to the protection and preservation of game and fish.

Senate Bill No. 175—An Act to add a new section to the Civil Code, to be numbered Section 617, relating to cemetery corporations.

Senate Bill No. 555—An Act to amend Sections 337 and 339 of the Code of Civil Procedure, relating to time within which certain actions must be commenced.

Committee Substitute for Senate Bills No. 436 and 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 6 of said Act and by adding a new section thereto, to be known as Section 6a, the latter relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by "An Act to provide for the establishment and quieting of titles to real estate in case of the loss or destruction of public records," approved June 16, 1906.

Committee Substitute for Senate Bills Nos. 238, 665, and 710—An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation.

Senate Constitutional Amendment No. 34—A resolution to propose to the people of the State of California the amendment of Section 26 of Article IV of the Constitution of said State, relating to lotteries and to fictitious sales of corporate stock, etc.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 265, 175, and 555 ordered on file for third reading. Substitute for Senate Bills Nos. 436 and 437, also Substitute for Senate Bills Nos. 238, 665, and 710, ordered on file for third reading.

Senate Constitutional Amendment No. 34 ordered on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 454—An Act to amend Section 637a of the Penal Code of California and to add thereto four new sections, to be numbered 637b, 637c, 637d, and 637e, all relating to protection of wild birds, other than game birds, and their nests and eggs.

On motion of Senator Belshaw, Senate Bill No. 454 was temporarily passed on file, to retain its place.

Senate Bill No. 187—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund, in the several counties, cities and counties, cities, and towns of the State," approved March 20, 1905.

On motion of Senator Muentner, Senate Bill No. 187 was temporarily passed on file, to retain its place.

Senate Bill No. 685—An Act relating to vouchers for certain disbursements by life insurance companies in this State.

On motion of Senator Leavitt, Senate Bill No. 685 was temporarily passed on file, to retain its place.

Senate Bill No. 683—An Act relating to annual reports of life insurance companies.

On motion of Senator Leavitt, Senate Bill No. 683 was temporarily passed on file, to retain its place.

Senate Bill No. 684—An Act permitting the retirement of capital stock of mutual life insurance companies in certain cases.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Leavitt moved to refer to Senator Keane, as a special committee of one, to amend as follows:

By striking out of Section 1, lines 2 and 3, the words "and an existing mutual life insurance company may establish."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 684, with instructions to amend, respectfully reports the same back, amended as per instructions.

KEANE, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 691—An Act providing that life insurance policies shall constitute the entire contract.

On motion of Senator Leavitt, Senate Bill No. 691 was temporarily passed on file, to retain its place.

Senate Bill No. 690—An Act defining the status of persons soliciting life insurance.

On motion of Senator Leavitt, Senate Bill No. 690 was temporarily passed on file, to retain its place.

Senate Bill No. 689—An Act to prohibit certain misrepresentations as to life insurance and to provide penalties therefor.

On motion of Senator Leavitt, Senate Bill No. 689 was temporarily passed on file, to retain its place.

Senate Bill No. 692—An Act prohibiting the use for political purposes of property of certain life insurance companies.

On motion of Senator Leavitt, Senate Bill No. 692 was temporarily passed on file, to retain its place.

Senate Bill No. 680—An Act to repeal Section 444 of the Civil Code, relating to investments by certain life, health, and accident insurance corporations.

On motion of Senator Leavitt, Senate Bill No. 680 was temporarily passed on file, to retain its place.

Senate Bill No. 682—An Act to amend an Act entitled "An Act to repeal Section 427 of an Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872," and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance may be invested, approved March 21, 1905.

On motion of Senator Leavitt, Senate Bill No. 682 was temporarily passed on file, to retain its place.

Senate Bill No. 679—An Act to amend Section 431 of the Civil Code of the State of California, relating to amounts to be reserved by life insurance companies.

On motion of Senator Leavitt, Senate Bill No. 679 was temporarily passed on file, to retain its place.

Senate Bill No. 681—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 3, 1905.

On motion of Senator Leavitt, Senate Bill No. 681 was temporarily passed on file, to retain its place.

Senate Bill No. 501—An Act to amend Section 1771 of the Political Code, relating to the power of county boards of education.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 501 passed by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, Miller, Muentner, Nelson, Price, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 571—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California where the same has been destroyed by conflagration or other public calamity.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 571 passed by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Caminetti, Cartwright, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 614—An Act to amend Section 825 of the Penal Code of the State of California, relating to the right of attorneys to visit prisoners, and providing a penalty for the refusal of officers to allow the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 614 passed by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Miller, Muentner, Nelson, Price, Reily, Sanford, Walker, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 11—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Senate Bill No. 11 was temporarily passed on file, in the absence of the author, to retain its place.

Committee Substitute for Senate Bill No. 555—An Act to amend Sections 337 and 339 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 555 passed by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Lynch, McCartney, McKee, Miller, Muentner, Nelson, Reily, Rolley, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—Senators Cartwright, Leavitt, Markey, Mattos, Price, Sanford, and Savage—7.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Boynton gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 555 was this day passed.

EXPLANATION OF VOTE.

Senator Willis, in explanation of his vote on Senate Bill No. 555, spoke as follows:

I wish to apologize to myself for voting in favor of this bill. My merchants want it, but the remainder of my constituents do not care about it. Personally I am opposed to it.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER SET.

In compliance with his notice given on previous day, Senator Sanford moved that the vote whereby Senate Bill No. 45—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator—was refused passage, be now reconsidered.

The motion was duly seconded.

Senator Sanford moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 45 was refused passage be postponed, and made a special order for Thursday, February 21, 1907, at eleven o'clock A. M.

Motion carried.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 728—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Also: Senate Bill No. 758—An Act to create a reclamation district, to be called "Reclamation District No. 800," and providing for the control and management thereof.

Also: Senate Bill No. 778—An Act to provide for drainage by irrigation districts.

Also: Senate Bill No. 787—An Act to dissolve Protection District No. 2, of Yuba County, California, and providing for the liquidation and winding up of said dissolved district.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

PRICE, Chairman.

Senate Bills Nos. 728, 758, 778, and 787 ordered on file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing for the separation of State from local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end amending Article XIII, and repealing Section 10 of Article XI thereof, all relating to revenue and taxation—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

McCARTNEY, Chairman.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Curtin asked for and was granted unanimous consent to have Senate Constitutional Amendment No. 1 taken up for the purpose of amendment.

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing for the separation of State from local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end amending Article XIII and repealing Section 10 of Article XI thereof, all relating to revenue and taxation.

During the reading of the constitutional amendment, the following amendments were submitted by committee:

Amend the title to read as follows:

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of State from local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end amending Sections 1, 9, 10 and 11 of Article XIII and adding to Article XIII two new sections, to be numbered Sections 14 and 15, and repealing Section 10 of Article XI thereof, all relating to revenue and taxation.

Amendment adopted.

Also:

On page 2, all of said page, all of pages 3, 4, 5, 6, 7, 8, 9, and 10, and insert in lieu thereof the following:

First—Sections 1, 9, 10, and 11, of Article XIII, are hereby amended so as to read:

SECTION 1. All property in the State except as otherwise in this Constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State shall be exempt from taxation. The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

SEC. 9. A State Board of Equalization, consisting of one member from each congressional district in this State, as the same existed in the year eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand nine hundred and ten, and at each gubernatorial election thereafter, whose term of office shall be for four years. The Controller of State shall be ex officio a member of the board. Said board shall be the successor of the present State Board of Equalization, whose members shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to re-district the State into four districts, as nearly equal in population as practical, and to provide for the election of members of said Board of Equalization. It shall be the duty of said board to assess and levy the taxes provided for in section fourteen of this article and to perform such other duties in relation to taxation as this Constitution or the Legislature may prescribe. The boards of supervisors of the several counties of the State shall constitute boards of equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation. Such county boards of equalization are hereby authorized and empowered, under such rules of notice as they may prescribe, to raise or lower any assessment contained in the assessment roll so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll. But no board of equalization shall raise any mortgage, deed of trust, contract or other obligation by which a debt is secured, money, or solvent credit, above its face value.

SEC. 10. All property, except as otherwise in this Constitution provided, shall be assessed in the county, city, and county, town, township, or district in which it is situated, in the manner prescribed by law.

SEC. 11. Income taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident or doing business in this State, except those provided for in subdivisions (a), (b), and (c) of Section 14 of this article, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law.

Second—There is hereby added to Article XIII two new sections, to be numbered 14 and 15, and to read as follows:

SEC. 14. Taxes levied, assessed, and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawing room car, and palace car companies, refrigerator, oil, stock, fruit, and other car-loaning and other car companies operating upon railroads in this State; every company doing express business on any railroad, steamboat, vessel, or stage line in this State; telegraph companies, telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies, banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for State purposes and shall be levied, assessed, and collected in the manner hereinafter provided. The word "companies," as used in this section, shall include persons, partnerships, joint-stock associations, companies, and corporations. All property, not exempt from taxation, except those classes of property enumerated in this section, shall be subject to assessment and taxation, in the manner provided by law, for county, city and county, city, town, township, and district purposes. *Provided*, that until the year 1914, the State shall reimburse San Bernardino, Placer, and Yuba Counties for the net loss in county revenues occasioned by the withdrawal of railroad property from county taxation.

(a) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car, and palace car companies, all refrigerator, oil, stock, fruit, and other car-loaning and other car companies, operating upon the railroads in this State; all companies doing express business on any railroad, steamboat, vessel, or stage line in this State; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the State a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property used in the operation of their business in this State, computed as follows: Said tax shall be equal to the percentage hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this State. When such companies are operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and a proportion, based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this State. Such taxes shall be in lieu of all other taxes and licenses, State, county, and municipal, upon the property above enumerated of such companies; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by the municipal authorities of this State.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit, and other car-loaning and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel, or stage line, two per cent; on all telegraph and telephone companies, three and one-half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent.

(b) Every insurance company or association doing business in this State shall annually pay to the State a tax of one and one half per cent upon the amount of the gross premiums received upon its business done in this State, less return premiums and reinsurance in companies or associations authorized to do business in this State; *provided*, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this State. This tax shall be in lieu of all other taxes and licenses, State, county, and municipal, upon the property of such companies, except county and municipal taxes on real estate; *provided*, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions are imposed on insurance companies of this State, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the Legislature upon insurance companies of such other state or country doing business in this State.

(c) The shares of the capital stock of all banks, organized under the laws of this State, or of the United States, or of any other state and located in this State, shall be assessed and taxed to the owners or holders thereof by the State Board of Equalization in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the State, of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon such shares of stock and upon the property of such banks, except taxes on real estate. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. The

banks shall be liable to the State for this tax and the same shall be paid to the State by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits, and all other property belonging to unincorporated banks or bankers of this State, or held by any bank located in this State, which has no shares of capital stock, or employed in this State by any branches, agencies or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said Board of Equalization, in the manner to be provided by law, and taxed at the same rate that is levied upon the shares of stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business together with all the reserve, surplus and undivided profits, including the good will of the business, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property of the banks and bankers mentioned in this paragraph, except taxes on real estate. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said State Board of Equalization shall include and assess to such banks all property and everything of value owned or held by them, which would go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks," as used in this subdivision, shall include banking associations, savings and loan societies, and trust companies.

(d) Every corporation incorporated under the laws of this State, excepting the corporations mentioned in the preceding subdivisions of this section, and excepting all educational, religious and charitable corporations, and all corporations which are not organized for pecuniary profit, shall pay an annual tax to the State upon its franchise to be a corporation, and every corporation incorporated elsewhere and doing business in this State, other than the corporations mentioned in the preceding subdivisions of this section, shall pay an annual tax to the State upon its right to do business in this State, as follows: When the authorized capital stock of the corporation does not exceed ten thousand dollars (\$10,000) the tax shall be ten dollars (\$10); when the authorized capital stock exceeds ten thousand dollars (\$10,000) but does not exceed twenty thousand dollars (\$20,000) the tax shall be fifteen dollars (\$15); when the authorized capital stock exceeds twenty thousand dollars (\$20,000) but does not exceed fifty thousand dollars (\$50,000) the tax shall be twenty dollars (\$20); when the authorized capital stock exceeds fifty thousand dollars (\$50,000) but does not exceed one hundred thousand dollars (\$100,000) the tax shall be twenty-five dollars (\$25); when the authorized capital stock exceeds one hundred thousand dollars (\$100,000) but does not exceed two hundred and fifty thousand dollars (\$250,000) the tax shall be fifty dollars (\$50); when the authorized capital stock exceeds two hundred and fifty thousand dollars (\$250,000) but does not exceed five hundred thousand dollars (\$500,000) the tax shall be seventy-five dollars (\$75); when the authorized capital stock exceeds five hundred thousand dollars (\$500,000) but does not exceed two million dollars (\$2,000,000) the tax shall be one hundred dollars (\$100); when the authorized capital stock exceeds two million dollars (\$2,000,000) but does not exceed five million dollars (\$5,000,000) the tax shall be two hundred dollars (\$200); when the authorized capital stock exceeds five million dollars (\$5,000,000) the tax shall be two hundred and fifty dollars (\$250).

(e) All franchises, other than those expressly provided for in this section, shall be assessed by the State Board of Equalization at their actual value, and shall be taxed at the rate of one per centum thereon each year, and the taxes collected thereon shall be exclusively for the benefit of the State.

(f) All the provisions of this section shall be self-executing, but the Legislature may pass all laws necessary to carry this section into effect. The taxes herein provided for shall be levied and assessed on the first Monday in March of each year after the adoption of this amendment and shall become due and payable on the first Monday in June thereafter. The gross earnings and gross premiums herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the date of said levy. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the Legislature.

SEC. 15. No suit, action, or proceeding shall ever be maintained in any court against this State, or against any officer thereof, to have any tax, levied under the provisions of this article, declared invalid or to prevent or enjoin the collection thereof until such tax has been actually paid; but after such payment, action may be maintained to recover any tax illegally collected in such manner and within such time as may now or hereafter be provided by law.

Third—Section 10 of Article XI of said Constitution is hereby repealed.

Amendment adopted.

Senate Constitutional Amendment ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Curtin, the Secretary was directed to issue a rush order for printing Senate Constitutional Amendment No. 1.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Willis (by request): Senate Bill No. 835—An Act to repeal "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903.

Bill read first time, and referred to Committee on Judiciary.

By Senator Leavitt: Senate Bill No. 836—An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 837—An Act relative to estrays, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.

Bill read first time, and referred to Committee on Roads and Highways.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator McCartney: Senate Bill No. 838—An Act defining the character of imitation butter and imitation cheese, providing for the prevention of deception in the manufacture or sale of butter or cheese, to secure its enforcement, defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses, providing that the State Veterinarian shall be ex officio State Dairy Commissioner, and shall also perform, in addition to his duties as fixed by law, the duties of State Dairy Commissioner, designating and prescribing the duties of such State Dairy Commissioner, providing that no action can be maintained to recover on account of any sale or contract made in violation hereof, providing for the issuance and service of search warrants when necessary for the seizure of substances designed to be used contrary to the provisions hereof, and repealing an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Black: Senate Bill No. 839—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Bill read first time, and referred to Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 603—An Act to add a new section to the Penal Code of the State of California, to be known as Section 310, relating to selling of cigarettes, cigarette tobacco, and cigarette papers—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

IRISH, Chairman.

Senate Bill No. 603 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 19, 1907.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 444—An Act to amend Section 634 of the Penal Code of the State of California, relating to the protection and preservation of fish—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

WELCH, Chairman.

Senate Bill No. 444 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator McCartney asked for and was granted unanimous consent to have Committee Substitute for Senate Bill No. 238, Senate Bill No. 655, and Senate Bill No. 710 taken up for the purpose of amendment.

Committee Substitute for Senate Bill No. 238—An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McKee moved to refer to Senator McCartney, as a special committee of one, to amend as follows:

By striking out of Section 1, line 1, the words "appointment of board, quorum."

Also: On page 2, Section 2, line 1, strike out the word "oath."

Also: On page 2, Section 3, line 1, strike out the words "organization. Report to Governor."

Also: On line 2, Section 3, page 2, strike out the word "August," and insert in lieu thereof the word "May."

Also: On page 3, Section 4, line 1, strike out the words "location and residence of the board."

Also: On page 3, Section 5, line 1, strike out the word "rules."

Also: On page 3, Section 6, line 1, strike out the words "certificates and requirements therefor."

Also: On page 5, Section 8, line 1, strike out the words "record of proceedings."

Also: On page 5, Section 9, line 1, strike out the word "registration."

Also: On page 6, Section 9, line 21, strike out the words "in the county jail."

Also: On page 6, Section 10, line 1, strike out the words "County Clerk to keep record."

Also: On page 6, Section 11, lines 1 and 2, strike out the words "Refusal to grant certificates; revocation of certificates; unprofessional conduct."

Also: On page 9, Section 12, line 1, strike out the words "Expenditures of the board."

Also: On page 9, Section 13, line 1, strike out the words "Illegal practice and penalty therefor."

Also: On page 9, Section 13, lines 9 and 10, strike out the following words: "in the county jail."

Also: On page 7, Section 11, line 45, strike out the word "herby" and insert in lieu thereof the following: "hereby."

Also: On page 10, Section 14, line 1, strike out the words "unauthorized registration."

Also: On page 10, Section 15, line 1, strike out the words "False representation."

Also: On page 10, Section 15, lines 9 and 10, strike out the following words: "in the county jail."

Also: On page 10, Section 16, line 1, strike out the words "Previous registration."

Also: On page 11, Section 19, line 2, strike out the word "August" and insert in lieu thereof the following: "May."

Also: On page 11 at end of Section 17, line 19, strike out the period [.] after the word "religion" and insert in lieu thereof the following: "; provided, that nothing herein shall be held to apply or to regulate any kind of treatment by prayer."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bills Nos. 238, 655 and 710, with instructions to amend, respectfully reports the same back, amended as per instructions.

McCARTNEY, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

SPECIAL FILE OF ASSEMBLY BILLS.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 8.

Resolution to amend Section 6 of Article IX of the Constitution of California.

The Legislature of the State of California at its thirty-seventh session, commencing on the 7th day of January, 1907, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby propose that Section 6 of Article IX of the Constitution of the State of California be amended to read as follows:

Section 6. The public school system shall include day and evening elementary schools, and such day and evening secondary schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority. The entire revenue derived from the State school fund and from the general State school tax shall be applied exclusively to the support of day and evening elementary schools; but the Legislature may authorize and cause to be levied a special State school tax for the support of day and evening secondary schools and technical schools, or either of such schools, included in the public school system, and all revenue derived from such special tax shall be applied exclusively to the support of the schools for which such special tax shall be levied.

Assembly Constitutional Amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, two o'clock and twenty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Belshaw, Black, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, Miller, Muenster, Nelson, Rambo, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

The Secretary announced the absentees.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and twenty-eight minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll was called.

Whereupon the President announced that Assembly Constitutional Amendment No. 8 was adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Caminetti, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Miller, Muenter, Nelson, Price, Rambo, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—Senator Curtin—1.

NOTICE OF MOTION TO RECONSIDER.

Senator Irish gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 8 was this day adopted.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 135—An Act to amend Section 976 of the Code of Civil Procedure, relating to appeals to Superior Courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 135 refused final passage by the following vote:

AYES—Senators Anthony, Bell, Caminetti, and Kennedy—4.

NOES—Senators Bates, Belshaw, Black, Irish, Keane, Leavitt, Lynch, Markey, Miller, Nelson, Price, Rambo, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—19.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 506—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 212 thereof, relating to the compensation of officers of counties of the fifty-fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 506 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Caminetti, Greenwell, Irish, Keane, Kennedy, Leavitt, McCartney, Miller, Rambo, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 298—An Act to add a new section to the Political Code of the State of California, to be numbered 1625, and relating to penalties of boards of trustees and city boards of education for non-fulfillment of their official duties.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Bates, as a special committee of one, to amend as follows:

By striking out in line 5, the word "severally," and inserting in the third line of the title, after the word "penalties," the words "of members;"

Also: Insert on line 4, page 1, after the numerals 1625, the words "members of."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 298, with instructions to amend, respectfully reports the same back, amended as per instructions.

BATES, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

Assembly Bill No. 306—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and amended March 20, 1905, and amending Sections 3, 4, 5, and 6 of said Act, and by adding a new section to said Act, to be numbered Section 7½.

Read third time.

On motion of Senator Leavitt, Assembly Bill No. 306 was temporarily passed on file, to retain its place.

Assembly Bill No. 319—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents so as to provide for transferring the funds of lapsed school districts to the districts into which they are merged.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 319 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 307—An Act amending Section 1665 of the Political Code of the State of California, relative to studies to be taught in the primary and grammar schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 307 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Lynch, Markey, Miller, Nelson, Price, Rambo, Reily, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 509—An Act to amend Section 1663 of the Political Code, relating to duties of county boards of education.

Read third time.

On motion of Senator Caminetti, Assembly Bill No. 509 was temporarily passed on file, to retain its place.

Assembly Bill No. 558—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books by the several counties or cities and counties of the State.

On motion of Senator Welch, Assembly Bill No. 558 was temporarily passed on file, to retain its place.

Assembly Bill No. 485—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the addition of territory thereto, and taxation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 485 finally passed by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Boynton, Cartwright, Curtin, Greenwell, Hartman, Keane, Leavitt, Mattos, McCartney, Miller, Muentner, Nelson, Price, Reilly, Rolley, Sanford, Savage, Walker, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relative to duties of the text-book committee.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wright moved to refer to Senator Bates, as a special committee of one, to amend as follows:

By striking out of line 2a page 1, the numeral 1 after 1874, and the word "and" after the word "compiled"; out of lines 124, 125, 126, and 127, on page 4, the words "The sum of \$20,000 is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purpose of carrying out the provisions of this Act. Said"; and the word "which" out of line 127, page 4, before the word "shall"; out of line 131, page 5, the words "in this Act"; out of line 164, the figure "8"; out of line 176, page 6, the figure "9," and inserting in lieu thereof the following:

In line 1, page 1 of the printed bill, insert the word "or" after the word "compiled"; in line 127, page 5 of the printed bill, insert the word "The" before the word "appropriation," and the words "heretofore made" after the word "appropriation"; in line 128, page 5 of the printed bill, insert the word "and" after the words "text-book appropriation"; in line 131, page 5 of the printed bill, insert the words "by law" after the words "provided for"; after the words "grammar school," in line 143, close the paragraph. Make new subdivision, numbered "8," before the words "It is provided," in line 143, on page 5; insert the words "excepting the salary of the secretary of the State text-book committee" after the word "fund," line 158, page 5; in line 164, page 6, insert the figure "9" before the word "before"; insert the figures "10" in line 176 of the printed bill, page 6, before the words "The existing"; insert the following after line 178:

Sec. 2. This Act shall take effect and be in force from and after its passage.

BILL ORDERED TO PRINT WITH AMENDMENTS PENDING.

On motion of Senator Leavitt, Assembly Bill No. 543 was ordered to print with the above amendments pending, said amendments to be printed in brackets in said bill.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 264—An Act to regulate the pursuit, business, art and avocation of barbering, the licensing of persons to carry on such business and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California.

On motion of Senator Muentner, Assembly Bill No. 264 was temporarily passed on file, to retain its place.

Assembly Bill No. 505—An Act to amend Section 1582 of the Political Code, relating to the duties of the Superintendent of Public Instruction.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 505 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Caminetti, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Lynch, Markey, Miller, Muentner, Nelson, Price, Reily, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 402—An Act to add a new section to the Political Code of the State of California, to be known as Section 1641, relating to and defining who are census children.

Read third time.

On motion of Senator Caminetti, Assembly Bill No. 402 was temporarily passed on file, to retain its place.

Assembly Bill No. 119—An Act to amend Section 2984 of the Political Code of the State of California, for the enforcement of the rules, orders, and regulations of the State Board of Health within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities in relation to the State Board of Health.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 119 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Caminetti, Cartwright, Hartman, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Reily, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 125—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 372a, declaring it a misdemeanor to spit or discharge mucus upon public sidewalks, public buildings, trains, cars, stages, ferry boats, steamers, boats, or other vehicles or vessels used for the transportation of the public.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 125 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Caminetti, Cartwright, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, Miller, Nelson, Reily, Rolley, Sanford, Walker, Welch, Wolfe, and Wright—22.

NOES—Senators Price, Rambo, Savage, and Willis—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 123—An Act to amend Sections 3, 9, 10, 12, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities, and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Read third time.

On motion of Senator Leavitt, Assembly Bill No. 123 was temporarily passed on file, to retain its place.

Assembly Bill No. 439—An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof.

On motion of Senator Leavitt, Assembly Bill No. 439 was temporarily passed on file, to retain its place.

Assembly Bill No. 223—An Act to amend Section 827 of the Civil Code of the State of California, relating to changing terms of lease.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 223 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Rambo, Reilly, Sanford, Walker, Welch, Willis, and Wolfe—26.

NOES—Senators Belshaw and Rolley—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At three o'clock and fifteen minutes P. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 40—An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 40 finally passed by the following vote:

AYES—Senators Anthony, Bates, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Price, Rambo, Reilly, Rolley, Sanford, Savage, Walker, Weed, Willis, and Wolfe—24.

NOES—Senator Bell—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY CONCURRENT RESOLUTION No. 18.

Approving the charter of the City of Long Beach, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter, on the 5th day of February, 1907.

WHEREAS, The City of Long Beach, a municipal corporation of the County of Los Angeles, State of California, now is and was at all times herein referred to, a city containing a population of more than ten thousand inhabitants; and

WHEREAS, At a special municipal election duly held in said city on the first day of October, 1906, under and in accordance with the law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of the said City of Long Beach; and

WHEREAS, The said charter was on the 3rd day of December, 1906, signed in duplicate by the members of said board of freeholders and was thereupon duly

returned and filed, one copy with the president of the board of trustees of said City of Long Beach, and the other copy with the county recorder of said County of Los Angeles, and filed in the office of said county recorder; and

WHEREAS, Said proposed charter, together with two alternative propositions, was thereafter published in the Daily Telegram and in the Long Beach Tribune, each being daily newspapers of general circulation, printed, published and circulated in the said City of Long Beach, and the said charter being published, as aforesaid, for a period of more than twenty days, the first publication thereof being made within twenty days after the completion of said charter; and

WHEREAS, Within not less than thirty days after the completion of said publication the said charter, together with said alternative propositions, was submitted by the Board of Trustees of the City of Long Beach to the qualified electors of said City of Long Beach at a special election previously duly called and therein held on the 5th day of February, 1907, for the purpose of ratifying or rejecting said proposed charter and for adopting or rejecting alternative proposition No. 1, or alternative proposition No. 2, published with said charter and presented with said charter for the choice of said voters and to be voted on separately, said alternative propositions being as follows:

"ALTERNATIVE PROPOSITION No. 1.

ARTICLE XIII.

ALCOHOLIC LIQUORS.

SECTION 1. No person either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of Long Beach, any tipping house, dram shop, cellar, saloon, bar, bar room, sample room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away; *provided*, that this section shall not apply to hotels containing not less than fifty bedrooms, furnishing vinous or malt liquors to guests or customers in connection with and as a part of a regular meal under such restrictions and regulations as may be adopted by the council; *and provided further*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician, regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

SEC. 2. Any person violating Section 1 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars and not less than one hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had."

"ALTERNATIVE PROPOSITION No. 2.

ARTICLE XIII.

ALCOHOLIC LIQUORS.

SECTION 1. No person, either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of Long Beach, any tipping house, dram shop, cellar, saloon, bar, bar room, sample room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away; *provided*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

Sec. 2. Any person violating Section 1 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars and not less than one hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had."

AND WHEREAS, at said last mentioned special election a majority of such qualified voters of said city voting at such special election, voted in favor of a ratification of such charter, as proposed, as a whole; and Alternative Proposition No. Two was also ratified at the same time and in the same manner, and received a majority of the votes of the qualified electors of said city, voting at such special election, and thereupon became Article XIII of said proposed charter; said Alternative Proposition No. One being rejected and failing to receive a majority of the votes cast by the electors at such special election; and

WHEREAS, The returns of said election were duly canvassed by the said board of trustees of the City of Long Beach at a meeting held on the 11th day of February, 1907, (which such meeting was duly convened); and

WHEREAS, Said board of trustees, after canvassing said returns, duly found and declared that a majority of such qualified electors voting at such special election had voted for and ratified said charter, and had also voted for, adopted and ratified said Alternative Proposition No. Two; and

WHEREAS, Said charter, as so constituted by its ratification as a whole, and by the ratification of said Alternative Proposition No. Two, is now submitted to the legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8 of Article XI. of the Constitution of the State of California; and

WHEREAS, Said charter, so ratified, is in the words and figures as follows, to wit:

CHARTER FOR THE CITY OF LONG BEACH.

ARTICLE I.

BOUNDARIES OF THE CITY AND OF THE WARDS AND GENERAL POWERS.

SECTION 1. The municipal corporation now existing, known as the City of Long Beach, shall continue to be a body corporate and politic under the name of the City of Long Beach and with the following boundaries, to wit:

Description of Boundary of the City of Long Beach as incorporated on December 6, 1897.

Commencing at the southeast corner of Anaheim Road and Alamitos Avenue, and running thence westerly along the south boundary line of said road to its intersection with the west boundary line of Long Beach Township; thence southerly along the said westerly boundary line of Long Beach Township to the shore of the Pacific Ocean; thence due south three English miles; thence running easterly and parallel with the shore of the Pacific Ocean to a point three English miles due south of the east boundary line of Sixth Place, as shown by map of Alamitos Beach townsite, recorded in Book 59, pages 11 and 12, miscellaneous records of said county; thence north to the intersection of the east boundary line of Sixth Place with the shore of the Pacific Ocean; thence northerly along the east line of Sixth Place, across Ocean Avenue, to a point 100 feet east of the east line of Descanso Avenue; thence northerly parallel with Descanso Avenue to the south boundary line of Bishop Street; thence westerly along the south boundary line of Bishop Street to the southwest corner of Bishop street and Descanso Avenue; thence northerly along the west boundary line of Descanso Avenue to the south boundary line of Fourth Street; thence westerly along the south boundary line of Fourth Street to the east boundary line of Alamitos Avenue; thence northerly along the east boundary line of Alamitos Avenue to the place of beginning.

Description of Boundary annexing Terminal Island and East San Pedro August, 1905.

Beginning at the northwest corner of the City of Long Beach, in the County of Los Angeles, California, thence westerly along the southerly line of the Anaheim Road 7104.2 feet, more or less, to a point 200 feet east of the northeast corner of Block 26, Range 8, of Wilmington, as per Los Angeles County Clerk's filed Map, No. 80, Los Angeles County Superior Court case No. 6395, *Banning vs. Banning*; thence south 3 degrees east 1061.2 feet to a point; thence southwesterly 1200 feet to a point, said point being south 43 degrees, one minute, 23 seconds east, 1000 feet distant from the center of the line of the right of way of the Southern Pacific Railroad Company; thence southwesterly and parallel with the said center line to a point in the line between the northwest and southwest quarters of Section 8, Township 5 south, Range 13 west, S. B. M. (Patent 9, 274); thence southwesterly in a direct line to the northeast corner of the City of San Pedro; thence southerly along the easterly boundary of the City of San Pedro, to the southeast corner of said City of San Pedro; thence southeasterly to a point 1200 feet due south of the United States Government triangulation point on Dead Man's Island; thence south 70 degrees east to a point three miles distant from the coast line of the Pacific Ocean; thence easterly and parallel with said coast line to the southwest corner of the City of Long Beach; thence northerly along the westerly boundary line of the City of Long Beach to the place of beginning.

Description of the Boundary of the Territory East of the City of Long Beach, annexed October 1905, by Resolution No. 612.

Beginning at the northwest corner of Lot 16, Block 132, Alamitos Beach Townsite, as per map recorded in book of Maps 1, page 63, Records of Los Angeles County; thence easterly along the southerly line of the alleys running through Blocks 132, 131, 130, 129, 128 and 127 of said Alamitos Beach Townsite to the intersection of its prolongation with the easterly line of Junipero Avenue; thence southwesterly along the easterly line of said Junipero Avenue to its intersection with the northerly line of Railway Street; thence easterly along said northerly line to a point 100 feet easterly of intersection of the prolonged easterly line of Paloma Avenue with the said northerly line of Railway Street; thence in a line south 14 degrees west to a point three miles distant from the shore of the Pacific Ocean; thence westerly and parallel with the shore line of the Pacific Ocean to the southeast corner of the City of Long Beach; thence northerly and along the east boundary of the City of Long Beach to the point of beginning.

Description of the Boundary' of the Territory North and West of Long Beach, annexed December, 1905.

Commencing at the corporate limits of the City of Long Beach at the intersection of the south line of Anaheim Road or Street and the easterly line of Alamitos Avenue, thence northeasterly to the northeast corner of the intersection of Anaheim Road or Street and Alamitos Avenue; thence west along the north line of Anaheim Road or Street to the east line of Atlantic Avenue; thence north along the east line of Atlantic Avenue to the north line of Hill Street; thence west along the north line of Hill Street to the west line of Pacific Avenue; thence south along the west line of Pacific Avenue to the north line of State Street; thence west along the north line of State Street and the prolongation of the said north line of State Street, west to its intersection with the compromise line between the Rancho San Pedro and the Rancho Los Cerritos; thence south 85 degrees west to a point on the easterly line of Wilmington or "New San Pedro," as shown on map in Book 6, page 66 of Deeds, in the records of Los Angeles County; thence south 17 degrees 25 minutes east (magnetic course) to Station C of the survey of said "New San Pedro;" thence south 43 degrees west (magnetic course) 73.60 chains to Station B of the survey of said "New San Pedro;" thence south 82 degrees 30 minutes east (magnetic course) 300 feet to a point; thence south 7 degrees 30 minutes west (magnetic course) 393.28 feet to a point; thence south 34 degrees west (magnetic course) 400 feet to a point; thence south (magnetic course) 878.72 feet to a point; thence south 57 degrees 30 minutes west (magnetic course) 412.68 feet to a point; thence north 80 degrees 45 minutes west (magnetic course) 1222 feet to a point; thence north 86 degrees 15 minutes west (magnetic course) 1294.82 feet to a point; thence north 2 degrees 30 minutes west (magnetic course) 397.29 feet to a point; thence north 78 degrees 45 minutes west (magnetic course) 130.53 feet to a point; thence south 65 degrees 45 minutes west (magnetic course) 471.21 feet to a point; thence north 24 degrees 15 minutes west (magnetic course) 300 feet to a point; thence south 65 degrees 45 minutes west (magnetic course) 23.36 chains to a point, said point being Station O of said survey of "New San Pedro"; thence south 88 degrees 45 minutes west (magnetic course) 10.46 chains to Station P of said survey; thence south 72 degrees 35 minutes west (magnetic course) to a point in the Wilmington and San Pedro Road, as shown on County Surveyor's field map 1024; thence following said Road survey as shown in said County Surveyor's map 1024 in a general southwesterly and westerly direction to its intersection with the San Pedro branch of the Los Angeles Interurban Railway, the said intersection being between stations SS 73.5 and 99 29 of said County Survey No. 1024; thence easterly in a straight line to a point in the center line of the right of way of the Southern Pacific Railroad from San Pedro to Wilmington, said point being 1920 feet northerly measured along said center line of the said Southern Pacific Railroad, from its intersection with the present northerly boundary line of the City of San Pedro; thence easterly to a point in the line between the northwest and the southwest quarters of Section 8, Township 5 south, Range 13 west, S. B. M. (Patent 9-274) said point being 1000 feet distant from the center line of the Southern Pacific Railroad, and being also a point in the present westerly boundary line of the City of Long Beach; thence northeasterly along the present boundary line of the City of Long Beach parallel with the Southern Pacific Railroad and 1000 feet therefrom to a point described in the present westerly boundary line of the City of Long Beach as being south 43 degrees 1 minute 23 seconds east and 1000 feet distant from the center line of the Southern Pacific Railroad; thence northeasterly along the present boundary line of the City of Long Beach 4200 feet to a point; thence along said boundary line of the City of Long Beach north 3 degrees west 1061.2 feet to a point in the southerly line of the Anaheim Road, said point being 200 feet east of the northeast corner of Block 26, Range 8 of Wilmington, as per Los Angeles County Clerk's field map No. 80, Los Angeles County Superior Court Case No. 6395; thence easterly along the southerly line of Anaheim Road to the point of beginning.

Boundaries of City Wards.

All that part of the City of Long Beach lying east of the center line of Alamitos Avenue shall constitute the First Ward.

All that part of the City of Long Beach lying between the center line of Alamitos Avenue and the center line of Linden Avenue and south of the center line of Anaheim Street shall constitute the Second Ward.

All that part of the City of Long Beach lying between the center line of Linden Avenue and the center line of Pine Avenue and south of Anaheim Street shall constitute the Third Ward.

All that part of the City of Long Beach lying between the center line of Pine Avenue and the center line of Magnolia Avenue and south of Anaheim Street shall constitute the Fourth Ward.

All that part of the City of Long Beach lying between the center lines of Magnolia Avenue and Magnolia Lane and the west line of Long Beach Township shall constitute the Fifth Ward.

All that part of the City of Long Beach lying west of the west line of Long Beach Township shall constitute the Sixth Ward.

And all that part of the City of Long Beach lying between the center lines of Magnolia Lane, Magnolia Avenue and Pacific Avenue north of State and the center line of Atlantic Avenue and north of the center line of Anaheim street shall constitute the Seventh Ward.

GENERAL POWERS.

Sec. 3. The said city shall continue vested with all the property of every kind belonging to it and shall have the power:

First—To have perpetual succession.

Second—To have and use a corporate seal and alter it at pleasure.

Third—To sue and be sued in all courts and places and in all actions and proceedings whatever.

Fourth—To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description, both within and without the limits of said city, and control and dispose of the same for the general benefit.

Fifth—To receive bequests, devises and donations of property, both within and without the corporate limits of the City of Long Beach, in the manner and for the purposes, and upon such trusts and conditions as are now or may hereafter be in accordance with the general law.

Sixth—To acquire, erect, construct, and maintain public buildings, schools, kindergartens, libraries, hospitals, markets, baths, fountains, prisons, work houses, piers, wharves, museums, life saving stations, pavilions, morgues and crematories.

Seventh—To acquire, improve and maintain public parks, cemeteries and sewer farms, both within and without the city, to regulate the same and to exclude cemeteries from the limits of the city or any portion thereof and to discontinue the same.

Eighth—To provide for supplying the city and its inhabitants with water and gas, electricity or either, or with other means of heat, illumination or power; and to acquire or construct and to lease or operate, and to regulate the construction or operation of conduits or of railroads, or other means of transit or transportation, and of plants and equipments for the production or transmission of gas, electricity, heat, refrigeration or power, in any of their forms, by pipes, wires or other means; and to incur a bonded indebtedness for any of such purposes, *provided* the question of the issue of bonds therefor shall first be submitted to the qualified electors of the city at a special or general election, and that two-thirds of the vote cast on the question of the said issue of bonds shall have been cast in favor thereof.

Ninth—To provide for the care of the sick and the helpless and to make regulations to prevent the spread of epidemic, contagious and loathsome diseases.

Tenth—To establish and change the grade and to lay out, open, extend, widen, change, vacate, pave, repave, gravel, oil, surface, resurface and improve streets, alleys, sidewalks, crossings and other highways and public squares and places and to make provision for cleaning, sprinkling and oiling the same.

Eleventh—To build, alter, improve, keep in repair and control the water front of said city; to build, alter, improve and keep in repair wharves, piers, chutes, and to fix the rate of wharfage and transit; to provide for the regulation of berths, landing, stationing and removing of steamboats, sailing vessels, rafts and other crafts, and to fix the rate of speed at which steamboats and other craft may run along the water front of the city.

Twelfth—To provide against the existence of filth, garbage and other injurious and inconvenient matter within the city and for the disposition of the same.

Thirteenth—To levy and collect taxes upon all property for all municipal purposes; *provided*, that the tax levied for any one year for all municipal purposes other than for the payment of principal and interest on any bonds of the said city or for school purposes, shall not exceed one dollar on each one hundred dollars worth of taxable property in the said city, except as hereinafter provided. And to levy assessments upon property to pay for the improvement of streets and other public improvements, and to collect the same, and to levy and collect taxes upon property for municipal purposes; *provided*, that the tax levied for any one year, for all municipal purposes, other than payment of interest on the municipal debt and the redemption of bonds, or for school purposes, shall not exceed \$1. on each \$100.00 worth of taxable property.

Fourteenth—To levy taxes exceeding the limit permitted in this charter; *provided* that before such levy can be made the proposition to make such levy shall have been first approved by three-fifths of the qualified electors of the city voting at a special election called for that purpose by the city council.

Fifteenth—To license and regulate places of amusement and the carrying on of any and all professions, trades, callings, occupations, and kinds of business carried on within the limits of said city, and to fix the amount of license tax thereon to be paid by all persons engaged in carrying on such places of amusement and such professions, trades and callings, occupations and kinds of business in said city and to provide for the manner of enforcing the payment of such license tax; and to regulate, restrain, suppress, prohibit, hawking, peddling, and the carrying on

of any laundry, livery and sale stable, cattle or horse corral, feed yard, horse clipping establishment, bill boards, planing mills, rolling mills, oil wells, furnaces, chimneys and smoke stacks, tanks or refineries, foundries, brick yards, slaughter houses or butcher shops, and the keeping of bees, cattle, poultry or pigeons within the limits or within any designated portion of said city; and to prohibit and suppress all faro banks, games of chance, gambling houses, bawdy houses, saloons, bars, bar rooms, or any other places where spirituous, vinous, malt or other intoxicating liquors are sold or given away, and any and all obnoxious, offensive, immoral, indecent or disreputable places or practices within the said city.

Sixteenth—To regulate or prohibit the sale, keeping, storing and use of powder, fireworks, dynamite, nitro-glycerine and other explosive materials and substances, the places of their manufacture, or storage, and their transportation; and to regulate the storage of hay, straw and other inflammable materials, and the use of steam boilers, gas and gasoline engines.

Seventeenth—To require every railroad corporation or company to pave and keep in repair between the tracks and for the distance of two feet on each side of the tracks, all streets occupied or used by such corporation or company.

Eighteenth—To fix and determine annually the rates of compensation to be collected by any person, firm, company or corporation in the city for the use of water, gas and electricity, or any public service supplied to the city or the inhabitants thereof; also to fix and regulate annually the tolls and wharfage to be charged for the use of any wharf within the city limits, and to prescribe penalties for the violation of any and all ordinances passed in reference to matters contained in this subdivision.

Nineteenth—To provide by ordinance a fund from which the expenses of all necessary matters of public entertainment and advertisement shall be met.

Twentieth—To contract for all necessary printing.

Twenty-first—To regulate the speed of railway engines, cars and trains passing through or operating within the city, and to require railway companies either to station flagmen or place sufficient automatic warning signals and signal bells at street crossings; to require street cars to be provided with fenders and other appliances for the protection of the public; to regulate the speed with which persons may ride or drive or propel bicycles, tricycles, automobiles or other vehicles, or drive any horse or other animal along or upon any of the streets or highways of the city.

Twenty-second—To create offices other than those established by this charter or by the general laws, whenever the public convenience or necessity may require the same, and to prescribe the duties pertaining to the offices thus created, and to provide for the election or appointment, and to fix the compensation of the officers to fill the same. (But this shall not be construed to authorize the creation of new offices and the appointment of other officers to perform the duties by this charter assigned to officers provided for herein, other than the necessary deputies and assistants to the officers of said city.)

Twenty-third—To make, adopt and enforce all necessary rules and regulations for the prevention of fire, floods and riots, and to make and enforce all such local, police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote the public morals and preserve the health of the inhabitants of the city.

Twenty-fourth—To prescribe the manner in which, the times at which, and the places where elections shall be held in said city, and to appoint the officers to conduct such elections and provide for their compensation.

Twenty-fifth—To make the violation of its ordinances a misdemeanor and to prescribe the punishment for such violation, which punishment shall be by fine or imprisonment, or by both fine or imprisonment; *provided, however,* that such fine shall not exceed five hundred (\$500.00) dollars and such imprisonment shall not exceed six months.

Twenty-sixth—To acquire, by purchase, condemnation or other lawful means, property, both real and personal, including water and water rights, within or without the corporate limits, necessary or convenient for municipal purposes, or for the exercises of the powers granted to said corporation.

Twenty-seventh—To regulate or control the carrying of freight through any part of the city on, along or upon any of its streets or alleys.

Twenty-eighth—To exercise all municipal and police powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not, except such powers as are forbidden or controlled by general law.

Twenty-ninth—No franchise, right or privilege in, on, through, across, under or over any street, avenue, alley, bridge, viaduct, or other public place, and no other franchise whatever granted by the city to any corporation, association or individual, shall be granted except by an ordinance passed by a vote of two-thirds of the whole council, nor for a longer period than twenty-one years. Such grant and any contract in pursuance thereof shall provide that at the option of the city, declared not more than three years nor less than six months before the termination of such grant, the

plant and property, if any, belonging to or used by the grantee, or his or its successors in interest, in the streets, avenues and other public places shall, at the termination of said grant, upon the payment of a fair valuation thereof, be and become the property of the city; but the grantee shall be entitled to no payment because of any valuation derived from the franchise. *Provided, however,* that such option shall not be exercised unless at the time of exercising the same the city shall be authorized and empowered to acquire and operate such plant and property. Every grant shall specify the mode of determining any valuation therein provided for and the time and mode of payment, and shall make adequate provision by way of forfeiture of the grant or otherwise to secure efficiency of public service at reasonable rates, and the maintenance of the property in good order throughout the term of the grant.

ARTICLE II.

OFFICERS.

The officers of the city shall be:

A Mayor.

Seven members of the City Council.

A Clerk who shall be ex-officio Assessor.

Attorney.

Treasurer.

Police Judge.

Auditor.

Tax and License Collector.

Board of Public Works.

Civil Service Commission.

Police Commission.

Fire Commission.

Board of Health.

Library Commission.

Board of Education.

SEC. 2. Every officer provided for in his charter shall, within ten days after receiving his certificate of election or appointment, qualify by giving the bond required by this charter or the ordinances of the city, and by taking or subscribing to the following oath or affirmation: "I do solemnly swear (or affirm as the case may be) that I will support the constitution of the United States, and the constitution and laws of the State of California, and I will faithfully discharge the duties of the office according to the best of my ability."

ARTICLE III.

SALARIES OF OFFICERS.

SECTION 1. The officers of this city, in this section named, shall receive, in full compensation for all services rendered by them the following salaries, payable in equal monthly installments at the end of each calendar month, viz:

The mayor, eighteen hundred dollars per annum;

Each member of the council, three dollars for each regular meeting of the council which such member shall attend: *provided* that the number of meetings for which compensation shall be paid shall not exceed five during any month;

The clerk who is ex-officio assessor, twelve hundred dollars per annum;

The treasurer, five hundred dollars per annum;

The city attorney, fifteen hundred dollars per annum;

The tax and license collector, one thousand dollars per annum;

The auditor, one thousand dollars per annum;

The police judge, one thousand dollars per annum.

SEC. 2. Except as is otherwise herein provided, the members of the various boards and commissions will serve without compensation.

SEC. 3. In all cases not otherwise provided for in this charter the city council shall, by ordinance, fix the salaries and other compensation of officers and employees.

SEC. 4. No officer or employee of the city shall receive or accept any fee, recompense or compensation for the discharge of any duty of his office from any person or corporation other than the city.

ARTICLE IV.

BONDS OF OFFICERS.

SECTION 1. Officers and employees of the city before entering upon the discharge of their official duties shall give and execute to the city such official bonds as may be required by general law, this charter or the ordinances of the city.

SEC. 2. When the amount of bond is not fixed by law or by this charter, it shall be fixed by an ordinance of the city council.

SEC. 3. Every bond given by any officer or employee must be approved as to form by the city attorney, and all bonds, excepting the bond of the mayor, must be approved by the mayor. The bond of the mayor must be approved by the

council and such approval must be endorsed thereon by the president of that body. The approval of every official bond must be endorsed thereon and signed by the officers approving the same. Upon the approval of a bond it must be recorded in the office of the city clerk in a book kept for that purpose. After recording, the bond of the mayor shall be filed and kept in the office of the city clerk. All other official bonds shall be filed and kept in the office of the mayor.

Sec. 4. The following named officers shall execute official bonds to the city with sureties in the following sums, viz:

The mayor in the sum of ten thousand dollars;

The treasurer, in the sum of fifty thousand dollars;

The clerk and ex-officio assessor, in the sum of ten thousand dollars;

The auditor, in the sum of ten thousand dollars;

The tax and license collector, in the sum of fifty thousand dollars;

The police judge in the sum of five thousand dollars;

Such other and additional bonds may be required from time to time as the city council may deem proper.

Sec. 5. The city may at any time, by ordinance, increase the penal sum of any such bonds.

Sec. 6. No city officer, deputy or employee shall be accepted as surety for any other city officer, deputy or employee on any official bond. Every such bond shall contain a condition that the principal will perform all official duties then, or which may thereafter be imposed upon or required of him by law, by ordinance or by this charter, and that at the expiration of his term of office, he will surrender to his successor all property, books, papers and documents that may come into his possession as such. Such bond must also be executed by two or more sureties who shall justify in the amount required for such bond; but when the amount of the bond is more than five thousand dollars the sureties may become severally liable for portions thereof, not less than one thousand dollars. When there are more than two sureties, such sureties may justify in an amount which in the aggregate shall equal the amount of the bond. In giving such official bonds, the principal giving the same may furnish as one of the sureties, or as the sole surety thereon, any of the lawfully authorized surety companies described in sections ten hundred and fifty-six and ten hundred and fifty-seven of the Code of Civil Procedure of the State of California.

Sec. 7. Every surety upon an official bond, other than such lawfully authorized surety companies, must make affidavit which shall be endorsed upon such bonds, that he is a resident of the county of Los Angeles, that he is the owner of real estate therein over and above such as is legally free from execution or forced sale worth double the amount of his undertaking. All persons offered as sureties on official bonds may be examined on oath as to their qualifications by the aforesaid officers whose duty it is to approve such bonds.

Sec. 8. The city council may, by resolution, adopted at a regular meeting, require of any officer or employee an additional bond whenever in the opinion of such council the bond given by such official or employee for any reason becomes insufficient.

Sec. 9. Every officer of the city shall be liable on his official bond for the acts and omissions of his deputies, assistants or clerks appointed by him, and may exact for his protection bonds from such deputies, assistants and clerks.

Sec. 10. Where not otherwise provided by this charter, the council may by ordinance require any officer, deputy, assistant, clerk or employee of the city, or of any of its departments, to give to the city bonds for the faithful performance of official duty, and may fix the amount of such bonds, and prescribe the conditions thereof, but the qualifications of sureties thereto shall be as otherwise prescribed in this article in respect to the official bond required thereunder.

ARTICLE V.

EXECUTIVE DEPARTMENT.

Mayor.

SECTION 1. The chief executive officer of the city shall be designated the mayor. He shall be a citizen and elector of the state and shall have been a resident of the city for the two years next preceding the day of his election. He shall be elected by the qualified electors of the city, and shall hold office for two years and until his successor has been elected and has qualified.

Sec. 2. He shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall vigilantly observe the official conduct of all public officers, and take notice of the fidelity and exactitude, or want thereof, with which they execute their duties and obligations, especially in the collection, administration and disbursement of the public funds and property. The books, records and official papers of all departments, boards, officers and persons in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of said departments, boards, officers and persons are kept in legal and proper form. Any defalcations or wilful neglect of duty, or official misconduct which he may discover, or which

may be reported to him, shall be laid by him before the city council or before such other authority as the provisions of this charter may require, in order that the public interests may be protected and the person in fault be proceeded against according to law.

SEC. 3. He shall take proper measures for the preservation of public order and the suppression of all riots and tumults and shall perform all such other duties as may be imposed upon him by the laws of the state, this charter and the ordinances of the city.

SEC. 4. When and so long as the mayor is absent or for any reason is unable to perform his official duties, the president of the council shall act pro tempore. When a vacancy occurs in the office of mayor, it shall be filled for the unexpired term by the council, assembled for that purpose. A member of the council, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

Treasurer.

SEC. 5. The treasurer shall be a citizen and elector of the state and shall have been a resident of the city for the two years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for two years and until his successor has been elected and has qualified.

SEC. 6. The treasurer shall receive and keep all moneys that shall come to the city from taxation or otherwise and pay the same out, on demands properly audited, in the manner provided for in this charter, and without such auditing he shall disburse no public money whatever except the principal and interest on the bonded indebtedness of the city when the same shall be payable; he shall keep an accurate account of all his receipts and disbursements under such rules and regulations as may be prescribed by ordinance or by this charter; he shall keep an accurate account of all his receipts and disbursements under such rules and regulations as may be prescribed by ordinance; he shall make a quarterly statement to the city council of all his receipts and disbursements during the preceding quarter, and shall do all things required of him by the city ordinances and this charter.

City Clerk.

SEC. 7. The city clerk shall be a citizen and elector of the state and shall have been a resident of the city for the two years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for two years and until his successor has been elected and has qualified.

SEC. 8. The city clerk shall have the custody of and be responsible for the corporate seal, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody. He shall be present at each meeting of the council and of the board of equalization, and keep a record of its proceedings. He shall keep separate books in which respectively he shall record all ordinances, contracts and all other documents of permanent public value. He shall keep all books properly indexed and open to public inspection when not in actual use. He shall make out, sign and deliver to the city auditor all licenses and perform such other duties as are or shall be imposed by this charter or by ordinance. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city and shall make no charge therefor. He shall devote his entire time to the duties of his office. He shall be the custodian of the city hall, and of all personal property, the custody of which has not been otherwise provided for.

As assessor he shall perform all the duties prescribed by this charter or by law for assessing property in the city for purposes of taxation, and shall collect such taxes upon personal property as by this charter are required to be collected by him.

Tax and License Collector.

SEC. 9. The tax and license collector shall be a citizen and elector of the state and shall have been a resident of the city for the two years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for two years and until his successor has been elected and has qualified.

He shall receive and collect all city taxes, general and special, license taxes and other branches of the city revenue, not otherwise herein provided for; he shall keep proper books showing all moneys collected by him as tax and license collector and also a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed, and shall be at all suitable times open to public inspection; he shall do and perform such other duties as may be required of him by this charter or by the ordinances of the city. He shall pay all moneys collected by him as tax and license collector into the city treasury daily.

Auditor.

SEC. 10. The auditor shall be a citizen and elector of the state and shall have been a resident of the city for the two years next preceding the day of his election.

He shall be elected by the qualified electors of the city and shall hold office for two years and until his successor has been elected and has qualified.

He shall pass on all bills allowed by the council and shall keep a full and complete record of the same; he shall keep himself thoroughly informed at all times as to the financial affairs of the city, shall make a quarterly report showing condition of all funds, and shall keep an independent set of books which shall be at once a complete history of all financial transactions and an absolute check on all the other officers of the city who shall have to do with the public moneys; he shall apportion all the city revenues for which provision is not otherwise made; he shall countersign all licenses and permits; he shall examine all books, papers and accounts of the city officers at least once each quarter and correct all irregularities and bring any malfeasance in office at once to the attention of the council or such other authority as may have had the matter given in charge by this charter, so that the public may be safeguarded; he shall be provided by the city with an office in a public place where the public may, at all reasonable hours, examine the books, learn the exact condition of the treasury or obtain any other information regarding the transaction of the public business that may be desired.

Attorney.

SEC. 11. The city attorney shall be a citizen and elector of the state and shall have been resident of the city for the two years next preceding the day of his election. He shall have been duly admitted to the practice of his profession by the Supreme Court of the State of California. He shall be elected by the qualified electors of the city and shall hold office for two years and until his successor has been elected and has qualified.

The attorney shall prosecute in behalf of the people all criminal cases arising from violations of the ordinances of the city, and shall attend to all suits, matters and proceedings in which the city may be legally interested; *provided*, that the city council shall have control of the litigation of the city and may employ other attorneys to take charge of any litigation or to assist the city attorney therein. He shall be in attendance at every regular meeting of the council and shall give his advice or opinion in writing whenever requested so to do by the city council or any of the boards or officers of the city. He shall approve the forms of all bonds given to and all contracts made by the city, endorsing his approval thereon in writing. He shall, whenever required by the city council or any member thereof, draft any or all proposed ordinances for the city or amendments thereto; and shall do and perform all such things touching his office as the city council or the mayor may require of him. On vacating the office he shall surrender all books, papers, files and documents pertaining to the city business to his successor.

ARTICLE VI.

LEGISLATIVE DEPARTMENTS.

SECTION 1. The legislative powers of the city shall be vested in a council of seven members, *provided, however*, that such legislative powers shall be exercised subject to the veto power of the mayor, as in this charter provided.

SEC. 2. The qualified electors of each ward in the city shall nominate and elect one member of the city council. Each member of the council shall be a citizen and elector of the state; he shall have been a resident of the city for the two years next preceding the day of his election and he must be a resident of the ward from which he is nominated. He shall hold office for two years and until his successor has been elected and has qualified.

SEC. 3. The mayor shall have the right of veto and five votes shall be required to pass any measure over such veto.

SEC. 4. The mayor shall be the presiding officer of the council but that body shall elect one of its members to be "President of the Council" who shall perform the functions of the mayor in his absence or disability.

SEC. 5. Four of the members of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time or may compel the attendance of other members in such manner and under such penalties as the council may prescribe. No order except to adjourn for want of a quorum or to compel the attendance of absent members, and no ordinance or resolution shall be valid unless it receives a majority vote of the quorum necessary for the transaction of business.

SEC. 6. Ordinances and resolutions are the formal acts of the council reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts which, being less formal in character, require only to be passed by the council and spread upon the minutes. No ordinance shall have any effect without the signature of the mayor. All ordinances after passage by the council, must be submitted to the mayor who shall, within seven days after he has received the same, indorse his approval or disapproval thereon, giving his reasons for disapproval. Whenever the mayor allows the seven days to pass without returning an ordinance to the council with his approval or disapproval, such failure on his part shall be construed to indicate approval and the ordinance shall have the same force, validity and effect as though signed and returned within the time

specified. No ordinance shall be placed upon its final passage upon the same day that it has been introduced and read in full for the first time, and neither ordinance nor resolution shall be of full force and effect unless it shall have received the affirmative votes of four members of the council: *provided, however*, that any ordinance may be passed over the veto of the mayor by an affirmative vote of five members, and when so passed shall have the same force and effect as when regularly passed and signed by that official.

SEC. 7. The enacting clause of all ordinances shall be "The Mayor and the City Council of the City of Long Beach do ordain as follows:"

SEC. 8. All ordinances adopted under this charter shall be published in the English language at least once in a bonafide newspaper that has been published in the City of Long Beach for at least one year prior to the time of being granted the contract for city printing.

SEC. 9. All meetings of the city council shall be public and a journal of its proceedings shall be kept by the city clerk under its direction and the ayes and noes shall be taken and entered in the journal on the final action of the city council in the granting of franchises, in the authorization of contracts, in the ordering of work to be done or supplies furnished, in the ordering of assessment for the improvement of streets or the building of sewers, the passage of any ordinance, on any vote involving the expenditure of the public money, and in all other cases upon the call of any member.

SEC. 10. The council shall have power:

To fix the time and place of its meetings, to compel the attendance before it of witnesses and the production of papers in any matter under investigation, to judge of the qualification and election of its own members and to punish any member or other city officer, by fine of not exceeding \$50.00, for disorderly or contemptuous behavior in its presence.

To make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States, or of the State of California, or to the provisions of this charter, necessary for the municipal government and the management of the affairs of the city, for the execution of the powers vested in the city and for carrying into effect the provisions of this charter.

To levy and collect taxes and assessments for city purposes on all property within the city which is by law taxable for state and county purposes.

To provide for the lighting of the streets and public buildings and places of the city and to regulate such lighting.

To regulate the use and sale of gas, electric and other light in the city, to fix and determine the price thereof, as well as the rental price of all electric and gas meters within the city, and to provide for the inspection of such meters.

To regulate telephone service and the use of telephones and to fix and determine the charges for telephones, telephone service and connections within the city.

To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city or within any designated portion thereof, and to regulate and prohibit the placing of poles and the suspending of wires along or across any of the streets, alleys and public places of the city.

To regulate, license or prohibit the construction and use of bill boards and signs adjacent to or near the streets, alleys and public places of the city.

To license and regulate the keeping of dogs and to prevent the same from running at large, and to authorize the destruction thereof.

To establish pounds and pound districts which shall be under the supervision and control of a pound master, and to restrain the running at large of poultry, horses, mules, cattle, swine, sheep and other animals, and to authorize the destruction or sale of the same.

To establish, license or regulate markets and market houses.

To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, flour, meal, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated or unwholesome, and to regulate and prevent the bringing into the city or having or keeping within the city of such unsound, adulterated or unwholesome products.

To provide for the inspection of and to regulate the sale of bread within the city and to prescribe the weight of the loaf and to provide for the seizure and forfeiture of bread offered for sale which does not comply with such regulations.

To provide for and regulate the manner of weighing hay, straw, and coal and any other commodity and the selling of the same, and the measuring and selling of firewood within the limits of the city.

To provide for the inspection and selling of all weights and measures used in the city and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

To regulate the construction of and the material used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to prescribe the depth of cellars and basements, the materials used in and the method of construction of foundations and

foundation walls, the manner of construction and location of drains and sewers, the materials used in and the thickness and construction of party walls, partition and outside walls, the thickness and construction of chimneys, the construction and character of bathrooms, water closets, privies and vaults, the manner and materials used in wiring buildings or other structures for the use of electricity for lighting, power or other purposes, and the manner and materials used for piping buildings or other structures for the purpose of supplying the same with water and gas; to prohibit the construction of buildings and structures which do not conform to such regulations.

To require the owners and lessees of buildings and other structures to place upon or in them fire escapes and appliances for protection against and the extinguishment of fire.

To prevent the construction and to cause the removal of dangerous chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes or the accumulation of shavings, rubbish or any combustible material, in unsafe places, and to make provisions to guard against fire.

To prescribe the fire limits and determine the character and height of buildings that may be erected therein and the nature of the material to be used in the construction, alteration or repair of such buildings, or in the repair or alteration of existing buildings within said fire limits.

To regulate the entrance to and exit from all theaters, lecture rooms, public halls, schools, churches and public buildings of every kind, and to prevent the placing of seats, chairs, benches, or other obstructions in the halls, aisles or other open places therein.

To regulate or prohibit the operation of blasts and blasting and the construction and operation of derricks, windlasses or other structures, apparatus and operations hazardous to life and property, and to regulate the operation and provide for the inspection of freight and passenger elevators, boilers, engines, dynamos and other apparatus generating steam, electricity or other power.

To define nuisances, and to prevent, remove and abate the same, and to provide that said nuisances may be removed or abated at the expense of the party or parties creating, causing, committing or maintaining such nuisances, and to prohibit offensive or unwholesome businesses or establishments within the city.

To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require the same to be put and kept in proper sanitary condition.

To provide for and regulate the inspection of all dairies, either within or without the city limits, that offer for sale or sell any of their products within the city.

To provide for the naming of the streets and the numbering of houses, and to regulate or prohibit the exhibition of banners, flags, placards or signs across the streets, sidewalks or public places of the city.

To regulate or prohibit the loading or storing of gunpowder and other combustible and explosive materials in the city and the transportation of the same through the streets of the city.

To regulate the speed of railway trains, engines and cars passing through the city and the speed of cars of street railway companies to station flagmen, place gates or viaducts at all such street crossings as it may deem proper; to require street cars to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains upon any of the streets, street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, tricycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

To establish stands for hacks, public carriages, express wagons and other public vehicles for hire, and regulate the charges for the use of such hacks, public carriages, express wagons and other public vehicles, and require schedules for such charges to be posted in or upon such public vehicles.

To regulate street railroads, their tracks and cars; to compel the owners of two or more of such roads using the same street for any distance, not exceeding five blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

To prohibit the injury to or interference with the ornamental trees and shrubbery in the streets and public places of the city, and to prescribe the punishment for such injury and interference.

To grant the right to erect or lay telegraph or telephone wires, to construct and operate street railroads, to erect poles and wires, or lay conduits for transmitting electrical energy for lighting or power purposes along or upon the public streets or highways of the city; *provided, however,* that all such rights and franchises shall be granted subject to the restrictions and limitations in this charter contained relating to the granting of franchises.

To make arrangements for the care, feeding and clothing of all persons in prison by municipal authority or sentenced to imprisonment by the police court,

and to provide that all such persons shall work upon the streets, or do other public work.

To restrain or punish vagrants, mendicants, street beggars and lewd persons, and prevent diseased, maimed, injured or unfortunate persons from displaying their infirmities for the purpose of receiving alms, and to prevent and punish drunkenness, and all obnoxious, offensive, immoral, indecent and disorderly conduct and practices in the city.

To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, infectious or other diseases into the city; to make quarantine laws and regulations, and to enforce the same within the city; to regulate, control and prevent the entry into the city of persons, baggage, merchandise, or other property infected with contagious disease.

To provide for the sale of personal property belonging to the city which is not needed by or which is not suited for the use of the city.

To prohibit and punish cruelty to animals and fowls, and to require the places where they are kept to be maintained in a healthful condition.

To set apart and dedicate as a boulevard or boulevards any street or streets or portions of a street or streets in the city.

To maintain police and fire departments.

To suspend any officer of the city pending trial against whom any criminal proceeding or any civil action for the recovery of any money due the city has been commenced, and the council shall appoint a substitute for such officer during his suspension: *provided, however*, that where the said officer has been first appointed by the mayor he shall be suspended by and the substitute appointed by that official during the suspension, such appointment to be made subject to the conditions of the original appointment. In voting upon the suspension or removal of officers the council shall vote by ayes and noes, and the same shall be taken and entered upon the journal.

To adopt and enforce by ordinance all such measures and to establish all such regulations, in case no express provision is in this charter made, as the council may from time to time deem expedient and necessary for the promotion and protection of the health, comfort, safety, life, welfare and property of the inhabitants of the city, the preservation of peace and good order, the promotion of public morals and the suppression of vice in the city.

To pass ordinances upon any other subject of municipal control or to carry into force or effect any other powers of the municipality.

To adopt by ordinance at any time any provision made by the general law of the State of California for the levy and collection, or either of them, of city taxes by and through the officers of the county.

To prescribe by ordinance the duties of all officers whose duties are not defined by this charter, and it may by ordinance prescribe for any officer duties in addition to those herein prescribed, when the same are not inconsistent with the provisions of this charter, and may fix the hours during which the public office of any city officer shall remain open, if not otherwise herein provided for.

If any elective or appointive officer of the city shall die or remove from the city, or shall absent himself from the city for more than thirty days without the consent of the council, or shall fail to qualify by taking the oath of office or filing his official bond within ten days of the time he receives his certificate of election or appointment, or if he shall resign, or be convicted of a misdemeanor connected with the performance of his official duties, or be convicted of a felony, or adjudged insane, or absent himself from his office for more than twenty days without the consent of the council, his office shall thereupon be declared vacant by the council and the vacancy shall thereupon be filled by the council; except in case of those officers appointed by the mayor when the vacancies shall be filled by that official in like manner as the appointment was first made.

ARTICLE VII.

BOARDS AND COMMISSIONS.

Department of Public Works.

SECTION 1. There is hereby created a department of said city to be known as the Department of Public Works, which shall be under the management and control of a board of three commissioners, to be known as the Board of Public Works.

Said commissioners shall be appointed by the mayor, subject to the confirmation of a majority of the council. All such appointments shall be so made that not more than two members of the board shall, at any time, belong to the same political party. Each of said commissioners shall receive an annual salary to be fixed by the city council, and shall give a bond to the city in the sum of ten thousand dollars, conditioned for the faithful discharge of the duties of his office.

The term of office of the members of the board of public works shall be two years. If any vacancy occurs it shall be filled for the unexpired term by the mayor with the affirmation of the council.

The commissioners shall organize by electing one of their number president, who shall hold his office for one year, and until his successor is elected, unless his membership on the board sooner expires.

The board shall maintain an office and prescribe office hours for the convenience of the public. It shall hold regular stated meetings at least once in each week. The commissioners shall devote all their time during official business hours to the duties of their office.

The city clerk shall be ex-officio secretary of the board. He shall keep a record of all its transactions, specifying therein the names of all the commissioners present at the meetings, and gives the ayes and noes upon all votes. He shall post and publish all orders, resolutions and notices which the board shall order to be posted or published, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him.

The three members of the board of public works and the secretary thereof shall be officers of the municipality in addition to the other officers thereof provided for herein.

The board of public works shall appoint and employ a civil engineer of not less than five years professional experience, who shall be designated the city engineer. He shall receive such salary as the council shall provide by ordinance, and shall hold office at the pleasure of the board. The city engineer herein provided for shall be the successor in office of the city engineer. He shall perform all the civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board. He shall make such certificates and reports upon the progress of such work and shall make such surveys, inspections and estimates, and perform such other surveying or engineering work as may be required by said board or by the city council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law or by ordinance, upon the city engineer. He shall devote his entire time to the duties of his office and shall receive no compensation in addition to his salary. All field books, notes, maps, and profiles compiled by such engineer shall be the property of the city and must be turned over by him to his successor as part of the official records of the office.

The board of public works shall, subject to such civil service regulations as are now or may hereafter be in force, appoint and employ and for good cause remove, such superintendents, inspectors, clerks and employees as the city council shall, by ordinance from time to time, prescribe, and the board shall establish all necessary rules and regulations for the exercise of the powers conferred in this article for the government of the department of public works, and for the regulation and conduct of its officers and employees, and may require of any or all of such officers and employees, except laborers, adequate bonds for the faithful performance of their respective duties.

SEC. 2. The board shall, from and after the first organization thereof, be the successor in office of the street superintendent, and of the superintendent of buildings and plumbing, and shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law upon said officials, respectively, and the board shall perform such other duties as are herein or may be, by ordinance, imposed upon it.

SEC. 3. The board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the city council relating to:

The advertising for, and inviting of proposals or bids for doing any work ordered by the city council to be done in or upon any street, avenue, lane, alley, court or place, or in the construction of any sewer or drain, ordered by the city council in or over the right of way granted or acquired for such purposes;

The examining, considering and declaring of such proposals or bids;

The awarding, letting and reletting of contracts for doing any of said work so ordered, the giving notice of such award, the rejection of such proposals or bids for doing such work, and the granting of extensions of time for the completion thereof by the contractor therefor;

The approval and fixing of the amount of bonds required to be given by contractors prior to, or at the time of executing contracts for such work, and the fixing of the time in which such work shall be commenced and completed.

The board shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval of the awards of contracts for any of the work mentioned in this section.

The board of public works shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon any commission provided for by law to assess the benefits, damages and costs incident to a proposed change of grade of any public street, alley, lane or court.

The president of the board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval and fixing of the amount of bonds required to be given by contractors prior to, or at the time of executing contracts for such work.

The secretary of the board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the city clerk or the clerk of the city council relating to:

The receipt, care and custody of proposals and bids for doing any of the work mentioned in this section:

The care and custody of all checks and bonds accompanying such proposals or bids.

SEC. 4. The board of public works shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the city council:

Of all public ways, streets, avenues, boulevards, lanes, alleys places and courts now open or which may hereafter be opened in the City of Long Beach;

Of the manner of their use and occupation;

Of all work and improvements done in, on, over or under the same, and of all excavations made in or under the same;

Of the design, construction, maintenance and use of all sewers, drains and storm drains of the city, and all connections therewith;

Of the cleaning, sprinkling, maintenance, repair and lighting of all public ways, streets, avenues, boulevards, lanes, alleys, places and courts; the lighting of all public parks, and the lighting, heating and ventilating of all public buildings belonging to the city;

Of the design, construction, alteration, repair, maintenance and care of all public works and improvements, and of all public buildings belonging to the city;

Of the disposal of the garbage, sewage and street refuse;

Of all public utilities that are now or may hereafter be owned, controlled or operated by the city, except such as may be placed under other control herein.

SEC. 5. The board of public works shall have charge of the enforcement of all ordinances relating to the construction, alteration, repair, demolition, or removal of buildings or structures in the city; and of the arrangement, alteration and repair, use and operation of all heating, plumbing, lighting, ventilating, and electrical and mechanical appliances therein.

SEC. 6. All contracts for the performance or furnishing of labor, services, material, or supplies required for the execution of any work or service of which the board of public works has charge superintendence or control, except public work or improvement the cost and expenses of which are to be paid by assessment on property in proportion to frontage or benefits, shall be let or entered into in behalf of the city by the board of public works in the following manner:

Every such contract shall first be authorized by resolution passed by a vote of two thirds of the members of the whole council. The board shall, except in cases of urgent necessity, as hereinafter provided, within five days after the passage of the resolution, authorizing such contract, cause a notice to be published conspicuously in its office, and published once in a newspaper of general circulation printed and published in the City of Long Beach, inviting sealed bids for the performance of the work or service, or the furnishing of the materials or supplies contemplated. Said notice shall require the bids to be filed with the board at or before a certain hour of a day not less than five days subsequent to the day of the posting and advertising of said notice, and said notice shall contain a general description of the work or service to be done and of the materials or supplies to be furnished, the time within which the work or delivery is to be commenced and when to be completed, and the amount of the bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the board for full details and description of said work, service, material or supplies.

Said notice shall require each bid to be accompanied by a check certified by a responsible bank, payable to the order of the president of the board, for an amount not less than ten per cent of the aggregate sum of the bid, or by a satisfactory bond for the said amount and so payable, as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and the form and manner of making bids, may, in all other respects, be prescribed in said notice, and no bid shall be considered unless the same is accompanied by said check or bond, and is made in the prescribed form and manner. On the day and at the hour specified in the notice inviting bids the board shall meet and in open session examine and publicly declare the bids received, and shall thereupon, or at such other time as the board may then fix, award the contract to the lowest regular, responsible bidder, or shall reject all bids. The board may reject any or all bids, and shall reject the bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city, and shall reject all bids other than that of the lowest regular, responsible bidder. Upon rejecting any bids the board shall return to the proper parties the checks accompanying the rejected bids. The check accompanying the accepted bid shall be held by the secretary of the board until the contract for performing the work or service, or furnishing the materials or supplies proposed to be done or furnished has been entered into. If the successful bidder fails to enter into the contract or to execute the bond required for the faithful performance thereof within ten days after the same is awarded to him, then the certified check accompanying his bid shall be presented for payment and collected and the amount thereof paid into the general fund of the city. Every contract

entered into by the board shall first be approved as to form by the city attorney and shall contain detailed specifications and plans of the work or service to be done, the manner in which it is to be performed, and the quantity and kind of material or supplies to be used or furnished, or shall refer to such specifications and plans on file in the office of the board. Said contract shall be signed on behalf of the city by the president or by two of the members of the board, and by the other contracting party. The contractor shall enter into and deliver to the secretary of the board a bond, in the sum named in the notice inviting bids, conditioned for the faithful performance of the contract and executed by the contractor, and by a responsible surety company, or by two or more sufficient sureties approved by the board.

When any repairs, alterations, work or improvement shall be deemed of urgent necessity by the board, a contract for the performance or furnishing of the labor, materials or supplies required therefor may be made by the board in behalf of the city, in writing or otherwise without advertising for or inviting bids; *provided*, that if the contract for the furnishing of the labor, materials or supplies so required involves an expenditure of more than five hundred dollars, the resolution of the council authorizing the same shall, before it takes effect, be approved by the mayor.

SEC. 7. All instruments, warrants, records, certificates, notices or other documents required to be signed or executed by the board of public works shall be signed on order of the board by the president or by two members thereof.

The Department of Civil Service.

SECTION 1. There is hereby created a department of said city to be known as the Department of Civil Service, which shall be under the management and control of a board of three commissioners to be known as the Civil Service Commissioners.

Said commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. All such appointments shall be so made that not more than two members of the board shall at any one time belong to the same political party. The members of this commission shall serve without compensation.

The term of office of the civil service commissioners shall be two years. If any vacancy occurs the mayor shall fill the same for the unexpired term by appointment, with the affirmation of the council.

The commissioners shall organize by electing one of their number president and one secretary and they shall hold office for one year and until their successors have been elected and have qualified, unless the membership of either on the board sooner expires.

SEC. 2. The mayor, with the consent of the council, may remove any commissioner for incompetency, neglect of duty or malfeasance in office.

SEC. 3. Said commission shall classify all the offices and places of employment mentioned in section 11 of this subdivision with reference to examination herein provided for. The offices and places so classified by the commission shall constitute the classified civil service of the city; and no appointment to any such offices or places shall be made except under and according to the rules hereinafter mentioned.

SEC. 4. Said commission shall make rules to carry out the purposes of this article and for the examinations and appointments in accordance with its provisions, and the commission may, from time to time, make changes in such rules.

SEC. 5. All rules made as hereinbefore provided, and all changes therein, shall be printed for distribution by said commission. The commission shall give notice by publication in the official paper of the place or places where said rules may be obtained, and in such publication shall be specified the date, not less than thirty days subsequent to the date of said publication, when said rules shall go into operation.

SEC. 6. All applicants for office, places, or employments in said classified civil service, shall be subject to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, sex, health, habits and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and when appropriate, shall include, or exclusively consist of, tests of physical qualifications, health, and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations.

SEC. 7. Notice of time, place, and general scope of every examination shall be given by the commission by publication for two weeks preceding such examination in the official paper, and such notice shall also be posted in a conspicuous place at the city hall and in its office two weeks before such examination. Such further notice of examination shall be given as it may prescribe, *provided*, that, for registration in the class of unskilled laborers, medical or physical examinations may be made or held from day to day as applicants present themselves, and without previous notice.

SEC. 8. From the examinations made by the commission it shall prepare a register, in each grade or class of positions, in the classified civil service, other than

that of unskilled laborers employed by the day, of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of said commission and who are otherwise eligible, and such persons shall take rank upon the register as candidates in order of their relative excellence, as determined by their examinations without reference to the priority of the date of their examinations.

The commission shall also keep a register upon which shall be entered, in the order of their application, the names of all who apply for employment in the class of unskilled laborers, and who, after such medical or physical examination as the board may prescribe are found to be capable of performing in a satisfactory manner the duties of the occupation sought. In case any registered applicant in said class of unskilled laborers shall be employed and subsequently laid off or dismissed through lack of work, or through no fault of his own, that fact shall be forthwith certified to the board of civil service commissioners by the head of the department in which such laborer was employed, and he shall be restored to the original place upon the register.

Sec. 9. The commission by its rules provide for the promotion in such classified civil service on the basis of ascertained merit and seniority in service and examinations, and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination; and it shall be the duty of the commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating; but in fixing said rating a uniform allowance of credits to be stated at the time of the announcement of said examination, shall be made for each year of past service. The method of examination and the rules governing the same and the method of certifying, shall be the same as provided for applicants for original appointments.

Sec. 10. The head of the department in which position in the class of unskilled laborers employed by the day is to be filled shall notify said commission of that fact, and said commission shall thereupon certify to such officer or board the name and address of the applicant standing first in order on the register of unskilled laborers, and the applicant thus certified shall thereupon be employed by such officer or board.

The head of a department in which a position, classified under this article, except a position in the class of unskilled laborers, is to be filled, shall notify said commission of that fact, and said commission shall certify to such officer the name and address of one or more candidates, not exceeding three, standing highest on the register, for the class or grade to which said position belongs. In making such certification, sex shall be disregarded, except when some statute, the rules of said commission, or the appointing power specify sex. Said appointing officer or department shall notify said commission of each position to be filled separately, and shall fill such place from the names certified to him or it by said commission therefor. The candidate thus appointed shall be employed on probation for a period to be fixed by said rules, not exceeding six months. Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the grade or class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which the candidate is employed, may discharge him upon assigning in writing the reasons therefor to said commission. If he is not thus discharged during the period of probation, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department or any officer or board may, under such regulations as the commission may by its rules prescribe, make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointment, under the provisions of this article, can be made.

Sec. 11. The provisions of this article shall apply to the following departments of the city, to wit:

Police, fire, and such other departments or employees of the city as may hereinafter be enacted by ordinance.

Sec. 12. No officer or employee in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be removed or discharged except for cause upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be publicly investigated by the board of police commissioners in the case of an officer or an employee in the police department; by the board of fire commissioners in the case of an officer or employee in the fire department; and by the board of civil service commissioners in all other cases. If the board conducting such investigation shall find that sufficient cause is shown therefor, it shall order that such officer or employee be removed or discharged, such finding and decision shall be final, and except in the case of an officer

or employee in the police or fire departments, shall be certified to and be forthwith enforced by the appointing board or officer.

Nothing in this article shall limit the power of any appointing board or officer to suspend a subordinate for a reasonable period, not exceeding thirty days.

SEC. 13. Immediate notice in writing shall be given by the appointing powers, to said commission, of all appointments, permanent or temporary, made in such classified civil service, and of all transfers, promotions, resignations, or vacancies from any cause in such service, and of the date thereof, and a record of the same shall be kept by said commission. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change, shall immediately report in writing to said commission.

SEC. 14. The commission shall investigate the enforcement of this article and its rules, and the conduct and action of the appointees in the classified civil service in this city.

SEC. 15. Said commission shall make an annual report to the mayor for transmission to the council. The mayor may require a special report from said commission at any time.

SEC. 16. All officers of said city shall aid the commission in all proper ways in carrying out the provisions of this article.

SEC. 17. The council shall furnish said commissioners with suitable offices and shall provide furniture, books, stationery, blanks, heat and light, and is authorized and required to pay such other expenses as may be necessarily incurred by said commissioners in carrying out the provisions of this article.

SEC. 18. No officer or other person shall wilfully or corruptly, by himself or in cooperation with one or more other persons, defeat, deceive, or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined, of being employed, appointed or promoted.

SEC. 19. No applicant for appointment in said classified civil service, either directly or indirectly, shall pay or promise to pay any money or other valuable thing to any person whatever for or on account of his appointment, and no other officer or employee shall pay, or promise to pay, either directly or indirectly, any money or valuable thing whatever, for or on account of his promotion.

SEC. 20. The commission shall certify to the auditor all appointments to offices or places in the classified civil service, or vacancies occurring therein whether by dismissal, resignation or death, and all findings that a person shall be discharged from the classified civil service.

SEC. 21. The auditor shall not, nor shall any auditing or accounting officer of the city, approve any demand for the salary or wages of any person subject to the provisions of this article, for services as an officer or employee of this city, before the appointment of such person to the classified civil service has been certified, nor after the commission shall have certified to the auditor a finding made or approved by it under the provisions of this article, that such person be discharged from the classified civil service.

SEC. 22. All officers and employees, who, at the time of taking effect of this article, would be included in the classified civil service, and who shall have been continuously in the service of the city for a period of six months prior to the adoption of this article, shall be deemed to have the necessary qualifications required by the provisions hereof, and shall retain their respective positions until removed for cause, as provided herein. All officers and employees, who, at the time of the taking effect of this article, would be included in the classified civil service, but who have been in the service of the city for a period of less than six months, shall, during the period of six months from and after the taking effect of this article, be deemed to be serving under probation and be subject to the same regulations as other candidates serving under probation, as hereinbefore provided in this article.

SEC. 23. The city council of the City of Long Beach shall have power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this article.

Police Commission.

SECTION 1. The mayor, who shall be ex-officio a member and president of the board, and two citizens, to be appointed by the mayor with the consent of the council, shall constitute the police commission of the city. The appointive members of the board shall serve without compensation, not more than two of the entire membership shall be members of the same political party, and one of their number shall be chosen annually to serve as secretary of the board. The appointive members of the board shall serve for two years and until their successor have been appointed and have qualified.

SEC. 2. The board shall meet at least once a week.

SEC. 3. The salaries of members and employees of the police department, not herein elsewhere provided for, shall be fixed by the council by ordinance.

SEC. 4. The board shall prescribe the rules and regulations for the government of the members of the police department and fix and enforce the penalties for their violation.

SEC. 5. The police department shall consist of such officers and members as the council shall by ordinance determine. All appointments and removals in the department shall be made by the board subject to such civil service regulations as are now or may hereafter be in force.

SEC. 6. The board and the officers appointed under its direction shall have such further powers and be subject to such further duties as may be granted or imposed by ordinance.

Fire Commission.

SECTION 1. The mayor, who shall be ex-officio member and president of the board, and two citizens, to be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of fire commissioners of the city. The appointive members of the board shall serve without compensation, not more than two of the entire membership shall be members of the same political party, and one of their number shall be chosen annually to serve as a secretary of the board. The appointive members of the board shall serve for two years and until their successors shall have been appointed and have qualified.

SEC. 2. The board shall meet at least once a week.

SEC. 3. The salaries of members and employees of the fire department, not herein elsewhere provided for, shall be fixed by the council by ordinance.

SEC. 4. The board shall prescribe the rules and regulations for the government of the members of the fire department and fix and enforce the penalties for their violation.

SEC. 5. The fire department shall consist of such officers and members as the council shall by ordinance determine. All appointments and removals in the department shall be made by the board subject to such civil regulations as are now or may hereafter be in force.

SEC. 6. The board and the officers appointed under its direction shall have such further powers and be subject to such further duties as may be granted or imposed by ordinance.

Board of Health.

SECTION 1. The health department of the city shall be under the control and management of a board of health consisting of five members, four of whom shall be appointed by the mayor, by and with the consent of the council. The fifth member shall be the mayor who shall be the presiding officer. Members of this board shall serve for two years and without compensation. One of their number shall be elected annually to serve as secretary.

SEC. 2. Three members of the board shall constitute a quorum for the transaction of business.

SEC. 3. The board of health shall have supervision of all matters pertaining to the sanitary condition of the city and the public institutions thereof and full powers are hereby given the board over all questions of defective drainage, the disinfection and sanitary cleaning of all public and private places, the inspection of all the city food supplies, and the abatement of all nuisances prejudicial to the health of the citizens or any of them. The board shall exercise a general supervision over and be the custodian of all the death and cemetery records now owned or to be hereafter acquired by the city, and shall cause to be kept in books prepared for that purpose, complete records of all deaths and births occurring in said city. They shall adopt such forms and regulations for the use of physicians and undertakers as in their judgment may be best calculated to secure reliable vital and mortality statistics in said city, and prevent the spread of contagious and infectious diseases. They shall have power to prevent or forbid communication with infected families or houses, and with the consent of the council, may provide a pest house and the necessary attendants and supplies for the same or any pest house which may be in use.

SEC. 4. The council shall, by ordinance or otherwise, provide for enforcing such orders and regulations as the board of health may adopt; and all necessary expenses incurred by the board of health in carrying out the provisions of law and this charter shall be provided for by the city council, who are hereby authorized and directed to make an appropriation therefor out of the general fund.

SEC. 5. The board of health shall have power to appoint a health officer outside their own number whose duty shall be to see that the laws and ordinances of the city in relation to the public health and the regulations and orders of the board of health are properly enforced. He shall keep a full record of all the transactions of the board of health as well as all records pertaining thereto, and issue all permits for burials, cremations or removals in or from any of the cemeteries of the city, and no interments or cremations shall be made therein unless said health officer is satisfied of the correctness and reliability of the certificates of death presented

for his inspection. He shall have the power of a police officer, and shall make an extended annual report to the board of health of the affairs pertaining to his office, including mortuary and other statistics with such observations and recommendations in relation to the sanitary condition of the city as he may deem proper.

Sec. 6. The health officer shall visit once in each quarter, all public buildings and school houses in this city. During such visits he shall examine the manner in which they are lighted, ventilated and heated and particularly as to their sanitary condition, and shall promptly report to the board any changes that may seem to him to be needed for the preservation of the public health or of the health of children and teachers.

Sec. 7. The health officer shall promptly report in writing to the superintendents or governing authorities of all schools, the name and residence of every person sick with cholera, small-pox, scarlatina, diphtheria, or any contagious or infectious disease. Said superintendents, when so notified, must refuse admittance to the schools of any member of the household, one or more of whose inmates are sick from any of the aforesaid diseases. The person excluded shall be admitted on presenting a certificate from his or her attending physician countersigned by the health officer, or from the health officer, that there is no longer any danger from contagion. When a case of a contagious disease is reported to the health officer, he must visit the premises where the person is, and when satisfied that said disease exists, he shall place a flag or conspicuous notice on said premises which shall remain during the continuance of the disease on said premises.

Sec. 8. The health officer may cause to be removed to a small-pox hospital any person in said city affected with small-pox. When a case of small-pox exists in any house and the person so affected is not removed to said hospital or pest house the health officer shall immediately place a quarantine flag on said premises and may place a competent person in charge thereof who shall see that a quarantine is strictly enforced so long as public safety requires.

Sec. 9. The health officer shall be a physician, regularly licensed to practice medicine in the State of California, he shall be qualified to perform all the duties of a food and milk inspector and the board of health shall require of him such inspections of sufficient frequency and thoroughness to thoroughly safeguard the food and milk supplies of the city. He shall perform such other duties as the council and board of health may require of him.

Sec. 10. The health officer shall receive such compensation for his services as the council may determine.

Sec. 11. Every member of the board of health may administer oaths on matters connected with the health department.

Library Commission.

SECTION 1. The public library of the city shall be under the control and management of a board of commissioners, consisting of five members, four of whom shall be appointed by the mayor, subject to the confirmation of a majority of the council. The fifth member of the board shall be the mayor who shall be its presiding officer. The members of this commission shall serve for two years and without compensation.

Sec. 2. The city council, at the request of the board of library commissioners, in making the annual tax levy, and as a part thereof, if the maintenance of the library is not otherwise provided for, levy a sum of not less than five cents nor more than twenty cents on the one hundred dollars assessed valuation for the purpose of maintaining said library and reading rooms and purchasing books, journals, periodicals and other supplies therefor.

Sec. 3. If payment into the city treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of such donation or bequest, the board shall provide for the safety and preservation of the same and the application thereof to the use of such library in accordance with the terms or conditions of such donation or bequest.

Sec. 4. The title to all property, real and personal, now owned or hereafter acquired by purchase, donation, bequest or otherwise, for the purposes of said library, when not inconsistent with the terms of its acquisition, shall vest and be and remain in said city, and in the name of said city may be sued for or defended by action at law or otherwise.

Sec. 5. The board shall meet at least once each month and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect one of its members secretary and it shall be his duty to keep a full record of all the meetings of the board and of all its business transactions. He shall serve for one year and until his successor has been appointed and has qualified.

Sec. 6. The board shall have power:

To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the library, reading room and all the property belonging thereto;

To administer any trust declared or created for such library or reading rooms, and to provide memorial tablets and niches to perpetuate the memory of any persons who make donations or bequests thereto;

To purchase books, journals and publications and other supplies and personal property for the use of the library out of the funds provided for such purposes by the council;

To appoint a librarian and such other employees as may be necessary to properly conduct the said library and the reading rooms connected therewith, to prescribe their duties and the limits of their authority;

To do all that may be necessary to be done to carry out in full all the provisions of this charter relating to said library.

SEC. 7. The compensation of the librarian and of all the library employees shall be such as may be fixed by the board and shall be paid from the funds provided for the support of the library, subject only to the general provisions of this charter regulating the payment of moneys from the public funds.

Board of Education.

SECTION 1. The school department of the said city shall comprise all the public schools within the City of Long Beach or within the territory that is now, or may hereafter be, annexed thereto for school purposes, and shall be known as the Long Beach City School District, which shall succeed to all the property, rights and privileges of the former Long Beach City School District and shall consist of primary, grammar and high schools, as now established, and may, at the discretion of the board of education, include technical, industrial or night schools and detention home; *provided* that no school money shall be used for technical, industrial or night schools when such use would prevent the board from maintaining free primary, grammar and high schools for nine months in each year.

SEC. 2. The government of the schools will be vested in a board of education consisting of five members, who shall have been residents of the territory included in the district for the two years next preceding the day of their election. They shall be elected by the voters of the district at large on the first Friday in April following the date on which this charter goes into effect; *provided, however*, that said members so elected at the first election of the members of the board of education held after this charter becomes effective shall so classify themselves by lot that the term of office of two of them shall be for two years and of three of them for four years, and thereafter, alternately, on the first Friday in April of each odd numbered year, there shall be elected respectively, two and three members of said board of education, whose term of office shall be four years; *provided further* that the members of the board of trustees holding office at the time this charter becomes effective shall continue to perform the duties of such office until their successors have been elected and have qualified under the provisions of this charter. The officers of the election for members of the board of education shall receive the sum of three dollars each as compensation for their services.

SEC. 3. The board of education shall enter upon the discharge of their duties on the first Monday in May after their election and shall meet upon said day and annually thereafter and organize by electing one of their number president, whose term of office shall be one year.

Vacancies in the board of education shall be filled for the unexpired term by the remaining members of the board, and if there are no remaining members, by special election.

The board of education shall hold a regular meeting at least once each month. Special meetings may be called by the president, or by the written request of three members; but no business shall be transacted at such meetings that has not been distinctly stated in the call.

A majority of the members of the board of education shall constitute a quorum, but a vote of three members shall be required for passing all orders for the expenditure of moneys and for the election of teachers.

The sessions of the board shall be public and its minutes open to inspection. The board may determine its rules of procedure. The ayes and noes shall be taken and recorded when demanded by any member, and they shall be taken and recorded on all questions involving elections and appointments or the expenditure of money. All warrants shall be signed by the president, or the president pro tem when acting for him, and by the secretary of the board.

SEC. 4. The powers and duties of the board of education are as follows:

To establish and maintain public schools, as herein provided, and to change, consolidate and discontinue the same.

To manage and control school property.

To employ and dismiss teachers, janitors, school census marshals, probation officers and such other persons as may be necessary to carry into effect the powers and duties of the board; and to fix, alter, allow and order paid, their salaries or compensations, and to withhold for good and sufficient cause the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided* that no teacher shall be dismissed during the school year without good and sufficient cause; and *provided further* that the board shall notify in writing on or before the

first day of June of each year all teachers whose services will not be required for the ensuing year.

To prescribe the courses of study, to make and enforce any rules and regulations necessary for the progress and government of the public schools, and to carry into effect the laws relative to education.

To determine what text books, other than those published by the state, shall be used in said schools.

To provide for the school department all necessary supplies and incur such other incidental expenses as may be necessary for the welfare of the department.

To select plans for, and to supervise and control, the construction of school buildings; to alter, repair or rent the same, and to supply them with proper furniture, apparatus and appliances; and it shall be their duty to insure any and all school buildings and furniture.

To take charge of any and all real and personal property, that may have been or may be hereafter acquired for the use and benefit of the public schools of the district.

To grade, fence and improve all school lots.

To sue or defend suits, when necessary in administering the affairs of the school department; and to require the services of the city attorney therefor without compensation and, when desirable, to employ other or additional counsel; the city attorney shall be the legal adviser of the board without compensation.

To prohibit any child under six years of age from attending the public schools, except where kindergartens are established, and to fix the age, not less than four years, at which they may attend the kindergarten schools.

To admit non-resident children to any of the departments of the schools at the discretion of the board and on such terms as the board may determine.

To furnish books for children whose parents are unable to furnish them; and all books so furnished shall belong to the school district and shall be kept in the libraries of the schools when not in use.

To visit every school in the district at least once in each semester, and to examine carefully into its management, condition and wants.

To dispose of at public or private sale such personal property as shall be no longer required by the department and, when directed by the qualified electors of the district, at a meeting duly called for that purpose, to dispose of any real property belonging to the district and no longer convenient or necessary for its use, and to make in the name of the district conveyances of all real property sold under the provisions hereof.

Sec. 5. The board of education may and, upon a petition signed by a majority of the heads of families residing in the district, as shown by the last preceding school census, must call meetings of the qualified electors for determining or changing the location of one or more school houses, or for consultation in regard to any litigation in which the district may be engaged, or in regard to any of the affairs of the district. Such meetings shall be called by posting three notices in public places in the district, for not less than ten days prior to the time for which such meetings shall be called, which notice shall specify the purposes for which said meetings shall be called, and no other business shall be transacted at such meetings.

District meetings shall be organized by choosing a chairman from the electors present and the secretary of the board shall be the clerk of the meeting and shall enter the minutes thereof on the records of the district.

A meeting so called shall be competent to instruct the board of education.

In regard to the location or change of location of one or more school houses, and the use of the same for other than school purposes.

In regard to the purchase and sale of school sites or other real property of the district.

In regard to prosecuting, settling or compromising any litigation in which the district may be engaged or be likely to become engaged.

The board of education shall in all cases be bound by the instructions of the district meeting in regard to the subjects mentioned in this section.

Sec. 6. The board of education shall determine annually the amount of school tax necessary for the maintenance of free public schools and for carrying into effect all provisions of law regarding the same, and the amount so determined by said board of education shall be reported in writing to the board of supervisors of the county. This report shall specify the proper items and the amount of money required for each, in addition to state and county school money, to maintain grammar and primary schools, the amount required for high school purposes, and the amount required for such other public schools of the district as are then established, and what amount will be required to pay all fixed and incidental expenses, including the cost of erecting new buildings and of repairing, enlarging or improving old ones.

The board of supervisors of the county is hereby authorized and required to levy and the tax collector of the county to collect as school tax the amount reported by the board of education.

Sec. 7. The board of education may, when in their judgment it is advisable, call an election and submit to the electors of the district the question whether a tax shall be raised to furnish additional school facilities for the district, or for building

one or more school houses, or for any or all of these purposes. Such election shall be called and moneys employed in accordance with the general laws of the state governing elections for district school tax.

SEC. 8. The board of education may, when in their judgment it is advisable, and must, when petitioned by a majority of the heads of families residing in the district, call an election and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money to purchase school property, and for building or purchasing one or more school houses, for insuring the same and supplying the same with furniture and necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and for refunding any outstanding valid indebtedness evidenced by bonds or warrants thereof.

SEC. 9. All moneys raised for school purposes shall be paid into the county treasury to the credit of the proper school fund of said Long Beach City School District and shall be drawn out in the same manner as state and county money apportioned to the Long Beach City School District are drawn.

SEC. 10. The board of education shall receive and manage all property and moneys acquired by bequest or donation in trust for the benefit of any school, educational purposes, or school libraries: shall carry into effect the terms of any bequest not in conflict with the general laws or with this charter.

SEC. 11. The board of education shall elect its own secretary who shall not be a member of the board. They shall fix his salary and prescribe his duties. His term of office shall be at the pleasure of the board and he shall be empowered to administer oaths.

SEC. 12. The board of education shall elect a superintendent and shall fix his salary: such superintendent shall serve for a term of four years from and after the day of his election. Although not a member of the board he shall have all the rights and privileges of a member of the board except the right to vote.

The superintendent shall be the executive officer of the board of education and shall enforce all rules and regulations adopted by the board, and perform such other duties as the board shall designate.

He shall have general supervision of the schools and direct the methods of instruction therein.

He shall have regular office hours, when he may be consulted by patrons regarding school affairs: and his decision in all school matters within his jurisdiction shall be final, unless formally appealed from to the board of education.

The superintendent shall assign duly elected teachers to such grades, departments and schools as he shall deem best for the schools and he shall designate the duties of the various teachers, but no such assignment or designated duty shall conflict with a general rule of the board and, further, the board may, by vote of four members, change any assignment.

The superintendent shall make and enforce such regulations, not in conflict with the rules of the board, as shall be necessary for the efficient conduct of the schools.

He shall have full direction of the classification and promotion of pupils and, under the rules of the board, of the discipline of the schools.

He shall call such general and special meetings of the teachers as he shall deem advisable for carrying into effect the directions of the board and superintendent and for the instruction of the teachers in the science and art of teaching, and he shall enforce attendance on such meetings according to rules approved by the board.

He shall keep himself informed with regard to school systems in other cities and with regard to school law and he shall be the adviser of the board in all matters that concern the welfare and progress of the schools.

He shall, at the regular meeting in the month of June of each year, submit to the board a detailed statement of the amount, as nearly as may be ascertained, of fuel, blanks, blank books, books for indigent children, apparatus, and such other school appliances which may be necessary for the city schools and the board for the following year.

He shall annually, and oftener when desired, make a full report of the condition of matters under his jurisdiction, and shall make such recommendations as he shall deem best, and such annual report shall be published by the board for the information of the public and for exchange with other cities.

SEC. 13. Cause for dismissal of teachers, principals or superintendent shall be insubordination, immoral or unprofessional conduct, or evident unfitness for fulfilling the requirements of his or her position as such teacher, principal or superintendent.

SEC. 14. The board shall provide suitable rooms for itself and for the superintendent and such rooms shall be open to the public during such regular office hours as shall be established by a vote of the board.

SEC. 15. Upon report from the health officer of a case of contagious or infectious disease which he deems dangerous to the public health it shall be the duty of the superintendent to refuse admittance to the public schools to any person who may have been exposed to such disease or is in any manner liable to assist in its spread: *provided*, that parties thus excluded shall be readmitted upon presentation of a cer-

tificate from the attending physician countersigned by the health officer, or from the health officer, stating that there is no longer any danger from contagion.

The building inspector of the city shall be the building inspector of the school district and shall inspect all school buildings at least once each year and recommend such alterations and repairs as he shall deem desirable. He shall also supervise the construction of all new buildings under the direction of the board.

Sec. 16. In all matters not specifically provided for in this charter the board shall be governed by the provisions of the general law relative to such matters.

ARTICLE VIII.

STREETS.

SECTION 1. Except as provided herein, the general law of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places and sidewalks, including the construction of sewers, establishing of and changing grades of streets, and providing for the laying out, opening, widening, straightening or closing up, in whole or in part, of any street, square, lane, alley, court or place within the municipality, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within the municipality, and to provide for the payment of such bonds; and providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts, and places within the municipality, and of hedges upon the lines thereof, and for the eradication of weeds within the city limits, now in force, or which may hereafter be adopted by the legislature of this state, is hereby made a part of this charter, and shall govern the city council in such matters.

ARTICLE IX.

CONTRACTS.

SECTION 1. The City of Long Beach shall not be and is not bound by any contract, except as otherwise provided herein, unless the same is made in writing by order of the council and signed by the mayor or by some other person in behalf of the city authorized so to do: *provided* that the approval of the form of the contract by the city attorney shall be endorsed thereon before the council shall have power to order the same to be entered into in behalf of the city: but the council, by an ordinance duly adopted, may authorize any officer, board, commission or agent of the city to bind the city without a contract in writing for the payment of supplies, labor or other valuable consideration furnished to the city in an amount not exceeding two hundred dollars.

SEC. 2. All contracts for goods, merchandise, stores, supplies, materials, subsistence or printing, except as otherwise provided in this charter, for the city or for any of the departments or public institutions thereof must be made by the city council with the lowest bidder offering adequate security for the faithful performance of the contract, after the publication of a notice calling for bids in a newspaper published in said city for at least ten days before the day upon which the said bids are to be opened by the council.

SEC. 3. All bids must be accompanied by a certified check, drawn on a solvent bank doing business in the county of Los Angeles for an amount equal to ten per centum of the bid: the said certified check must be payable at sight to the city clerk. If the bidder to whom the contract is awarded shall for five days after such award fail or neglect to enter into the contract and file the required bond, the clerk shall draw the money due on such check and pay the same into the treasury, and under no circumstances shall the check or the proceeds thereof be returned to the defaulting bidder.

SEC. 4. The council shall require bonds with sufficient sureties for the faithful performance of every contract. All such bonds, after having been approved by the city attorney as to form, shall be approved by the mayor, and such approval with the date thereof shall be endorsed upon said bonds and evidenced by the signature of the mayor. The city clerk shall furnish printed blanks for all such bids, contracts and bonds.

SEC. 5. All bids must be placed in a sealed envelope and delivered to the city clerk and opened by the council at the hour and place to be stated in the notice calling for bids. All bids that do not conform to the requirements of this charter or are not in accord with the terms of the notice calling for bids must be rejected. The clerk shall return to the unsuccessful bidders their certified checks. He shall retain the check of the successful bidder until after the execution of the contract and the approval by the mayor of the bond furnished by such bidder for the faithful performance of his contract, and then shall return such check to such successful bidder.

SEC. 6. All contracts for official advertising shall be let annually to go into effect on the first Monday in July in each year, in a like manner to the lowest responsible bidder publishing a daily newspaper of general circulation in the city, *provided*, that the said newspaper shall have been in existence at the time of the award of said contract at least one year.

SEC. 7. When a contractor fails to enter into a contract awarded to him or to perform the same, new bids must be invited and a new contract awarded as provided herein in the first instance. When the council believes that the prices bid are too high, or that bidders have combined to prevent competition, or that the public interest will be subserved thereby they may reject any and all bids and cause the notice calling for bids to be readvertised.

SEC. 8. No contract for power, gas, electric light, removing garbage, sweeping, sprinkling or lighting the streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contracts to pay for power, gas or electric light at a higher rate than the minimum price charged to any other consumer be valid.

ARTICLE X.

CLAIMS AND DEMANDS.

SECTION 1. Except as otherwise provided in this charter all demands payable out of the treasury must, before they can be approved by the auditor or paid by the treasurer, be passed by the council.

SEC. 2. All claims and demands whatever against the City of Long Beach, except interest upon bonds, and bonds of the funded debt, shall be paid out on demands as herein provided for.

SEC. 3. Said demands, except demands payable out of the school and library funds, shall be presented to the council on forms to be supplied by the city clerk. The council shall consider the said demands and shall, if the same be just and legal, approve the same, or may, if it so determine, approve in part or reject the whole. The action of the city council shall be indorsed thereon, with the date of such action, and certified by the signature of the city clerk.

SEC. 4. Any such demand, approved by the council, in whole or in part, shall be delivered to the auditor, who shall approve the same in whole or in part, or reject the same and indorse such approval or rejection thereon with the date of such action; *provided* that the auditor shall have no power to approve a demand for a sum larger than the sum for which it is approved by the council. If the auditor approves only in part or for a less amount than approved by the council, or reject any such demand he shall return the same to the city clerk with his objections in writing attached thereto.

SEC. 5. If the auditor shall approve any demand he shall specify the fund from which it is to be paid. If the claim is rejected in whole or as to any part of it (unless the party presenting it is willing to accept and receipt in full of the entire demand the sum offered), the auditor shall return it, with his reasons for rejecting it, to the council, board or other body which originally authorized it. No demand upon the city treasury shall be considered presented for action or acted upon, allowed or approved by the council or any board or commission of said city, unless it specifies on its face each item composing said demand, and the amount and date thereof.

SEC. 6. Every demand shall be numbered and acted upon by the auditor in the order of its presentation to him; and when allowed either in whole or in part, it shall be numbered and entitled to payment in the same order as allowed.

SEC. 7. All demands payable out of the library fund must, before they can be approved by the auditor, or paid, be previously approved by the board of library trustees by a vote of three members thereof, taken with the ayes and noes, and spread on the minutes of the board, and the action of said board, with the date of such action indorsed on said demands, be signed by the presiding officer and by the clerk of said board. After the approval of said demands, as herein provided, they shall be delivered to the auditor who shall have the same power, and perform the same duties in reference to demands payable out of the library fund as are provided for other demands; *provided*, that in case the auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part, he shall return the same to the board of library trustees.

SEC. 8. Any demand returned to the council, with the objections of the author, shall again be considered by the council, and if it shall again be approved by the council and indorsed and certified as required by Section 3 of this article, the said objections shall be thereby overruled. Any demand returned to the board of library trustees with the objections of the auditor, shall again be considered by such board, and if such demand be again approved as required in the first instance, the said objection by the auditor shall thereby be overruled. Any demand, the objection of the auditor to which has been overruled, shall be returned to said auditor who shall have the same power and perform the same duties in reference thereto as if the same had been at first approved by him. All such demands shall be numbered and recorded by the auditor in the same manner as those which are approved by him.

SEC. 9. No demand can be approved by any board or any officer, audited or paid, unless it specify each several item, with the date and amount thereof.

SEC. 10. No payment can be made from the city treasury, or out of the public funds of said city, unless the same be specially authorized by law or this charter, nor unless the demand which is paid be duly audited as in this charter provided.

The term "audited," as used in this charter, with reference to demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon and approved by every officer and board of officers as required by the charter, or the objections of the auditor have been overruled as herein provided, and this must appear upon the face of the paper representing the demand, or else it is not audited.

SEC. 11. No demand shall be approved by the auditor in favor of any person or officer, or the assignee of any person or officer, who is indebted to the city, without first deducting the amount of such indebtedness, nor in favor of any officer having the collection, custody or disbursement of public funds who shall have failed to account to the city as required by law or this charter; nor in favor of any officer who shall have neglected to make his official returns or report in writing in the manner or at the time required by law or this charter, or by the ordinances or regulations made in pursuance thereof; nor in favor of any officer who may have neglected or refused to comply with any of the provisions of this charter or ordinances of the city, or any act of the legislature regulating the duties of such officer on being required in writing to comply therewith by the mayor or the president of the council; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office during the office hours prescribed by this charter or by ordinance, and the auditor may examine any officer receiving a salary from the treasury on oath touching such absence.

SEC. 12. The auditor must number and keep a record of all demands on the treasury approved by him, or his objection to which have been overruled, showing the number, date, amount and name of the original and present holder, on what account allowed, out of what fund payable and by what officer or board it has been previously approved; and it shall be a misdemeanor in office for the auditor to deliver any demand with his approval thereon, or otherwise, until this requisite has been complied with.

SEC. 13. Every lawful demand upon the treasury, audited and allowed as in this charter required, shall in all cases be paid upon presentation if there be sufficient money in the treasury applicable to the payment of such demand, and the demand canceled with a punch cutting the word "canceled," therein and the proper entry thereof made. If, however, there be not sufficient money so applicable, then it shall be registered in a book kept for that purpose by the treasurer; such register shall show the special number given by the council or other authority and also by the auditor to each demand presented; also when presented the date, amount, name of original holder and on what account allowed, and against what appropriation drawn, and out of what specific fund payable. All demands shall be paid in the order of their registration. Each demand upon being so registered shall be returned to the party presenting it, with the indorsement of the word, "registered," dated and signed by the treasurer; but the registration of any demand shall not operate to recognize or make valid such demand if incurred contrary to law or any of the provisions of this charter.

SEC. 14. Nothing in this article contained shall be construed as interfering with or preventing the payment by the city treasurer of the bonded indebtedness of the city, and the interest coupons thereof, in accordance with the constitution, laws and ordinances authorizing the issuance of said bonds.

SEC. 15. Before any demand which originates in the fire, police, or park departments of the city government can be approved by the council it must first be approved by the board of commissioners having charge of such approval, must be indorsed on such demand and must be evidenced by the signature of the presiding officer of such boards and by the clerk of each.

SEC. 16. All public moneys collected by any officer or employe of the city shall be paid into the city treasury upon written order by the auditor designating the fund to which it belongs, without deduction on account of fees, commissions, or any other cause or pretense; and the compensation of any officer, employe, or other person so collecting money shall be paid by demands on the treasury, duly audited as other demands are audited and paid.

SEC. 17. No suit shall be brought upon any claim for money or damages against the City of Long Beach, its board of education, or the board of library trustees, until a demand for the same has been presented, as herein provided, and rejected in whole or in part.

ARTICLE XI.

REVENUES AND TAXATION.

SECTION 1. On or before the first Monday in July in each year the several heads of departments, offices, boards and commissions shall send to the city council an estimate in writing of the amount of expenditure, specifying in detail the object thereof, required in their respective departments, offices, boards and commissions during the year. Duplicates of these estimates shall be sent to the auditor.

SEC. 2. On or before the first Monday of July of each year, the assessor shall complete his list or assessment roll and shall attach his certificate thereto and deliver it and the books, and maps he may have accompanying the same and all the original lists of property given to him to the city auditor, and the auditor shall thereupon notify the city council and the city clerk shall thereupon notify the taxpayers of

the fact and of the time the city council will meet to equalize assessments, by publication of such notice in a daily newspaper published in the city, and in the meantime the assessment roll, books, maps and other papers accompanying the same must remain in the office of the city auditor for the inspection of all persons interested.

SEC. 3. The mode of making out assessment lists, of ascertaining the value of property and of equalizing the same shall be such as is now or may hereafter be prescribed by the ordinances of the city.

SEC. 4. The council shall, on the second Monday of July, sit and act as a board of equalization and be in continuous session during a period of two weeks, and shall have as regards the equalization of said lists powers similar to those conferred by law upon the board of supervisors of Los Angeles county as a board of equalization of state and county taxes.

SEC. 5. The meetings of said board of equalization shall be public. The said board shall have power to increase or diminish the amount of any assessment on said lists, both as to real and personal property; *provided*, that before any such assessment shall be increased, due notice shall be given to the owner or owners of the property the assessed value of which shall be increased, and such owner or owners shall have the right to be heard before the board, under oath. When such assessment list or roll has been equalized it shall be returned by the council to the auditor.

SEC. 6. On or before the first Monday in August in each year, the auditor shall prepare and transmit to the council an estimate of the probable expenditures of the city for the current fiscal year, giving the amount required to meet the interest and sinking funds for any outstanding funded debts, together with the amounts needed for salaries and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be apportioned to each fund in the treasury. The estimate shall also show what amount of income and revenue is likely to be collected from fines, licenses, and all other sources of revenue exclusive of taxes upon property; and shall set forth the probable amount that will be required to be levied and raised by tax upon all property in the city to meet the requirements of such fiscal year.

SEC. 7. The council shall, annually between the first and second Mondays of August, and by a vote of a majority of all the members thereof, make a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the city for the fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the council may determine.

SEC. 8. The budget shall, when completed by the council, be delivered to the mayor, who may within five days after such delivery to him veto any item in said budget in whole or in part, and it shall require the vote of at least five members of the council to overcome such veto. After the final estimate is made in accordance herewith, it shall be signed by the mayor and city clerk and the several sums shall then be appropriated for the fiscal year to the several purposes and departments therein named. The estimate shall thereupon be filed in the office of the auditor.

SEC. 9. The council must cause to be raised annually according to law and collected by tax the amounts so appropriated, less the amounts received from fines, licenses and other sources of revenue.

SEC. 10. The council may appropriate in the aggregate during each year not to exceed one thousand dollars for necessities not otherwise provided for by law, but no money shall be paid out of this appropriation unless authorized by a vote of at least four members of the council and approved by the mayor.

SEC. 11. The council shall, before fixing the rate of the annual city tax, establish by ordinance separate funds representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditures, including a general fund, and the percentage of the tax levy shall be named for each fund, and the whole amount of the taxes and revenue of the city apportioned accordingly, and no transfers shall be made, except of balances in excess of requirements or from the general fund to meet deficiencies in any fund, unless otherwise provided in this charter.

SEC. 12. The council shall, on or before the first Monday of September, in each year, by ordinance, fix the rate of taxes to be levied, and levy the tax upon all property, both real and personal, in the city necessary to raise sufficient revenue to carry on the various departments of the municipal government for the current fiscal year; *provided*, that the rate of taxes so levied shall not exceed, in any one year, one dollar for each one hundred dollars upon the assessment roll, exclusive of what may be necessary for the payment of the principal and interest on the bonded indebtedness of the city for school and library purposes.

SEC. 13. As soon as the city council has fixed the rate of taxes for the year, the auditor must complete, and enter into a separate column in the assessment book, the respective sums in dollars and cents, rejecting the fractions of a cent, to be paid on the property therein enumerated, and foot up the columns, showing the total amount of taxes, and on or before the fourth Monday in September he must deliver said corrected and completed assessment book to the city tax collector, and charge the collector with the full amount of the taxes levied.

SEC. 14. Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the party against whom such assessment is made. Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment shall not be satisfied nor discharged until the tax assessed against the property is paid, or the property sold for the payment thereof.

SEC. 15. The city shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of state and county taxes levied in Los Angeles county. The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of state and county taxes in said county; *provided, however*, that the council may, by ordinance, regulate the time or times and the method of the collection of said taxes within each fiscal year, and prescribe by what officer the respective duties appertaining to such collection and enforcement shall be performed. All such proceedings, sales, certificates and conveyances had, made, and executed by them in pursuance thereof, shall be of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of the collections of state and county taxes in said county.

SEC. 16. All sales for delinquent taxes shall be made to the City of Long Beach unless otherwise regulated by ordinance.

SEC. 17. The council may, by an order entered upon its journal, extend for not exceeding thirty days the time fixed in this article for the performance of any act.

SEC. 18. All fines and forfeitures arising under the revenue and taxation laws as applied to the city, may, in civil cases, be recovered in the name of the city, and, together with all other moneys collected or received by any officer of the city, under said laws, shall be for the use of the city. When real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city in like case and in like manner, and with like effect as it may be struck off or sold to the state when offered for sale for state and county taxes, and the council shall have the same powers and duties in relation to such property as are given by law to the state board of equalization in case of a sale to the state, but no certificate or receipt need be delivered to the state controller.

SEC. 19. No officer shall be required to send or transmit any statement or report to any state, officer or board.

SEC. 20. All papers and instruments required to be filed or recorded with or by the county recorder by the revenue or taxation laws of this state, shall, under said laws as applied to the city, be, in like manner and with like effect, filed with and recorded by the county recorder of Los Angeles county.

SEC. 21. Whenever the council shall determine that the public interest requires the construction, or acquisition, or completion of any permanent municipal building, school building, high school building, sewer, property, water right, bridge, or other public improvement, or utility, the cost of which, in addition to the other expenditures of the city, will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a debt for such purpose, and proceed therein as provided in section eighteen of article eleven of the constitution of this state and general law or laws thereof; *provided*, that such indebtedness shall not bear more than five per cent interest per annum, and that no bond issue therefor shall be sold for less than par value and to the highest bidder, after advertising for sealed proposals therefor.

SEC. 22. It shall be the duty of the assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes. In all such cases he shall be governed in fixing the amount of the tax by the rate of the tax levied for the preceding year.

SEC. 23. Immediately after fixing the assessment of such property he shall serve on its owner or owners a notice in writing, which shall certify the assessed valuation of the property, the rate of taxation, and the amount of tax payable, and contain a demand for the payment of said tax within three days after the service of said notice. Said notice shall be served personally, or by leaving a copy of the same at the last known place of residence of the person whose property is so assessed. Upon the expiration of said three days after such service, if the tax demanded still remains unpaid, or payment thereof be not secured to the satisfaction of the city attorney and city assessor, the assessor shall forthwith proceed to collect the same by seizure of any personal property owned by the delinquent.

SEC. 24. The said sale shall be made by him in the manner provided in sections thirty-seven hundred and ninety-one, thirty-seven hundred and ninety-two,

thirty-seven hundred and ninety-three, thirty-seven hundred and ninety-four, thirty-seven hundred and ninety-five, and thirty-seven hundred and ninety-six of the Political Code of the State of California: *provided*, that the newspaper referred to in section thirty-seven hundred and ninety-two shall be published in the City of Long Beach.

SEC. 25. As soon as the rate is fixed for the year in which such collection is made, if it be found that a sum in excess of said rate has been collected, the excess must be repaid in the same manner as other demands against the city are paid, to the person from whom the collection was made, or his assigns. And if a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected.

SEC. 26. Should the board of equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess of said reduced valuation must be repaid in like manner to the person from whom the collection was made, or to his assigns. And if the valuation of said property should be increased by said board, then the deficiency must be collected as other taxes on personal property are collected.

SEC. 27. The assessor shall carefully note upon his assessment list, and also in a book to be kept by him for the purpose, all collections made by him under this section, and shall turn over to the city treasurer all money received immediately upon its receipt.

SEC. 28. In case the assessor shall fail to demand, and through his fault to collect, any and all taxes which by this section he is directed to collect, he shall be and become personally liable to the city for the amount of said delinquent taxes, with interest from the date of their assessment; and the council is authorized and directed to cause proper action or actions at law to be brought against said assessor and the sureties on his official bond to recover the same.

ARTICLE XII

FRANCHISES.

SECTION 1. In the granting of franchises the city and city council shall be governed by the general law of the state in force at the time, which is hereby declared to be, and is hereby made, a part of this charter, so far as it is or may be applicable to the class of cities to which this municipality may belong.

ARTICLE XIV.

JUDICIAL DEPARTMENT.

SECTION 1. There is hereby created and established in and for the City of Long Beach a police court, which is hereby vested with the judicial powers of the city.

SEC. 2. The police court shall be presided over by a judge who shall be elected by the qualified electors of the city and shall serve for a term of two years.

SEC. 3. The judge of the police court shall be a regularly qualified elector of the state and shall have been a resident of the city for the two years next preceding the date of his election to the office.

SEC. 4. The said police court shall have jurisdiction of the following offenses committed within the corporate limits of the city:

Petit larceny.

Assault or battery not charged to have been committed upon a public officer in the discharge of his duties, or to have been committed with such intent as to render the offense a felony;

Breaches of peace, riots, affrays, committing a wilful injury to property, and all misdemeanors punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both such fine and imprisonment.

The said police court shall have exclusive jurisdiction:

Of all proceedings for the violation of any ordinance of the city, both civil and criminal;

Of any action for the collection of taxes or assessments levied for any city purpose, when the amount of the tax or assessment sought to be collected of the person assessed is less than three hundred dollars; but no lien upon the property taxed or assessed for the non-payment of the taxes or assessments can be foreclosed in such action;

Of any action for the collection of any money payable to the city or from the city to any person when the amount sought to be collected, exclusive of the interest and costs, is less than three hundred dollars;

For the breach of any official bond given by any city officer, or for the breach of any contract and any action for damages in which the city is a party, and upon all forfeited recognizances given to or for the benefit or in behalf of the city, and upon all bonds given upon any appeal taken from the judgment of the court in any of the cases above named, where the amount claimed, exclusive of costs, is less than three hundred dollars;

For the recovery of personal property belonging to the city, when the value of the property, exclusive of the damages for the taking or detention, is less than three hundred dollars.

SEC. 5. In the exercise of his jurisdiction the police judge may punish persons guilty of contempt of court, and may issue warrants of arrest, subpoenas, venires, executions and all other process necessary and proper and may administer oaths.

SEC. 6. In all cases in which the judge of the police court is interested or in which he is related to a party to the action or proceeding, either by consanguinity or affinity within the third degree, and in case of his absence, sickness or inability to act, any justice of the peace of Los Angeles county may, at the written request of the judge, act in his stead.

SEC. 7. The judge of the police court shall keep a record of the proceedings of the police court in all matters and cases before said court, and shall pay weekly into the city treasury all fines and other moneys received by him, belonging to the city. He shall, on the first Monday in each month, file with the auditor an exact and detailed account in writing, under oath, of all fines imposed and collected, and of all fines imposed and not collected, and of all other moneys collected by him for or on behalf of the city.

SEC. 8. The city shall furnish a suitable room for said police court and shall also furnish the necessary dockets and blanks for the use of said court.

SEC. 9. All fees received or collected by said court shall be the property of the city.

SEC. 10. The rules of practice and modes of proceeding in the police court shall be the same as are, or may be, prescribed by law for justice courts in like cases and appeals may be taken to the superior court of the county from all judgments of said police court in like manner and with like effect as in cases of appeals from justice courts.

ARTICLE XV.

ELECTIONS.

SECTION 1. Elections to be held in said city for the purpose of electing the officers of said city, and for all other purposes, are of two kinds;

(1) General municipal elections.

(2) Special elections.

SEC. 2. General municipal elections shall be held in said city on the first Tuesday in December, 1907, on the first Tuesday in December, 1909, and on the first Tuesday in December every two years thereafter, at which shall be elected:

A Mayor.

Seven members of the City Council.

A Clerk, who shall be ex-officio Assessor.

Attorney.

Treasurer.

Police Judge.

Auditor.

Tax and License Collector.

SEC. 3. All officers provided to be elected by this charter shall take office on the first Monday after the first day of January next after their election.

For the sole purpose of election of the officers directed by this charter to be elected by the people, this charter shall take effect immediately after its approval by the legislature; and such election shall be managed and conducted in accordance with the general election laws of the state. For all other purposes this charter shall take effect on the first Monday after the first day of January, 1908.

In the case of a special election to fill a vacancy, the person elected shall, after qualifying, as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected, and shall serve for the remainder of the term and until his successor shall have been elected and qualified.

SEC. 4. In the event of a vacancy in the city council, a special election for the purpose of filling the same shall be ordered and held without delay. In the event of a vacancy in any other elective office the council shall fill such vacancy for the unexpired term.

SEC. 5. The council shall have power to submit to the electors of said city at any election any question required to be so submitted by the constitution, the law, this charter, or by ordinance: *provided*, that in case such questions is required by said constitution, law, charter or ordinance to be submitted at special or other particular kind of election, it shall be so submitted, and not otherwise.

THE INITIATIVE.

SEC. 6a. Any proposed ordinance may be submitted to the council by a petition signed by the registered voters of the city equal in number to the percentages hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature, his place of residence, giving the street and number. One of the signers of such paper shall make oath before an officer competent to administer oaths, that the statements therein made are

true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay.

If the petition accompanying the proposed ordinance be signed by electors equal in number to thirty per cent. of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote under the provisions of section 6b of this charter); and if the ordinance shall be passed by the council, but shall be vetoed by the mayor, and on reconsideration shall fail of passage by the council, then, within five days after determination that said ordinance shall have so failed of final adoption, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people; or,

(b) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to at least ten per cent. but less than fifteen per cent. of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

The ballots used when voting upon said proposed ordinance shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a binding and valid ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section: *provided* that there shall not be held under this section of the charter, more than one special election within a period of 12 months.

The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the city clerk shall cause the ordinance or proposition to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least ten days prior to the election, but the city council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition, and of the sample ballot as first above provided.

THE REFERENDUM.

SEC. 6b. No ordinance passed by the city council (except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the council, but no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendary vote herein provided), shall go into effect before thirty days from the time of its final passage and its approval by the mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least twenty-five per cent of the entire vote cast for all candidates for mayor at

the last preceding general election at which a mayor was elected, protesting against the passage of such ordinance, he presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same is not entirely repealed, the council shall submit the ordinance as is provided in section 6a of this charter, to the vote of the electors of the city, either at the next general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section 6a, except as to the percentage of signers, and be examined and certified by the clerk in all respects as is therein provided.

THE RECALL.

SEC. 6c. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least 40 per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding the election of a successor of the person sought to be removed, shall be filed with the city clerk; *provided* that the petition sent to the council shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay. If the petition shall be found to be sufficient the city council shall order, and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The city council shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared, in all respects as are other city elections.

The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself and, unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

SEC. 7. If any special election be ordered held and conducted, it shall be ordered, held and conducted (except as to the date thereof) and the result thereof made known and declared, in the same manner as herein provided for other elections.

SEC. 8. The council of said city shall by ordinance order the holding of all elections. Such ordinances shall specify the object and time of, and place and places within the limits of each ward, for the holding of such election, and the names of the inspector and judges for each ward or precinct of each ward as the case may be, who must be residents thereof, to conduct the holding of and make returns of such election; *provided* that the council may by said ordinance divide any of the wards into two or more precincts, specifying the boundary of each precinct, and provide for the holding of an election in each of said precincts. Said ordinance shall be published in some daily newspaper, printed and published in said city, for at least ten days prior to the time appointed for the holding of the elections.

SEC. 9. Returns of all elections shall be made to the council, who shall, within ten days thereafter, either at a regular or special meeting, canvass the returns and declare the result thereof, and order certificates of election to be issued by

the city clerk to the persons elected. The council shall be the judge of the qualifications of all the elective officers.

Sec. 10. All elections shall, in all other respects, be conducted and held in accordance with the provisions of the laws of the state for the holding of general elections in effect at the time.

Sec. 11. No person shall be eligible to any municipal office under this charter who at the time of his election or appointment is not a qualified elector of this city and to be eligible to the office of member of the council, the person elected must also have been a resident of the ward from which he is elected for at least two years next preceding his election; and in case any member of the council shall remove from the ward which he represents, his office shall immediately become vacant and shall be filled as directed in this charter: *provided, however*, that in case the boundaries of any ward are changed, no member of the council whose residence is thereby included within a different ward from that from which he was elected shall lose his office by reason of such change.

Sec. 12. The qualifications of an elector at any election held in pursuance of this charter shall be the same as those prescribed by the laws of this state for an elector at a general state election, in force at the time of such election: *provided* that when any such municipal election is held after the completion of the register for any general state election, all persons who are on the last such register completed, and also all persons who have registered since the completion thereof, and before the closing of registration for such municipal election, shall be entitled to vote at such municipal election. Registration and transfers of registration for any such municipal election shall cease for the same period before the holding thereof as it or may be provided in the case of general state elections.

It shall be the duty of the county clerk of the county of Los Angeles to keep his office open for registration for at least sixty days prior to the closing of registration for at least sixty days prior to the closing of registration for such municipal election, and to register all qualified electors of said city who may apply for such registration during that time.

Sec. 13. The registers used at any election held in pursuance of this charter shall be the registers used at the last preceding general state election in the precincts in which such municipal election is held, together with supplemental registers showing all additional registrations, transfers and changes since the closing of registration for such general state election. It shall be the duty of the county clerk of the county of Los Angeles to furnish such registers with proper indices thereto, to the city clerk of said city at least five days before the holding of such municipal election.

Sec. 14. The present officers of the city shall hold, continue to hold and exercise their respective offices until the election or appointment and qualification of the first officers to be elected or appointed under this charter, with the powers and duties vested in and imposed upon them by the charter and the ordinances of the city under which they were elected.

MISCELLANEOUS PROVISIONS.

SECTION 1. In all cases where lands in the city shall hereafter be subdivided and laid out into blocks or lots, streets and alleys, or when new streets, alleys or public places are laid out, opened, donated or granted to the public, the map or plat thereof shall be submitted to the council and the city engineer for their approval, and if such council and engineer approve the same such approval shall be endorsed upon such map or plat, the approval of the council being evidenced by the certificate of the clerk thereof and no street, alley or public place hereafter opened and by such map or plat dedicated as such, shall become or be accepted by the council as a public street, alley or place or be subject to any public improvement, without such approval or endorsement.

Sec. 2. No councilman or other city officer or employé shall be interested, directly or indirectly, in any contract to which the city is a party or which is made by any officer of the city in behalf of the city. And any such contract in which any such councilman, officer or employé is interested shall be void. Any violation of this section by any such councilman, officer or employé shall be a misdemeanor and be punishable as such, and upon conviction the office of such councilman, officer or employé shall be declared vacant by the council. And such vacancy shall be filled as herein provided for the filling of other vacancies.

Sec. 3. No recourse shall be had against the City of Long Beach for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation or embankment; nor shall there be any recourse against the city for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or for want of repair of any sewer, nor shall there be any recourse against the city for damages to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court or place, or by the falling from any embankment thereon or into any excavation therein; but in any such case the person or persons on whom the law may have imposed

the obligation to repair such defect in the sidewalk, street or public highway, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired shall be jointly and severally liable to the party injured for the damages sustained.

SEC. 4. In any action, suit or proceeding in any court concerning an assessment of property or levy of taxes authorized by this charter, or the collection of such taxes, or in the proceedings consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regularly and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is by this charter committed or left to the discretion of the mayor or council or other authorities of the city such discretion or judgment, when expressed or declared, is final, and cannot be reviewed or called in question elsewhere.

SEC. 5. In all prosecutions for violation of city ordinances, rules or other regulations, whether in the court of original jurisdiction or in any appellate court, it shall not be necessary to plead the contents of such ordinance, rule or regulation, but the court before which the prosecution is pending shall take judicial notice of such ordinance, rule or regulation and of the contents thereof; and in any civil action in which the city is a party either as a plaintiff or defendant the adoption and contents of any ordinance, rule or regulation, of said city may be prima facie proven by the introduction of the original thereof on the journal of the proceedings of the council, or by a copy of such entry, certified to by the city clerk under the seal of the city to be a full, true and correct copy of such original entry.

SEC. 6. The fiscal year of the city shall begin on the first day of July of each year and end on the thirtieth day of June following.

SEC. 7. All ordinances and resolutions of the city and all regulations or rules prescribed by or for the government of any of its departments, officers or employes, which are in force at the time of the taking effect of this charter and which are not inconsistent therewith, shall continue in force until altered, amended or repealed.

SEC. 8. All rights, actions, proceedings, prosecutions and contracts of the city, or any of its departments or officers, in progress, begun or in existence at the time of the taking effect of this charter, and not inconsistent therewith, are hereby preserved, and shall continue to be valid, and the same shall be enforced, continued or completed in all respects as though vested or begun hereunder.

SEC. 9. In all matters pertaining to municipal affairs, concerning which special provision is not made in this charter, the general laws of the state in force at the time are hereby declared to be, and shall be, a part of this chapter so far as the same are or may be applicable to the class of cities to which this municipality may belong.

SEC. 10. Whenever the word "city" occurs in this charter it means the City of Long Beach, and whenever any department, board or officer is mentioned in this charter it means such department, board or officer, as the case may be, of the City of Long Beach.

SEC. 11. The board of trustees of the City of Long Beach, in office at the time this charter is approved by the legislature, shall provide for the holding of the first election of officers under this charter, shall canvass the vote and declare the result.

SEC. 12. The officers of the city in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the first Monday after the first day of January, 1908. The school trustees of the Long Beach City School District in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the election and qualification of the members of the first board of education elected under this charter.

SEC. 13. No person shall be appointed to, or removed from, any office under this charter because of his political or religious opinions. In making appointments the appointive power shall consider only the good of the public service and the fitness of the appointee for and his ability to discharge the duties of the office to which he is appointed.

AMENDMENTS.

SECTION 1. This charter may be amended at intervals of not less than two years, by proposals therefor, submitted by the city council to the qualified electors of the city, at a general or special election held at least forty days after the publications of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by at least three fifths of the qualified voters voting thereat, and approved by the legislature, as provided in the constitution of the State of California for the approval of this charter in the first instance. In submitting such proposals alternative propositions may be pre-

sented for the choice of the voters, and may be voted on separately without prejudice to the others.

SEC. 2. The proposals for the amendment of this charter referred to in the preceding section may be submitted by the city council on its own motion, but must be submitted by the city council in the manner provided in said section, whenever a petition is presented to such council, signed by a number of the qualified electors of the city equal to thirty per centum of the votes cast at the preceding general city election, asking that an amendment or amendments to this charter to be set out in such petition be submitted to the vote of the electors of the city. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each paper shall make oath, before an officer competent to administer oaths, that the statements made therein are true and that each signature to such paper appended is the genuine signature of the person whose name purports to be thereunto subscribed.

SEC. 3. The city council must make all necessary provisions for submitting the proposed amendment or amendments to the electors, and shall canvass the votes in the same manner as in other elections.

SEC. 4. The tickets used at such elections shall contain the words, "For the amendment," (stating the nature of the proposed amendment) and "Against the amendment," (stating the nature of the proposed amendment).

CERTIFICATE.

WHEREAS, The City of Long Beach, a city containing a population of more than three thousand five hundred inhabitants, did, on the first day of October, A. D. 1906, at a special election, and under and in accordance with the provisions of section eight, article eleven, of the constitution of the State of California, elect the undersigned a board of fifteen freeholders to prepare and propose a charter for said city;

BE IT KNOWN, that in pursuance of said provision of the constitution, and within the period of ninety days after such election, the said board of freeholders has prepared and does propose the foregoing articles, signed in duplicate, as and for the charter of the said City of Long Beach.

In addition to the foregoing charter, the board of freeholders, pursuant to said provisions of the constitution, also present with said charter for the choice of the voters, and to be voted upon separately, without prejudice to the other provisions and sections of said charter, two alternative propositions hereinafter stated and designated as alternative proposition number one and alternative proposition number two, one only of which shall become part of such charter.

ALTERNATIVE PROPOSITION No. 1.

ARTICLE XIII.

ALCOHOLIC LIQUORS.

SECTION 1. No person, either as principal, agent, servant or employé, shall open, establish, keep, maintain, or carry on, within the corporate limits of Long Beach, any tipping house, dram shop, cellar, saloon, bar, bar room, sample room or other place where spiritous, vinous, malt or other alcoholic liquors are sold or given away; *provided*, that this section shall not apply to hotels, containing not less than fifty bedrooms, furnishing vinous or malt liquors to guests or customers in connection with and as a part of a regular meal under such restrictions and regulations as may be adopted by the council; and *provided further*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

SEC. 2. Any person violating section (1) of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars and not less than one hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had.

ALTERNATIVE PROPOSITION No. 2.

ARTICLE XIII.

ALCOHOLIC LIQUORS.

SECTION 1. No person, ether as principal, agent, servant or employé, shall open, establish, keep, maintain or carry on within the corporate limits of Long Beach, any tipping house, dram shop, cellar, saloon, bar, bar room, sample room or other place where spiritous, vinous, mait or other alcoholic liquors,

are sold or given away; *provided*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

SEC. 2. Any person violating section 1 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars and not less than one hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had.

Said alternative propositions shall be submitted for the choice of the voters at the same time at which the charter shall be submitted, and upon the ballots shall be printed:

For Alternative Proposition No. 1.—Providing that hotels may, under restrictions by the council, serve light drinks to customers as part of regular meals.

For Alternative Proposition No. 2.—Providing that there shall be no sale of intoxicants in this city save by druggists under proper restrictions.

Voters shall be entitled to vote either for or against the charter, and also for one of the two alternative propositions; and the respective alternative proposition receiving the greatest number of votes shall be thereby adopted and become Section XIII of the charter.

Said charter, including this certificate, shall be published for twenty days in daily newspapers printed, published and circulated in the City of Long Beach, and after such publication it shall be submitted to the qualified electors of said city at a special election to be held therefor at such time as the board of trustees of said city may designate; and if a majority of the qualified electors of the city, voting at said election, shall ratify the same, it shall be submitted to the legislature of the State of California for its approval or rejection.

The said board of trustees of said city shall provide for the holding of the first election of officers under this charter, in accordance with the provisions of the charter and the general election laws of the state, and shall canvass the votes and declare the result.

If the legislature approve this charter, it shall thereupon become the charter and organic law of the City of Long Beach, except as herein provided.

IN WITNESS WHEREOF, we have hereunto set our hands at the City of Long Beach in the State of California, this 3rd day of Dec., A. D. 1906.

L. B. PALMER, PRESIDENT.
HARRY BARNDOLLAR.
THOS. W. WILLIAMS.
W. B. JULIAN.
J. C. WILHOIT.
A. M. GOODHUE.
FRANK A. CROWE.
A. B. AUSTIN.
E. L. WINGARD.
JESSE DRISKILL.
S. TOWNSEND.
J. A. MILLER, SEC.

OFFICE OF THE PRESIDENT OF THE BOARD OF TRUSTEES.

CITY OF LONG BEACH, COUNTY OF LOS ANGELES, ss.
STATE OF CALIFORNIA.

I, F. H. DOWNS, President of the Board of Trustees of the City of Long Beach, State of California, do hereby certify that the Board of Freeholders a majority of whose names appear signed to the foregoing proposed charter, were, on the first day of October, 1906, at a special municipal election held in said City of Long Beach on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me, as President of said Board of Trustees, within ninety days after said election, as required by Section 8 of Article XI of the Constitution of this State; that such proposed charter was then published in The Daily Telegram and in the Long Beach Tribune, which were then daily newspapers of general circulation, printed, published and circulated in said City of Long Beach, and that such publication was made for more than twenty days, and that the first publication of said proposed charter was made

within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter, as required by said Section 8, to-wit: on the 5th day of February, 1907, said charter was submitted to the qualified electors of said city; that a special election duly held therein for the purpose of ratifying or rejecting said proposed charter, and for adopting or rejecting said alternative proposition No. 1, or alternative proposition No. 2, presented with said charter for the choice of said voters and to be voted on separately; that said proposed charter, as a whole, was duly ratified at said election by a majority of the votes of the qualified electors of said City of Long Beach, and that Alternative Proposition No. Two was also ratified at the same time and in the same manner, and the same thereby became and is Article XIII of said proposed charter, and that Alternative Proposition No. One was rejected; that all of said elections and publications and acts, matters and things in connection with and relating to said proposed charter and alternative propositions were held, made, done and occurred pursuant to the orders, resolutions and publications of the Board of Trustees of said City of Long Beach in compliance with Section 8, Article XI, of the Constitution of the State of California; and that the returns of said election were duly canvassed by the Board of Trustees of the City of Long Beach on the 11th day of February, 1907, and the result thereof declared as above set forth, and that in all matters and things pertaining to said proposed charter the provisions of said section of the constitution and the law of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of the said City of Long Beach to be affixed this 11th day of February, 1907.

[SEAL]

F. H. DOWNS,

President of the Board of Trustees of the City
of Long Beach, State of California.

ATTEST:

FRED. B. BALDWIN, City Clerk of the City of Long Beach.

Now, therefore, be it resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution concurring herein), that said charter of the City of Long Beach, including said Alternative Proposition No. Two, as presented to and adopted and ratified by the qualified electors of said City of Long Beach as hereinabove set forth, be and the same is hereby approved, as a whole, as and for the charter of the said City of Long Beach as aforesaid.

Assembly Concurrent Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 18 adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, and Wright—33.

NOES—None.

Assembly Concurrent Resolution ordered transmitted to the Assembly.

Assembly Bill No. 126—An Act to amend Section 374 of the Penal Code of the State of California, relating to putting dead animals in streets, rivers, etc.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 126 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 389—An Act entitled an Act to amend Section 756 of the Political Code of the State of California, and providing for the

amount and the time and manner of payment of, and making an appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Supreme Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 389 finally passed by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Lynch, Markey, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 564—An Act to amend Sections 439 and 440 of the Political Code, relating to the employés in the Controller's office and the salaries paid to such employés.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 564 finally passed by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Price, Rambo, Reily, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 544—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3½, providing for petitions of remonstrance and written objections, hearings thereon, and the determination thereof by the city council.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 544 finally passed by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Markey, McCartney, Muentner, Rambo, Reily, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 242—An Act to amend Section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates.

On motion of Senator Curtin, Assembly Bill No. 242 was temporarily passed on file, to retain its place.

Assembly Bill No. 538—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts and condemnation of property therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 538 finally passed by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Markey, Mattos, McCartney, Muentner, Nelson, Price, Reilly, Sanford, Savage, Walker, Weed, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY BILL STRICKEN FROM FILE.

On motion of Senator Muentner, Assembly Bill No. 175—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court—was recalled from Committee on Finance and placed on file.

Whereupon Senator Muentner moved that Assembly Bill No. 175 be stricken from the file.

Motion carried.

SECOND READING OF BILLS.

On motion of Senator Keane, the second-reading file was taken up for consideration.

BILL DENIED SECOND READING.

Senate Bill No. 655—An Act to amend Section 789 of the Civil Code, relating to notice required in terminating tenancies or other estates at will, however created.

On motion of Senator Curtin, Senate Bill No. 655 was denied second reading.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 656—An Act to amend Section 827 of the Civil Code, relating to notice required for changing terms of tenancies or other estates at will, however created, and of all leases of lands or tenements, or of any interest therein, from month to month.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 567—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof, defining the practice of dentistry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 586—An Act to amend Section 213 of the Penal Code of the State of California and to add a new section thereto, numbered 212a, relating to the crime of robbery and its punishment.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 576—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and

buildings," approved March 23, 1876, and Acts amendatory thereof, by amending Section 3 of said Act (last amendment, Statutes 1905, p. 416).

During second reading of bill, the following amendment was submitted by committee :

On page 1, of the bill, strike out of the title the words "Last amendment, Statutes 1905, p. 416," and parenthesis enclosing same.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 759—An Act amending an Act entitled "An Act to provide for the appointment of a Board of Sutter's Fort Trustees and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection, and improvement of said property," approved March 7, 1891.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 449—An Act to grant permission to the "Sacramento Society of California Pioneers" to erect a memorial building on the grounds of the Sutter's Fort Park in Sacramento city.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 358—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895, and an Act amendatory thereof, approved March 20, 1905.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 784—An Act to amend the Civil Code by adding a new title thereto to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, and 1426q, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement and drainage of mines within the State of California," approved March 11, 1891.

During second reading of bill, the following amendments were submitted by committee:

Section 1, line 47, page 3, printed bill, after the word "other," insert the following: "reference or."

Amendment adopted.

Also:

Section 1, line 80, page 4, printed bill, strike out the word "re-location" and insert in lieu thereof the words "amended location notice."

Amendment adopted.

Also:

Section 1, line 81, page 4, printed bill, strike out the words "such re-location" and insert in lieu thereof the words "posting and filing such amended location notice."

Amendment adopted.

Also:

Section 1, line 82, page 4, printed bill, strike out the word "re-location," and insert in lieu thereof "amended location notice."

Amendment adopted.

Also:

Section 1, page 4, printed bill, strike out all of line 113, after figures and letters "1426m," all of line 114, and the words "found or made," on line 115, page 5, and insert in lieu thereof the following: "Whenever any mine owner, company, or corporation shall have performed the labor and made the improvements required by law."

Amendment adopted.

Also:

Section 1, line 184, page 6, printed bill, strike out the comma after the word "notice," and insert in lieu thereof a period, and strike out all of line 185.

Amendment adopted.

Also:

Section 1, line 117, printed bill, after the word "shall," insert "within thirty days after the time limited for performing such labor or making such improvements."

Amendment adopted.

Also, offered by Senator Curtin:

Amend by striking out of Section 1, line 22, the words "sixth when the claim is"; also strike out all of lines 23, 24, and 25.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Willis, the Secretary was directed to issue a rush order for printing Senate Bill No. 784.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 171—An Act to amend Sections 269a and 269b of the Penal Code, relating to cohabitation and adultery.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 595—An Act to amend Section 1050 of the Code of Civil Procedure.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, strike out the word "Section."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 254—An act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partitions, and deeds made

pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, insert before the word "whenever," the figures "1855a."

Amendment adopted.

Also:

On page 1, Section 1, line 6, insert after the words "agreement, or" the words "in any action now or hereafter pending."

Amendment adopted.

Also:

On page 2, Section 1, line 18, insert after the words "records and" the words "abstracts of."

Amendment adopted.

Also:

On page 2, Section 1, line 25, insert the words "and of such" after the word "title."

Amendment adopted.

Also:

On page 2, Section 1, lines 31 and 32, strike out the words "copies of said notes, records and abstracts, or of the," and insert in lieu thereof the following: "such."

Amendment adopted.

Also:

On page 2, Section 1, line 36, strike out the word "and" before the words "to be," and insert in lieu thereof the following: after the word "notes" the word "and."

Amendment adopted.

Also:

On page 2, Section 1, lines 36 and 37, strike out the words "and abstracts or of the abstracts."

Amendment adopted.

Also:

On page 3, Section 1, line 47, strike out the word "effecting," and insert in lieu thereof the following: "affecting."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 72—An Act to add a new section to the Political Code of the State of California, to be numbered Section 2793, relating to the office, salary, and duties of the Attorney of the State Board of Health, and to repeal an Act entitled "An Act to create the office of Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, strike out the word "Sec."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 605—An Act to amend Section 249 of the Penal Code, relating to punishment of libel.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 117—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 553—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 725—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein, and prescribing the duties of the State Controller and Attorney-General with reference thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 744—An Act to add a new section to the Political Code, to be numbered Section 2295a, and relating to supplying the State Library with State publications for exchange purposes.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 546—An Act to amend Section 16 of an Act entitled "An Act to amend an Act entitled 'An Act defining and providing for the control, protection and treatment of dependent delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications or organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence,' approved February 26, 1903," approved March 22, 1905.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 570—An Act to amend Section 1 of an Act entitled an Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 768—An Act to promote the horticultural interests of the State by providing county commissions of horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 31, 1897, and amended and approved March 20, 1905.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 738—An Act to add a new title to Part III of the Penal Code, to be known as Title Ia, relating to State schools of industry and reform for juvenile offenders.

Bill read second time, considered engrossed, and ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Muentner asked for and was granted unanimous consent to have Senate Bill No. 747 taken up for the purpose of amendment.

Senate Bill No. 747—An Act to amend Section 777 of the Penal Code of the State of California, relating to local jurisdiction of public offenses.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Muentner moved to refer to Senator Greenwell as a special committee of one, to amend as follows:

By striking out of Section 1, line 10, the period after the word "mitted," and inserting in lieu thereof the following: "*provided however*, that the defendant shall be entitled to a change of place of trial of such action from the city or township wherein such action is pending to another city or township in the same county if it appear to the satisfaction of the court wherein the action is pending, by affidavit filed by the defendant at least two days before the time fixed for trial of such action, that a fair and impartial trial of such action cannot be had in such city or township where the same is pending."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 747, with instructions to amend, respectfully reports the same back, amended as per instructions.

GREENWELL, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

INTRODUCTION AND FIRST READING OF BILL—(OUT OF ORDER).

The following bill was introduced:

By Senator Belshaw: Senate Bill No. 840—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of California, 1850-1907 inclusive.

Bill read first time, and referred to Committee on Printing.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Walker asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 13 taken up for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 13.

Approving an amendment to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 1st day of August, 1906.

WHEREAS, The City of San José, a municipal corporation, in the County of Santa Clara, State of California, is now, and was at all times herein referred to, a city containing a population of more than three thousand and five hundred inhabitants and not more than thirty thousand inhabitants; and

WHEREAS, At a special municipal election duly held in said city on Monday, November 2, 1896, in accordance with law and the provisions of Section 8 of Article XI of the

Constitution of said state, a board of fifteen freeholders, duly qualified, was elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city; and

WHEREAS, The same was on January 2, 1897, signed in duplicate by all the members of said board of fifteen freeholders, and was on said last named day returned, one copy thereof to the Mayor of said city, and the other to the County Recorder of Santa Clara County; and

WHEREAS, Such proposed charter was then published in three daily newspapers of general circulation in said City of San José, to wit, "San José Daily Mercury," "San José Daily Herald," and "The Evening News," for more than twenty days, such publication in each instance having commenced on said January 2, 1897; and

WHEREAS, Said charter was, within not less than thirty days after the completion of said publication, submitted by the legislative authority of said City of San José, to wit: the Mayor and Common Council thereof, to the qualified electors of said city at a special election, previously duly called and thereafter held therein, on February 23, 1897; and

WHEREAS, The returns of said election were duly canvassed by said Mayor and Common Council of said City of San José, at a meeting held on Wednesday, February 24, 1897, (which said meeting was duly convened); and

WHEREAS, At said special election a majority of such qualified electors of said city, voting at such special election, did vote in favor of and ratify said charter so proposed; and

WHEREAS, Said Mayor and Common Council, after canvassing said returns, duly found and declared that a majority of such qualified electors voting at said special election had voted for and ratified said charter; and

WHEREAS, The said charter was afterwards submitted to the Legislature of the State of California, for its approval or rejection as a whole without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of said State; and

WHEREAS, On the fifth day of March, 1897, by concurrent resolution of the Senate and Assembly of the said Legislature (a majority of all the members of each house voting for and concurring therein), the said charter was ratified and approved as a whole, for and as the charter of the said City of San José; and

WHEREAS, One copy of said charter so ratified and approved was deposited in the office of the Secretary of State of the State of California; and

WHEREAS, One copy of said charter so ratified and approved was duly and regularly recorded in the office of the County Recorder of the County of Santa Clara, State of California, on the 24th day of March, 1897, and was, after being so recorded, deposited in the archives of the said City of San José; and

WHEREAS, Said charter so ratified and approved has not been amended within two years from the date hereof; and

WHEREAS, The Mayor and Common Council, being the legislative authority of said city, by ordinance duly and regularly passed by said Council in accordance with law and with the provisions of said charter on the 29th day of May, 1906, and approved by the Mayor of said city on the 29th day of May, 1906, did, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, propose to the qualified electors of said City of San José a certain amendment to the said charter of said city; and

WHEREAS, Said ordinance so passed and approved as aforesaid called a special election to be held on the 1st day of August, 1906, for the purpose of submitting, and submitting to the qualified electors of said City said proposed amendment to said charter; and

WHEREAS, Said ordinance containing said proposed amendment to said charter was, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, published for twenty days, after its passage and approval, in the San José Herald, a daily newspaper published and of general circulation in said City of San José; and

WHEREAS, Said special election was held in the said City of San José on the first day of August, 1906, which day was more than forty days after said proposed amendment had been published for twenty days as aforesaid; and

WHEREAS, At a meeting duly convened in accordance with law and with the provisions of said charter, the Mayor and Common Council of the City of San José, duly and regularly canvassed the returns of said special election; and

WHEREAS, At such special election so held on the 1st day of August, 1906, said proposed amendment was ratified by more than a majority of the votes of the qualified electors voting thereat; and

WHEREAS, Said Mayor and Common Council after canvassing said returns, duly found and declared that said proposed amendment had been ratified by a vote of more than a majority of the qualified electors voting at said election; and

WHEREAS, The said proposed amendment so ratified by the electors of said city at such election is now submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California; and

WHEREAS, The said amendment to said charter so ratified by more than a majority

of the votes of the qualified electors of the City of San José voting at said election is in words and figures as follows, to wit:

"AMENDMENT TO THE CHARTER OF THE CITY OF SAN JOSÉ, RATIFIED BY THE VOTES OF MORE THAN A MAJORITY OF THE QUALIFIED ELECTORS VOTING AT THE SPECIAL ELECTION HELD FOR THAT PURPOSE ON THE FIRST DAY OF AUGUST, NINETEEN HUNDRED AND SIX.

"That Section 5 of Article IV of said charter is hereby amended to read as follows:

"SEC. 5. Whenever the Mayor and Common Council shall by ordinance determine that the public interest or necessity demands the acquisition, construction, reconstruction, completion, or repair, of any municipal improvement, the cost of which would be too great to be paid out of the ordinary annual income and revenue of the city, the Mayor and Common Council is hereby given the power and authority to call a special election and submit to the qualified voters of the city the proposition of incurring indebtedness to pay the cost of such improvement set forth in said ordinance. If said proposition be accepted by a two-thirds vote of the qualified electors voting at such election, the Mayor and Common Council may issue bonds of said city in evidence of said indebtedness; *provided*, that such indebtedness, together with the unpaid and outstanding bonded indebtedness actually existing at the time such proposition is submitted to said voters, shall not exceed five per cent of the assessed value of all the real and personal property in said city."

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA, }
CITY OF SAN JOSÉ. } ss.

This is to certify that we, H. D. Mathews, Mayor of the City of San José, and Roy E. Walter, City Clerk of the City of San José, have compared the foregoing proposed and ratified amendment to the charter of the said City of San José with the original ordinance proposing such amendment and submitting the same to the qualified electors of said city at a special election called for that purpose on the first day of August, nineteen hundred and six, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of San José, this seventh day of February, nineteen hundred and seven.

[SEAL.]

H. D. MATHEWS, Mayor of the City of San José.
ROY E. WALTER, City Clerk of the City of San José.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring herein), That said amendment to the charter of the City of San José heretofore set forth, as presented and submitted to and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole without amendment or alteration for and as an amendment to and as part of the charter of the said City of San José.

Senate Concurrent Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 13 adopted by the following vote:

AYES—Senators Anthony, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Mattos, McCartney, Miller, Muentner, Nelson, Price, Reily, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Senate Concurrent Resolution ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 763—An Act to amend Sections 2748, 2749, 2754, and 2771 of the Political Code, to repeal Section 2761 thereof, and to add a new section thereto, to be numbered 2771½, relating to permanent road divisions—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 81—An Act to add a new section to the Political Code, to be numbered Section 2641a, creating the office of road overseer in counties of the forty-eighth and fifty-first classes, prescribing their duties, and providing for their compen-

sation—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

Also: Senate Bill No. 434—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Subdivisions 3, 4, and 5 of Section 3 and Subdivision 1 of Section 4 of said Act, all relating to the manner of operating a motor-vehicle on a public highway—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

MATTOS, Chairman.

Senate Bill No. 763 ordered on file for second reading.

Assembly Bill No. 81 referred to Committee on Judiciary.

WITHDRAWAL OF BILL.

Senator Lynch asked for and was granted unanimous consent to withdraw Senate Bill No. 434.

Senate Bill No. 434 withdrawn, and ordered stricken from the file.

SPECIAL ORDER SET.

Senator McCartney moved that the consideration of Senate Constitutional Amendment No. 1 be made a special order for Thursday, February 21, 1907, at eleven o'clock A. M.

Motion carried.

ADJOURNMENT.

At four o'clock and five minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, February 21, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday February 20, 1907, the further reading was dispensed with, on motion of Senator Mattos.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Senate Bill No. 440—An Act to amend an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, by adding thereto a new section, to be numbered and known as Section 22½ relating to the annexation of outlying territory to sanitary districts, and the conditions of such annexation.

Also: Senate Bill No. 176—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one half class.

Also: Senate Bill No. 81—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the creation of a "law library fund."

Also: Senate Bill No. 262—An Act to add a new section to the Political Code of the State of California, to be known as Section 2979a, relating to duties of the State Board of Health.

Also: Senate Bill No. 118—An Act to amend Section 3051 and Section 3052 of the Civil Code of California, relating to the lien on personal property for services performed thereon, and providing a method of enforcing said lien for the amount secured thereby.

Also: Senate Bill No. 481—An Act to amend Section 1881 of the Code of Civil Procedure, relating to parties prohibited from testifying in certain cases.

Also: Senate Bill No. 56—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

Also: Assembly Bill No. 291—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Also: Assembly Bill No. 178—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1350a, all relating to letters testamentary and of administration with the will annexed.

Also: Assembly Bill No. 384—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof.

Also: Assembly Bill No. 180—An Act to amend Sections 1371, 1379, and 1383 of the Code of Civil Procedure, all relating to letters of administration.

Also: Assembly Bill No. 181—An Act to amend Sections 1328 and 1329 of the Code of Civil Procedure, both relating to the contesting of wills after probate.

Also: Assembly Bill No. 182—An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills.

Also: Assembly Bill No. 183—An Act to amend Section 1300 of the Code of Civil Procedure, relating to proceedings for the probate of wills.

Also: Assembly Bill No. 184—An Act to repeal Title VIII, of Part III, of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said Code, relating to escheated estates.

Also: Assembly Bill No. 186—An Act to amend Sections 1228, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

Also: Assembly Bill No. 188—An Act to repeal Chapter III, of Title IV, of Part III, of the Code of Civil Procedure, and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said Code, relating to liens for salaries and wages.

Also: Assembly Bill No. 190—An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections.

Also: Assembly Bill No. 191—An Act to amend Section 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties.

Also: Assembly Bill No. 193—An Act to amend Sections 1431 and 1432 of the Code of Civil Procedure, both relating to transfers of administrations.

Also: Assembly Bill No. 195—An Act to amend Section 1445 of the Code of Civil Procedure, relating to the inventory and appraisement of the estates of decedents.

Also: Assembly Bill No. 275—An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.

Also: Assembly Bill No. 189—An Act to amend Sections 1166 and 1167 of the Code of Civil Procedure, and to repeal Section 1175 thereof, all relating to summary proceedings for obtaining possession of real property.

Also: Assembly Bill No. 192—An Act to amend Section 1423 of the Code of Civil Procedure relating to wills found after letters of administration granted.

Also: Assembly Bill No. 194—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators.

Also: Assembly Bill No. 198—An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents.

Also: Assembly Bill No. 199—An Act to amend Sections 1466 and 1468 of the Code of Civil Procedure, both relating to provisions for the support of the families of deceased persons.

Also: Assembly Bill No. 200—An Act to add a new section to the Code of Civil Procedure, to be numbered 1471, relating to the setting apart of homesteads and of other property exempt from execution belonging to estates of decedents.

Also: Assembly Bill No. 276—An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators.

Also: Assembly Bill No. 427—An Act to amend Section 954 of the Code of Civil Procedure, relating to the dismissal of appeals.

Also: Assembly Bill No. 604—An Act to repeal Section 11 of the Political Code, relating to holidays.

Also: Assembly Bill No. 605—An Act to add a new section to the Political Code, to be known as Section 35 thereof, relating to the conveying to the United States of State lands covered by navigable waters.

Also: Assembly Bill No. 606—An Act to repeal Article XIII of Chapter III of the Political Code, relating to State Geologist.

Also: Assembly Bill No. 607—An Act to add two new sections to the Political Code, to be known as Sections 444 and 461 thereof, both relating to the general fund.

Also: Assembly Bill No. 608—An Act to add a new section to the Political Code, to be known as Section 4653a thereof, relating to donations to the State.

Also: Assembly Bill No. 609—An Act to amend Section 364 of the Political Code, relating to the Board of Examiners.

Also: Assembly Bill No. 610—An Act to repeal Section 367 of the Political Code relating to State prisons.

Also: Assembly Bill No. 611—An Act to amend Section 501 of the Political Code, relating to fees to be collected by the Register of the State Land Office.

Also: Assembly Bill No. 612—An Act to repeal Section 349 of the Political Code relating to State Printer.

Also: Assembly Bill No. 474—An Act to amend Section 2787, 2789, and 2802 of the Political Code, relating to the construction of toll roads.

Also: Assembly Bill No. 197—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collection of deposits made by deceased persons in savings banks.

Also: Assembly Bill No. 272—An Act to amend Sections 1518, 1522, 1524, 1537, 1543, 1544, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, all relating to the sale of the property of deceased persons.

Also: Assembly Bill No. 196—An Act to amend Section 1452 of the Code of Civil Procedure, relating to the possession of property of deceased persons.

Also: Assembly Bill No. 288—An Act to amend Section 2012 of the Code of Civil Procedure, relating to affidavits.

Also: Assembly Bill No. 613—An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons.

Also: Assembly Bill No. 187—An Act to amend Sections 1209 and 1210 of the Code of Civil Procedure, both relating to contempts.

Also: Assembly Bill No. 202—An Act to amend Sections 1497, 1498, 1502, 1503, 1504, and 1505 of the Code of Civil Procedure, to repeal Section 1509 thereof, and to add a new section thereto, to be numbered 1501a, all relating to claims against the estates of decedents.

Also: Assembly Bill No. 274—An Act to amend Section 1591 of the Code of Civil Procedure and to add a new section thereto, to be numbered 1592, both relating to the management of the estates of deceased persons.

Also: Assembly Bill No. 277—An Act to amend Sections 1622 and 1636 of the Code of Civil Procedure and to repeal Sections 1623, 1624, 1625, and 1640 thereof, all relating to accounts of executors and administrators, and the settlement of such accounts.

Also: Assembly Bill No. 279—An Act to amend Sections 1658, 1660, 1661, 1665, 1668, and 1669, and to repeal Section 1663 of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Also: Assembly Bill No. 668—An Act to amend Section 2349 of the Political Code and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

Also: Assembly Bill No. 273—An Act to amend Sections 1582, 1583, 1584, 1587, and 1589 of the Code of Civil Procedure, all relating to actions by or against executors or administrators.

Also: Assembly Bill No. 278—An Act to amend Section 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

Also: Assembly Bill No. 280—An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of estates of deceased persons.

Also: Assembly Bill No. 282—An Act to repeal Sections 1733 and 1734 and to amend Section 1737 of the Code of Civil Procedure, all relating to public administrators.

Also: Assembly Bill No. 283—An Act to amend Sections 1750, 1753, 1763, 1766, 1768, 1773, 1778, 1793, 1800, 1807, and 1809 of the Code of Civil Procedure, to repeal Sections 1752 and 1774 thereof, and to add a new section thereto, to be numbered 1760, all relating to guardians.

Also: Assembly Bill No. 284—An Act to repeal Title XIII, of Part III, of the Code of Civil Procedure, and to substitute a new Title XIII to take the place thereof in said Code, relating to estates of missing persons.

Also: Assembly Bill No. 289—An Act to amend Sections 2043 and 2054 of the Code of Civil Procedure, both relating to the examination of witnesses.

Also: Assembly Bill No. 290—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.

Also: Assembly Bill No. 819—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Also: Assembly Bill No. 818—An Act to amend Section 1279 of the Code of Civil Procedure, relating to the filing in the office of the Secretary of State of a certified copy of a decree of court changing the name of a person or corporation.

Also: Assembly Bill No. 817—An Act to amend Section 3198 of the Political Code, relating to the recording of trade-marks.

Also: Assembly Bill No. 816—An Act to amend Section 1232 of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.

Also: Assembly Bill No. 782—An Act to amend Section 1499 of the Code of Civil Procedure of the State of California, relating to claims against the estates of deceased persons.

Also: Assembly Bill No. 758—An Act to amend Section 290 of the Civil Code, relating to the contents of articles of incorporation of corporations.

Also: Assembly Bill No. 757—An Act to amend Section 323 of the Civil Code, relating to the contents of certificates of stock of corporations for profit.

Also: Assembly Bill No. 706—An Act to repeal Section 421 of the Civil Code, as approved March 3, 1905, relating to the investment of the capital and accumulations of corporations organized for the transaction of business in any kind of insurance.

Also: Assembly Bill No. 705—An Act to repeal Section 312 of the Civil Code, as approved March 21, 1905, and to amend Section 312 of said Code, as approved March 22, 1905, both relating to elections by stockholders or members in corporations.

Also: Assembly Bill No. 759—An Act to amend Sections 227, 228, and 229 of the Political Code, and to repeal Section 230 thereof, relating to the election of members of the Legislature.

Also: Assembly Bill No. 398—An Act to prevent the adulteration of paints, oils, varnishes and pigments.

Also: Assembly Bill No. 547—An Act for the protection of the health of men employed in the service of street and interurban railroads and regulating the hours of employment thereof.

Also: Assembly Bill No. 549—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensations of such officers and providing for the creating, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento drainage district, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, A. D., 1905.

Also: Assembly Bill No. 636—An Act to amend Section 266 of the Political Code of California, relating to mileage of members of the Legislature.

Also: Assembly Bill No. 248—An Act to amend Sections 338, 339, 340, 341, of the Penal Code, and to add two new sections thereto, and to be known and designated as Sections 345 and 345a, all relating to pawnbrokers.

Also: Assembly Bill No. 39—An Act to amend Section 1444 of the Code of Civil Procedure, and relating to the appraisement of estates of deceased persons.

Also: Assembly Bill No. 387—An Act to amend Section 1140 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing that trial jurors in criminal cases shall be discharged after retirement for deliberation within a certain number of hours.

Also: Assembly Bill No. 657—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454a, allowing the plaintiff in an action upon a contract of insurance, wherein exemption from liability is claimed by the defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.

Also: Assembly Bill No. 250—An Act to amend Section 224 of the Civil Code of the State of California, relative to the adoption of minor children.

Also: Assembly Bill No. 420—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes, and for the supervision of all societies or organizations engaged in such work and known as children's home finding societies.

Also: Assembly Bill No. 527—An Act entitled "An Act to amend Section 671 of the Civil Code."

Also: Assembly Bill No. 499—An Act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns, for the incidental establishment of grades thereon; for the construction therein or thereon of sidewalks, sewers, drains, bridges, cesspools, gutters, tunnels, culverts, and of sidewalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts.

Also: Assembly Bill No. 178—An Act to add a new article to Part III, Title VI, Chapter II of the Penal Code, designated Article IX, comprising twenty-eight sections, numbered 2745 to 2772, inclusive, authorizing the formation of permanent road divisions for the construction and improvement of roads in such divisions and prescribing the method of such formation, and of providing funds for said purposes.

Also: Assembly Bill No. 167—An Act to amend the Penal Code of California, by adding thereto a new section, to be numbered 492 relating to burglary with explosives, and the punishment thereof.

Also: Assembly Bill No. 674—An Act to amend Sections 10, 11, 12, 13 and 14 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children, prescribing the powers and duties of courts with respect thereto, providing for the appointment of probation officers, and prescribing their powers and duties, providing for the separation of children from adults when confined in jails or other institutions, providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duties of such boards; and providing what proceedings under this Act shall be admissible in evidence," approved February 26, 1905, as amended by Sections 11, 12, 13, 14 and 15 of an Act amendatory of the same, approved March 22, 1905.

Also: Assembly Bill No. 712—An Act to add a new section to the Penal Code of the State of California, to be designated a numbered section 7514, authorizing the clerk of the Supreme Court to employ two assistant deputy clerks, and fixing the compensation of such assistant deputy clerks.

Also: Assembly Bill No. 486—An Act to appropriate money for the general improvement and completion of survey of the Lake Tahoe water road, and for the construction of restraining walls, culverts, bridges and milestones thereon.

Also: Assembly Bill No. 428—An Act making an appropriation for searching for beneficial insects.

Also: Assembly Bill No. 623—An Act making an appropriation of two hundred and fifty dollars (\$250.00) for the purchase of a certain spring of water near the James Marshall monument at Coloma, and for piping the water to the grounds surrounding said monument.

Also: Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

Also: Assembly Bill No. 74—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 274, to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing or running race between horses, mares, or geldings, and providing the punishment for the violation thereof.

Also: Adopted Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California relating to the extension of the terms of existence of corporations.

Also: Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the rights of suffrage.

CLIFF LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bills Nos. 430, 176, 81, 262, 118, 481, and 56 ordered to enrollment.

Assembly Bills Nos. 291, 178, 384, 180, 181, 182, 183, 184, 186, 188, 190, 191, 193, 195, 275, 189, 192, 194, 198, 199, 200, 276, 427, 604, 605, 606, 607, 608, 609, 610, 611, 612, 474, 197, 272, 196, 288, 613, 187, 202, 274, 277, 278, 668, 273, 278, 180, 282, 283, 284, 289, 290, 819, 818, 817, 816, 782, 758, 757, 706, 705, 759, 388, 636, 248, 39, 387, 250, 527, and 767 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 547 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 549 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 657 read first time, and referred to Committee on Insurance and Insurance Laws.

Assembly Bill No. 420 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bill No. 409 read first time, and referred to Committee on Municipal Corporations.

Assembly Bills Nos. 138 and 486 read first time, and referred to Committee on Roads and Highways.

Assembly Bills Nos. 674, 713, 428, 623, and 6 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 74 read first time, and referred to Committee on Public Morals.

Senate Constitutional Amendment No. 31 ordered to enrollment.

Assembly Constitutional Amendment No. 1 ordered on file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 28—An Act to amend Section 10 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, relating to deposits of mortgages accompanied by an abstract or certificate of title or policy of title insurance.

Also: Senate Bill No. 528—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1681, relating to post-graduate courses of study in high schools.

Also: Senate Bill No. 527—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1779, relating to grammar grade post-graduate course of instruction in the public schools.

Also: Senate Bill No. 7—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive to the purchaser of a fruit tree or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecutions under this Act may be commenced.

Also: Senate Bill No. 45—An Act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products, and to provide for enforcing its provisions.

And respectfully ask your honorable body to concur in said amendments.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 28?"

Strike out all of lines 6 to 15, inclusive, in Section 1, on pages 1 and 2 of the printed bill, and insert in lieu thereof the following:

Sec. 10. If the deposit is of mortgages, it shall be accompanied by full abstracts of title or policies of title insurance or certificates of title issued by a duly organized title insurance company authorized to transact business under the laws of California, and the fees for examination of title, unless accompanied by such certificates of title or policies of title insurance, and the fees for appraisal of property shall be paid by the company making the deposit.

Also: Amend the title by striking out all after the word "deposits" in line 6 thereof, and by inserting in lieu thereof the following: "of mortgages accompanied by an abstract or certificate of title or policy of title insurance."

Also: Amend by striking out the word "reputable," in line 8 of Section 1, of the printed bill, and insert in lieu thereof the word "responsible."

Also: Amend by inserting the word "guaranteed," after the word "title," in line 8 of Section 1 of the printed bill.

The roll was called, and the Assembly amendments to Senate Bill No. 28 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Maitos, McCartney, McKee, Miller, Muenster, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Senate Bill No. 28 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 528?"

Amend by inserting a comma after the word "district," on line 4; also, after the word "district," on line 9, first page, printed bill.

The roll was called, and the Assembly amendment to Senate Bill No. 528 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Weed, Wolfe, and Wright—31.

NOES—None.

Senate Bill No. 528 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 527?"

Amend by striking out the letter "e" in the word "grammar," line 4 in title, and insert the letter "a"; also, strike out the final "s" in word "courses," line 5 of title.

Also: Amend by striking out the word "instruction" after the word "of," line 5 of title, first page, printed bill, and inserting in lieu thereof the following: "study."

Also: Amend by striking out the word "section," on line 4, first page, printed bill.

Also: Amend by inserting after the word "district" on line 6, first page, printed bill, the following: "having two or more teachers."

Also: Amend by striking out the word "grammar" after the letter "a" on line 6, first page, printed bill, and inserting in lieu thereof the following: "grammar."

The roll was called, and the Assembly amendments to Senate Bill No. 527 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Senate Bill No. 527 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 7?"

Amend Section 1, line 4, by inserting, after the word "representing," "with intent to deceive."

The roll was called, and the Senate refused to concur in the above Assembly amendment to Senate Bill No. 7 by the following vote:

AYES—None.

NOES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Markey, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

Whereupon the Secretary of the Senate was directed to request the Assembly to recede from the above amendment to Senate Bill No. 7.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 7?"

In line 4, Section 2, after the word "dollars," insert the following: "or by imprisonment in the county jail for not less than twenty days or more than six months, or by both fine and imprisonment."

Also: Amend Section 3, line 2, by striking out the word "five," and insert in lieu thereof the word "seven."

The roll was called, and the above Assembly amendments to Senate Bill No. 7 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Bill ordered transmitted to the Assembly.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 455?"

Amend Section 4 by inserting after the word "days," line 6, Section 4 of printed bill, the following: "*provided*, that no conviction is sought upon any alleged sample of milk, or product of milk, unless such sample has been taken in duplicate, sealed for identification, and one of such samples left with the person accused."

The roll was called, and the Assembly amendment to Senate Bill No. 455 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Senate Bill No. 455 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 737—An Act providing for the appointment of a highway commission in any county in the State, declaring the powers and duties of such commission, and providing for the laying out, constructing, straightening, improvement and repair of main public highways, providing for the acceptance of donations and for voting, issuing and selling county bonds to pay for such work and improvements, and authorizing cities and towns to improve the portions of such public highways within their corporate limits, and to issue and sell bonds therefor—have had the same under consideration, and respectfully report the same back, and recommend that amendments herewith be adopted and that it do pass as amended.

MATTOS, Chairman.

Senate Bill No. 737 ordered on file for second reading.

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Assembly Bill No. 512—An Act regulating the hours of labor of women, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

KEANE, Chairman.

Assembly Bill No. 512 ordered on Assembly special file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 43—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California.

Also: Assembly Bill No. 163—An Act appropriating money to be used to replace the library of the Supreme Court, destroyed by fire in San Francisco.

Also: Assembly Bill No. 154—An Act appropriating money for furniture, carpets, fixtures, and other accessories necessary for the use of the Supreme Court.

Also: Assembly Bill No. 155—An Act appropriating money to pay the increased salaries of the justices of the Supreme Court for the current fiscal year.

Also: Assembly Bill No. 322—An Act making an appropriation of \$1,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Also: Assembly Bill No. 417—An Act to appropriate money for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.

Also: Assembly Bill No. 644—An Act making an appropriation of \$4,000 to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out the provisions

of an Act entitled "An Act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the old theater property at Monterey, and providing for the preservation, maintenance, protection and improvement of said properties," approved February 21, 1905.

Also: Senate Bill No. 350—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Also: Senate Bill No. 390—An Act amendatory of an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensations of such officers, and providing for the creation, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, by amending Section 29 thereof, and making an appropriation of \$25,000 to carry out the purposes of said Act.

Also: Senate Bill No. 497—An Act to provide for taking down the Agricultural Pavilion now located in Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said park from said material, and such additional material as may be necessary, two exhibition buildings to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 12—An Act appropriating money for advertising and exploiting the State fair.

Also: Senate Bill No. 518—An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of said gardener.

Also: Senate Bill No. 786—An Act to provide for the construction and maintenance of a fire boat for the protection of shipping and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 296—An Act to provide for laying a cement sidewalk on California Street, along the property of the Stockton State Hospital, in the City of Stockton, to appropriate money therefor, and to authorize the expenditure of the same—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 798—An Act to provide for suitable toilet rooms in certain foundries, and providing a penalty for a violation of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Public Health and Quarantine.

Also: Senate Bill No. 495—An Act appropriating money for advertising and exploiting the State Fair—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

BELSHAW, Chairman.

Assembly Bills Nos. 43, 153, 154, 155, 322, 417, 644, 12, and 296 ordered on Assembly special file for second reading.

Senate Bills Nos. 350, 390, 497, 518, and 786 ordered on file for second reading.

Senate Bill No. 798 referred to Committee on Public Health and Quarantine.

WITHDRAWAL OF BILL.

Senator McKee asked for and was granted unanimous consent to withdraw Senate Bill No. 495.

Senate Bill No. 495 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 98—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be known as Section 860a, relating to the dispensing with abstracts of title in all proceedings brought for the purpose of affecting, establishing, or registering title to real estate where it shall appear that the public records of such title, or a substantial portion thereof, have been destroyed by conflagration or other public calamity.

Also: Assembly Constitutional Amendment No. 7—Relating to county and township offices.

Also: Assembly Bill No. 212—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Also: Senate Bill No. 352—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Also: Senate Bill No. 783—An Act to add three new sections to the Code of Civil Procedure of the State of California, to be known as numbers 953a, 953b, and 953c, relating to a new and alternative method for the preparation of records to be used on appeals from judgments, orders, or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 149—An Act to amend Section 3785 of the Political Code of the State of California, relating to the issuance of tax deeds—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Revenue and Taxation.

Also: Senate Bill No. 774—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1532a, determining the meaning of the words "average daily attendance" in relation to the apportionment of the State school fund—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Education.

LUKENS, Chairman.

Assembly Bills Nos. 98, 212, and 491 ordered on Assembly special file for second reading.

Assembly Constitutional Amendment No. 7 ordered on file.

Senate Bills Nos. 352 and 783 ordered on file for second reading.

Assembly Bill No. 149 referred to Committee on Revenue and Taxation.

Senate Bill No. 774 referred to Committee on Education.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, seawall, State railroad, spurs and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 656—An Act to amend Section 827 of the Civil Code, relating to notice required for changing terms of tenancies or other estates at will, however created, and of all leases of lands or tenements, or of any interest therein, from month to month.

Also: Senate Bill No. 759—An Act amending an Act entitled "An Act to provide for the appointment of a Board of Sutter's Fort Trustees and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection, and improvement of said property," approved March 7, 1891.

Also: Senate Bill No. 171—An Act to amend Sections 269a and 269b of the Penal Code, relating to cohabitation and adultery.

Also: Senate Bill No. 605—An Act to amend Section 249 of the Penal Code, relating to punishment of libel.

Also: Senate Bill No. 117—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Also: Senate Bill No. 553—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.

Also: Senate Bill No. 725—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein and prescribing the duties of the State Controller and Attorney-General with reference thereto.

Also: Senate Bill No. 744—An Act to add a new section to the Political Code, to be numbered Section 2295a, and relating to supplying the State Library with State publications for exchange purposes.

Also: Senate Bill No. 546—An Act to amend Section 16 of an Act entitled "An Act to amend an Act entitled 'An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and

prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards, and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903, approved March 22, 1905."

Also: Senate Bill No. 768—An Act to promote the horticultural interests of the State by providing county commissions of horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 31, 1897 and amended and approved March 20, 1905.

Also: Senate Bill No. 738—An Act to add a new title to Part III of the Penal Code, to be known as Title 1a, relating to State schools of industry and reform for juvenile offenders.

Also: Senate Concurrent Resolution No. 13—Approving an amendment to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 1st day of August, 1906.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 461, 656, 759, 171, 605, 117, 553, 725, 744, 546, 768, and 738 ordered on file for third reading.

Senate Concurrent Resolution No. 13 ordered on file.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 181—An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished—have had the same under consideration, and respectfully report the same back, without recommendation.

GREENWELL, Acting Chairman.

Assembly Bill No. 181 ordered on Assembly special file for second reading.

RESOLUTIONS.

The following resolutions were offered:

By Senator Anthony:

WHEREAS, Citizens of Sacramento request vast appropriations of money from the Legislature for the benefit of Sacramento; and

WHEREAS, Citizens of Sacramento resist the contemplated removal of the seat of government from Sacramento; and

WHEREAS, Citizens of Sacramento have invited legislators to an expensive banquet tendered by citizens of Sacramento; therefore, be it

Resolved, That said banquet shall not be viewed as inducing appropriations by the Legislature for the benefit of Sacramento, nor as impeding the change of the seat of government.

Resolution read, and referred to Committee on Public Morals.

By Senator Sanford:

Resolved, That Senate Joint Resolution No. 7—Relative to the protest against the naturalization of Japanese—and the minority substitute therefor, be recalled from the Committee on Federal Relations, and placed upon the Senate general file where they were on January 30, but were re-referred to said committee on January 31, on account of the constant waving of the "big stick."

Resolution read and refused adoption.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set on February 18, 1907, for this day, being the consideration of Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and

gross premiums received upon its business done in this State, less return premiums and reinsurance in companies or associations authorized to do business in this State; *provided*, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this State. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property of such companies, except county and municipal taxes on real estate: *provided*, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this State, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the Legislature upon insurance companies of such other state or country doing business in this State.

(c) The shares of the capital stock of all banks, organized under the laws of this State, or of the United States, or of any other state and located in this State, shall be assessed and taxed to the owners or holders thereof by the State Board of Equalization in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the State, of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon such shares of stock and upon the property of such banks, except taxes on real estate. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the State for this tax and the same shall be paid to the State by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this State, or held by any bank located in this State which has no shares of capital stock, or employed in this State by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said board of equalization, in the manner to be provided by law, and taxed at the same rate that is levied upon the shares of stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business together with all the reserve, surplus and undivided profits, including the good will of the business, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property of the banks and bankers mentioned in this paragraph, except taxes on real estate. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said State Board of Equalization shall include and assess to such banks all property and everything of value owned or held by them, which would go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking associations, savings and loan societies and trust companies.

(d) Every corporation incorporated under the laws of this State, excepting the corporations mentioned in the preceding subdivisions of this section, and excepting all educational, religious and charitable corporations and all corporations which are not organized for pecuniary profit, shall pay an annual tax to the State upon its franchise to be a corporation, and every corporation incorporated elsewhere and doing business in this State, other than the corporations mentioned in the preceding subdivisions of this section, shall pay an annual tax to the State upon its right to do business in this State, as follows: when the authorized capital stock of the corporation does not exceed ten thousand dollars (\$10,000) the tax shall be ten dollars (\$10.00); when the authorized capital stock exceeds ten thousand dollars (\$10,000) but does not exceed twenty thousand (\$20,000) the tax shall be fifteen dollars (\$15.00); when the authorized capital stock exceeds twenty thousand

dollars (\$20,000) but does not exceed fifty thousand dollars (\$50,000) the tax shall be twenty dollars (\$20.00); when the authorized capital stock exceeds fifty thousand dollars (\$50,000) but does not exceed one hundred thousand dollars (\$100,000) the tax shall be twenty-five dollars (\$25.00); when the authorized capital stock exceeds one hundred thousand dollars (\$100,000) but does not exceed two hundred and fifty thousand dollars (\$250,000) the tax shall be fifty dollars (\$50.00); when the authorized capital stock exceeds two hundred and fifty thousand dollars (\$250,000) but does not exceed five hundred thousand dollars (\$500,000) the tax shall be seventy-five dollars (\$75.00); when the authorized capital stock exceeds five hundred thousand dollars (\$500,000) but does not exceed two million dollars (\$2,000,000) the tax shall be one hundred dollars (\$100.00); when the authorized capital stock exceeds two million dollars (\$2,000,000) but does not exceed five million dollars (\$5,000,000) the tax shall be two hundred dollars (\$200.00); when the authorized capital stock exceeds five million dollars (\$5,000,000) the tax shall be two hundred and fifty dollars (\$250.00).

(e) All franchises, other than those expressly provided for in this section, shall be assessed by the State Board of Equalization at their actual value, and shall be taxed at the rate of one per centum thereon each year, and the taxes collected thereon shall be exclusively for the benefit of the State.

(f) All the provisions of this section shall be self-executing, but the Legislature may pass all laws necessary to carry this section into effect. The taxes herein provided for shall be levied and assessed on the first Monday in March of each year after the adoption of this amendment and shall become due and payable on the first Monday in June thereafter. The gross earnings and gross premiums herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the date of said levy. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the Legislature.

SEC. 15. No suit, action, or proceeding shall ever be maintained in any court against this State, or against any officer thereof, to have any tax, levied under the provisions of this article, declared invalid or to prevent or enjoin the collection thereof until such tax has been actually paid; but after such payment, action may be maintained to recover any tax illegally collected in such manner and within such time as may now or hereafter be provided by law.

Third. Section 10 of Article XI of said Constitution is hereby repealed.

Senate Constitutional Amendment read.

During the consideration of the constitutional amendment the following amendment was offered by Senator Caminetti:

Add a new subdivision at the end of Senate Constitutional Amendment No. 1 to be numbered Section 17, to read as follows:

Sec. 17. The people reserve to themselves the power to propose amendments to this article and also to propose laws to carry out the provisions thereof, and to adopt, enact or reject the same at the polls independent of the action of the Legislature, and also reserve power at their option to approve or reject at the polls any Act of the Legislature passed in pursuance of Section 16 of this article. The first power reserved by the people as above specified is the initiative, and not more than eight per cent of the legal voters shall be required to propose any amendment to this article or any law to carry out the provisions thereof, by petition and every such petition shall include the full text of the amendment or law so proposed. Initiative petitions shall be filed with the Secretary of State not less than four months before the election at which they are to be voted upon.

The second power reserved as above specified is the referendum, and it may be ordered by petition signed by five per cent of the legal voters, on any law passed by the Legislature to carry out the provisions of this article. Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the Legislature which passed such law on which the referendum is demanded. All elections on matters referred to the people of the State under the provisions of this section shall be had in the biennial regular general elections, except when the Legislature shall order a special election. Any amendment to this article or any law referred to the people shall take effect when it is approved by a majority of the votes cast thereon and not otherwise. The veto power of the Governor shall not extend to any law submitted to the people under the provisions hereof. The enacting clause of every law submitted as herein provided shall be: "The people of the State of California do enact as follows." This section shall not be construed to deprive any member of the Legislature of the right to introduce any measure. The whole number of votes cast for Governor at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the referendum shall be filed with the Secretary of State, and in submitting the same to the people, he and all other officers, shall be guided by the general laws and the Act submitting this amendment until legislation shall be especially provided therefor.

Amendment read.

POINT OF ORDER.

Senator Leavitt raised the point of order that the amendment offered by Senator Caminetti was not germane to the Senate constitutional amendment under consideration.

DECISION ON POINT OF ORDER.

The President pro tem. of the Senate announced his decision, and declared the point of order raised by Senator Leavitt well taken.

Whereupon the President pro tem. declared the amendment out of order.

DECISION OF THE CHAIR APPEALED FROM.

Senator Caminetti appealed from the decision of the Chair.

The question being: "Shall the decision of the Chair stand as the decision of the Senate?"

The roll was called, and the decision of the Chair was sustained by the following vote:

AYES—Senators Bates, Bell, Belshaw, Black, Boynton, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, and Wright—32.

NOES—Senators Caminetti and Cartwright—2.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the hour of recess was extended fifteen minutes.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(RESUMED).

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 1 adopted by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

NOES—Senator Caminetti—1.

Senate Constitutional Amendment ordered transmitted to the Assembly.

RECESS.

At twelve o'clock and forty-five minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set on February 13, 1907, for this day, being the consideration of a request from the Assembly that the Senate recede from Senate amendments to Assembly Constitutional Amendment No. 3, the same was taken up for consideration.

The question being, "Shall the Senate recede from its amendments to Assembly Constitutional Amendment No. 3?"

The roll was called, and the Senate refused to recede from Senate amendments to Assembly Constitutional Amendment No. 3 by the following vote:

AYES—Senators Caminetti and Welch—2.

NOES—Senators Anderson, Bell, Belshaw, Black, Boynton, Carter, Cartwright, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Muentert, Nelson, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

COMMITTEE ON CONFERENCE.

Senator Leavitt moved that a Committee on Conference be appointed to meet a similar committee of the Assembly on Assembly Constitutional Amendment No. 3.

Motion carried.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President announced that he had appointed Senators Wright, Leavitt, and Walker as the Committee on Conference on Assembly Constitutional Amendment No. 3.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER RESET.

In compliance with his notice given on February 19, 1907, Senator Wright moved that the vote whereby Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the rights of suffrage—was refused adoption, be now reconsidered.

The motion was duly seconded.

Senator Wright moved that further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 27 was refused adoption, be postponed and made a special order for Friday, February 22, 1907, at eleven o'clock A. M.

Motion carried.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER SET.

In compliance with his notice given on previous day, Senator Boynton moved that the vote whereby Senate Bill No. 555—An Act to amend Sections 336, 337, 338, 339, and 344 of the Code of Civil Procedure, all relating to the time within which certain actions must be commenced—was passed, be now reconsidered.

The motion was duly seconded.

Senator Boynton moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 555 was passed, be postponed and made a special order for Monday, February 25, 1907, at eleven o'clock A. M.

Motion carried.

CONSIDERATION OF DAILY SPECIAL FILE—THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 460—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved March 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of officers of counties of the forty-sixth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 460 finally passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, Miller, Muentner, Rambo, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 306—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and amended March 20, 1905, by amending Sections 3, 4, 5, and 6 of said Act, and by adding a new section to said Act, to be numbered Section 7½.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 306 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, Miller, Muentner, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 509—An Act to amend Section 1663 of the Political Code, relating to duties of county boards of education.

On motion of Senator Anderson, Assembly Bill No. 509 was temporarily passed on file, to retain its place.

Assembly Bill No. 558—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books by the several counties or cities and counties of the State.

On motion of Senator Anderson, Assembly Bill No. 558 was temporarily passed on file, to retain its place.

Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relative to duties of the text-book committee.

On motion of Senator Anderson, Assembly Bill No. 543 was temporarily passed on file, to retain its place.

Assembly Bill No. 264—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California.

On motion of Senator Muentner, Assembly Bill No. 264 was temporarily passed on file, to retain its place.

Assembly Bill No. 402—An Act to add a new section to the Political Code of the State of California, to be known as Section 1641, relating to and defining who are census children.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 402 finally passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McKee,

Muenter, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Wolfe, and Wright—29.
NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 123—An Act to amend Sections 3, 9, 10, 12, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities, and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration and fixing penalties for the violation of this Act," approved March 18, 1905.

On motion of Senator Mattos, Assembly Bill No. 123 was temporarily passed on file, to retain its place.

Assembly Bill No. 439—An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 439 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Muenter, Nelson, Reily, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 541 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, Miller, Muenter, Nelson, Rambo, Reily, Rolley, Sanford, Walker, Weed, Willis, Wolfe, and Wright—32.

NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 5—An Act to amend Article IV of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions out of the State, by adding a new section thereto, to be known as Section 2029.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 5 finally passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Irish, Keane, Kennedy, Lynch, Markey, Mattos, McCartney, Miller, Muenter, Nelson, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 242—An Act to amend Section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates. Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Lukens, as a special committee of one, to amend as follows:

By striking out of Section 1, line 8, the word "state," and insert in lieu thereof the word "county."

Also: Strike out of Section 1, line 10, the word "controller," and in lieu thereof insert the word "auditor."

Also: On line 14, same section, strike out the word "state" and insert in lieu thereof the word "county."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 242, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUKENS, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

Assembly Bill No. 462—An Act to amend Section 443 of the Political Code, relative to State school tax.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 462 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Muenter, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 567—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof, defining the practice of dentistry.

On motion of Senator Wright, Assembly Bill No. 567 was temporarily passed on file, to retain its place.

Assembly Bill No. 586—An Act to amend Section 213 of the Penal Code of the State of California and to add a new section thereto, numbered 212a, relating to the crime of robbery and its punishment.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 586 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muenter, Nelson, Rambo, Reily, Sanford, Weed, Welch, Wolfe, and Wright—26.

NOES—Senators Black, Boynton, Caminetti, Carter, Irish, Lukens, Mattos, Rolley, Savage, Walker, and Willis—11.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 358—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895, and an Act amendatory thereof approved March 20, 1905.

On motion of Senator Leavitt, Assembly Bill No. 358 was temporarily passed on file, to retain its place.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Savage: Senate Bill No. 841—An Act to provide for the organization, incorporation, disincorporation, consolidation, and government of municipal corporations, and to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding a new section thereto to be known as Section 4a, relating to the disincorporation and the reorganization and consolidation of municipalities, and by amending Section 8 of said Act, relating to consolidation of municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 842—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," by adding a new section thereto to be numbered Section 9½, providing for the disposition of money raised by the sale of bonds under said Act, whenever it appears to be impracticable to use said money for the purpose for which the bonds were voted.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Belshaw: Senate Bill No. 843—An Act to amend Sections 6 and 7 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, so as to provide for the payment of services of county auditor, county tax collector, and county treasurer.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 844—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 845—An Act to amend Section 3680 of the Political Code of the State of California, relating to sale of land for taxes.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rambo: Senate Bill No. 846—An Act to insure the better

education of practitioners of chiropractic, and to regulate the practice thereof in the State of California, and providing penalties for the violation of the same.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator McKee: Senate Bill No. 847—An Act to amend Section 416 of the Political Code, so as to increase the amount of fees received by the Secretary of State which are payable into the State Library fund.

Bill read first time, and referred to Committee on Finance.

By Senator Nelson: Senate Bill No. 848—An Act making an appropriation to pay the expenses of legislative printing for the thirty-seventh session.

Bill read first time, and referred to Committee on Finance.

RUSH ORDER TO PRINTER.

On motion of Senator Willis, the Secretary was directed to issue a rush order for printing Senate Bill No. 848.

SPECIAL ORDER SET.

Senator Nelson moved that the consideration of Senate Bill No. 848 be made a special order for Friday, February 22, 1907, at ten o'clock and thirty minutes A. M.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Senator Price (by request): Senate Bill No. 849—An Act empowering the board of supervisors of the several counties of the State of California to direct the payment of all license fees collected under the authority of said boards, to be paid into and credited to the road fund for the road district in which the business authorized by such license is situated.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lukens: Senate Bill No. 850—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions of such submission.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Bates: Senate Bill No. 851—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, and amended March 6, 1899.

Bill read first time, and referred to Committee on Finance.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day requests that your honorable body return to Assembly, Assembly Bill No. 562—

An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants—for further consideration.

Also: That the Assembly on this day concurred in Senate Concurrent Resolution No 11—Relative to joint rules of Senate and Assembly.

CLIO I. LOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Concurrent Resolution No. 11 ordered to enrollment.

On motion of Senator Leavitt, Assembly Bill No. 562 was ordered returned to the Assembly in accordance with the request contained in the above message.

CONSIDERATION OF CONSTITUTIONAL AMENDMENTS—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to have Senate Constitutional Amendment No. 32 and Senate Constitutional Amendment No. 16 taken up for the purpose of amendment.

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 23, Article IV thereof, relating to the compensation of the members of the Legislature, limiting the expense of the employes of the Senate and Assembly.

During the reading of the constitutional amendment, the following amendments were submitted by committee:

On page 1, title, lines 2 and 3, strike out the word "amending," and insert in lieu thereof the following: "adding a new Section thereto to be numbered."

Amendment adopted.

Also:

On page 1, title, line 3, insert after the figures 23 the letter "a."

Amendment adopted.

Also:

On page 1, title, lines 3 and 4, strike out the words "the compensation of members of the legislature limiting," and insert in lieu thereof the following: "limitation of."

Amendment adopted.

Also:

On page 1, preamble, line 5, strike out the words "sections two and," and insert in lieu thereof the word "section."

Amendment adopted.

Also:

On page 1, preamble, line 5, insert after the word "that" the words: "a new section be added thereto, to be numbered."

Amendment adopted.

Also:

On page 1, preamble, line 5, insert after the words "twenty-three" the letter "a."

Amendment adopted.

Also:

On page 1, preamble, line 6, strike out the words "be amended so as."

Amendment adopted.

Also:

On page 1, Section 23, line 1, insert after the figures 23 the letter "a."

Amendment adopted.

Also:

On page 1, Section 23, lines 1 to 6, strike out the words beginning with the word "The," in line 1, down to and including the word "session," in line 6.

Amendment adopted.

Also:

On page 1, Section 23, line 9, insert after the word "house," the words "at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session."

Amendment adopted.

Senate Constitutional Amendment ordered to print as amended.

Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative session, the compensation of members of the Legislature, and limiting the expense of employes of the Senate and Assembly.

During the reading of the Senate Constitutional Amendment, the following amendments were submitted by committee:

On page 1, title, line 3, strike out the word and figures "and 23."

Also:

On page 1, title, line 5, strike out the words "and limiting the expense of employes of the Senate and Assembly," and insert in lieu thereof the following: ", and repeal Section 23, Article IV of the Constitution."

Also:

On page 2, Section 2, line 1, strike out the word and figures "Sec. 23."

Also:

On page 2, Section 2, lines 11-17, strike out the words on line 11 "the legislature," down to and including the words "appointed," on line 17.

Also:

On page 2, insert at the end of bill the words "Section twenty-three of Article IV of the Constitution is hereby repealed."

Also, offered by Senator Curtin:

Amend by striking out of Section 28, line 13, the word "at," and insert in lieu thereof the following: "for the first sixty consecutive days thereof, nor exceed two hundred dollars per day for each day thereafter during."

BILL ORDERED TO PRINT WITH AMENDMENTS PENDING.

On motion of Senator Wolfe, Senate Constitutional Amendment No. 16 was ordered to print, with the above amendments pending, said amendments to be printed in brackets in said Constitutional Amendment.

SPECIAL ORDER SET.

Senator Wolfe moved that the consideration of Senate Constitutional Amendment No. 16, with amendments pending, be made a special order for Friday, February 22, 1907, immediately following the conclusion of the consideration of the special file of Assembly bills.

Motion carried.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Welch asked for and was granted unanimous consent to have Senate Bill No. 457 taken up for the purpose of amendment.

Senate Bill No. 457—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Welch moved to refer to Senator Nelson as a special committee of one, to amend as follows:

By striking out all after the enacting clause and inserting the following:

SECTION 1. Sixty days after the passage of this Act, any person or persons, corporation or firm who shall carry on or engage in the business of a detective in this State for hire or reward, or who shall advertise his or their business to be that of a detective, or as conducting a detective agency, without first having obtained a license so to do from the Secretary of State, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars, or to suffer imprisonment in a county jail not to exceed one year, or both.

SEC. 2. The Secretary of State shall cause to be prepared proper licenses to be issued by him under this Act; and all moneys collected for said licenses by the said Secretary of State shall be paid by him into the general fund of the State.

SEC. 3. It shall and may be lawful for the Secretary of State to issue a license to such person or persons, corporation or firm applying therefor for the purpose specified in Section 1 of this Act, upon the payment to him of the sum of one hundred dollars, which license shall extend for the period of five years; said license shall be revocable at any and all times for cause shown by proper proof in any Superior Court in the county wherein said party or parties procuring said license resides or had his or their office; but no license shall be granted unless a petition for the same, accompanied by satisfactory proof of the competency and integrity of such person or persons, shall have been made to the said Secretary of State said proofs to be a petition setting forth the above facts concerning the petitioner, and signed by at least ten reputable citizens and taxpayers of the county wherein the petitioner resides, or has his business headquarters.

SEC. 4. Before entering upon the duties as a detective, as set forth in the license issued by said Secretary of State, the person or persons, corporation or firm, named in said license shall file with the Secretary of the State a good and sufficient bond to be approved by the Governor in the sum of three thousand dollars, for the legal and faithful performance of his or their duty; said bond shall be taken in the name of the people of the State of California. Any person injured or aggrieved by any illegal act of such person, or persons, corporation or firm procuring such license, may bring suit on said bond in the name of the people of the State of California, to his or their use and benefit. Any person, or persons, corporation or firm licensed as aforesaid under this Act, together with his or their employes or operatives, shall be known as detectives, under the name of the individual, corporation or firm obtaining said license. Nothing in this Act shall be construed so as to apply to any detective or detectives appointed by any municipal or county government in this State, or by the Governor of this State, or the government of the United States.

SEC. 5. Nothing in this Act, so far as obtaining a license is concerned, shall apply to the operatives or employes of any of said business detectives or detective agencies employed regularly or temporarily in their business, by any person or firm licensed under this Act, and any person who shall falsely represent himself as being in the employ of any regularly licensed detective or detective agency in this State shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$500, or be imprisoned in a county jail for not more than six months, or both.

SEC. 6. A license obtained from the said Secretary of State by any person or persons, corporation or firm mentioned in Section 1 of this Act shall be sufficient to give the said person or persons obtaining said license, their employes or operatives, the authority to act under said license as a detective in any county in this State.

SEC. 7. A detective within the meaning of this Act shall not be construed to mean armed guards or armed watchmen.

SEC. 8. It shall be unlawful for any person in this State to engage in the business, or act in the capacity of watchman or guard, and bear arms in such capacity, without first having obtained from the board of supervisors or the other legislative authority of any city, county and town, or town in which such occupation is proposed to be engaged in, a permit to act in such capacity, or engage in such business, as a watchman or guard.

SEC. 9. Applicants for such permits shall file an application with the board of supervisors, if desired to be used on or in connection with the premises located outside of incorporated cities or towns within the limits of a county. In incorporated cities and towns, such applications shall be made to the city trustees, common council or other legislative body of such municipality, and filed with the clerk or secretary thereof. In cities and counties, application shall be made to the board of supervisors or other legislative body, and filed with the clerk thereof. In all such applications, wherever filed, the premises or place for which permission to have watchmen or guards appointed shall

be fully described by boundaries; the applicant shall have attached to such application a petition signed by at least twelve reputable citizens of the county, city and county, city and town, setting forth that the applicant is personally known to each of them to have been a resident of the county, city and county, city and town, for at least six months immediately preceding the date of the application; that he is a person of good moral character, a citizen of the United States, and of this State, a peaceable and law-abiding citizen, and a person whom it would be safe and proper to permit to act in such capacity as such watchman, guard or private detective.

SEC. 10. On hearing such petition, and by a majority vote of the members of the board of supervisors, or other legislative body, the application may be granted, and the applicant be given a permit in writing, to act as such watchman or guard, upon the payment of a license fee of one dollar. Such permit shall be renewed each twelve months after the date of the granting of the application in the first instance.

SEC. 11. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than two hundred and fifty dollars, nor more than five hundred dollars, or by imprisonment in the county jail not less than three months, nor more than six months, or by both such fine and imprisonment.

SEC. 12. This Act shall take effect and be in force sixty days after its passage.

Also: Amend the title so as to read as follows:

An Act to regulate the licensing and powers of detectives and to provide for the regulation of the business of watchman and guards in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 467, with instructions to amend, respectfully reports the same back, amended as per instructions.

NELSON, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senator Sanford asked for and was granted unanimous consent to have Senate Bill No. 195 taken up for the purpose of amendment.

Senate Bill No. 195—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and as amended June 13, 1906, by amending Section 2 thereof, relating to a license tax upon corporations.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, strike out all after line 11, down to and including line 30, and insert in lieu thereof the following:

When the authorized capital stock of the corporation does not exceed ten thousand dollars (\$10,000) the tax shall be ten dollars (\$10.00); when the authorized capital stock exceeds ten thousand dollars (\$10,000) but does not exceed twenty thousand dollars (\$20,000) the tax shall be fifteen dollars (\$15.00); when the authorized capital stock exceeds twenty thousand dollars (\$20,000) but does not exceed fifty thousand dollars (\$50,000) the tax shall be twenty dollars (\$20.00); when the authorized capital stock exceeds fifty thousand dollars (\$50,000) but does not exceed one hundred thousand dollars (\$100,000) the tax shall be twenty-five dollars (\$25.00); when the authorized capital stock exceeds one hundred thousand dollars (\$100,000) but does not exceed two hundred and fifty thousand dollars (\$250,000) the tax shall be fifty dollars (\$50.00); when the authorized capital stock exceeds two hundred and fifty thousand dollars (\$250,000) but does not exceed five hundred thousand dollars (\$500,000) the tax shall be seventy-five dollars (\$75.00); when the authorized capital stock exceeds five hundred thousand dollars (\$500,000) but does not exceed two million dollars (\$2,000,000) the tax shall be one hundred dollars (\$100.00); when the authorized capital stock exceeds two million dollars (\$2,000,000) but does not exceed five million dollars (\$5,000,000) the tax shall be two hundred dollars (\$200.00); when the authorized capital stock exceeds five million dollars (\$5,000,000) the tax shall be two hundred and fifty dollars (\$250.00).

Amendment adopted.

Also:

A new section is hereby added to this Act, to be known as Section 2.

SEC. 2. There is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of forty thousand (\$40,000) dollars, for the purpose of carrying out the objects of this Act, to be used by the Secretary of State in the employment of a license superintendent and cashier; one permanent clerk; such other clerks from time to time as may be necessary; for the purchase of the necessary desks, furniture, stationery, books, postage, and for the necessary printing, ruling, binding, and materials furnished by the State Printing Office, and for all other necessary incidental expenses, to be used and expended during the balance of the fifty-eighth, and during the fifty-ninth and sixtieth fiscal years, and the State Controller is hereby directed to draw his warrant for any claim against said amount, the same having been approved by the State Board of Examiners, and the Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect and be in force from and after April 1, 1907.

Amendment adopted.

Also:

Amend the title by striking out the period at the end thereof, and inserting in lieu thereof a comma and the following: "and adding a new section thereto for the purpose of carrying out the provisions of this Act."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senator McCartney asked for and was granted unanimous consent to have Senate Bill No. 821 taken up for the purpose of amendment.

Senate Bill No. 821—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

During second reading of bill, the following amendment was offered by Senator McCartney:

Amend by striking out of Section 1, line twenty (20) of the printed bill the word "counties," and inserting in lieu thereof the following: "county."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senator Weed asked for and was granted unanimous consent to have Senate Bill No. 441 taken up for the purpose of amendment.

Senate Bill No. 441—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Weed moved to refer to Senator Miller as a special committee of one to amend as follows:

By striking out the numerals (7000) in Section 1, on line 3, first page, printed bill, and inserting in lieu thereof the following: (\$7000).

Also: Insert after the word "hundred" in line 6, page 1, of the printed bill the following: "dollars."

Also: Strike out after the word "hundred" in line 6, page 1 of the printed bill, the numerals (3500) and insert in lieu thereof the following: (\$3500).

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 441, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reengrossment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Assembly Bill No. 352—An Act to amend Section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of State hospitals—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MUENTER, Chairman.

Assembly Bill No. 352 ordered on Assembly special file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 713—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the Port of Wilmington, and Bay of San Pedro," approved March 19, 1889—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROLLEY, Chairman.

Senate Bill No. 713 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 824—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches, a misdemeanor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WELCH, Chairman.

Senate Bill No. 824 ordered on file for second reading.

ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Senate Bill No. 624—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 623—An Act to amend Section 3 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the State Mineralogist of the State Mining Bureau—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Finance.

BOYNTON, Chairman.

Senate Bill No. 624 ordered on file for second reading.

Senate Bill No. 623 referred to Committee on Finance.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Boynton:

WHEREAS, The State of California is maintaining at the State Prison at San Quentin a factory for the manufacture of jute bags; and

WHEREAS, In addition to a large revolving fund required to carry on said work a considerable sum of money is invested in machinery and other appliances used in said factory; and

WHEREAS, Said bag factory was established to provide employment for the prisoners and for the benefit of such of the taxpayers of this State as are engaged in the occupation of farming, and not for the purpose of enabling speculators to secure control of the output of said factory, raise the price of said bags, and thus injure the farmers of California; and

WHEREAS, It is rumored that the product of said factory for the year 1906 was unlawfully cornered by certain speculators, who, by reason of the monopoly so created, increased the cost of grain bags to the farmers of California on an average of fifty per cent; and

WHEREAS, It is reported that the output of such factory for the year 1907 has been, or is about to be, secured by the same, or other, speculators; and,

WHEREAS, The monopoly of the product of such factory works a grave injury to the farming industry and those interested therein, and enables the parties so speculating to unlawfully enrich themselves at the expense of the State of California; therefore, be it

Resolved, That a special committee of five Senators be appointed by the President of this Senate to investigate the alleged unlawful purchases by speculators of the output of the bag factory at San Quentin for the years 1906 and 1907, with the view of ascertaining whether the Act regulating the sale of such product has been violated by any person or persons; and for that purpose said committee be and it is hereby empowered to issue all necessary subpoenas, to have full power to send for persons, books, and papers, and to compel the attendance of any and all necessary witnesses within the State, and to require the production of any and all necessary papers, books, or documents in order that the powers herein given may be fully carried out; and that it shall report the result of its investigations, with such recommendations thereon as it may deem proper and necessary, to this Senate at the earliest possible moment; and be it further

Resolved, That the Attorney-General of the State of California be and he is hereby requested to attend such investigation in behalf of the State.

Resolution read and adopted.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 584—An Act making an appropriation of \$250 for the purchase of a certain spring of water near the Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.

Also: Senate Bill No. 585—An Act making an appropriation of \$500 for the purpose of repairing and preserving the Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.

Also: Senate Bill No. 643—An Act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein, and providing a penalty for the illegal deposit and use thereof.

Also: Senate Bill No. 618—An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said hospitals, and to provide for their compensation.

Also: Senate Bill No. 443—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duties of such board; and providing when proceedings under this

Act shall be admissible in evidence, approved February 26, 1903, as amended by Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same, approved March 22, 1905." And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 584, 585, 643, 618, and 443 ordered on file for third reading.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Senator Wolfe, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 22, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVES OF ABSENCE.

Senator Kennedy was, on motion of Senator Price, granted leave of absence for Saturday, February 23, 1907.

Senator Weed was, on his own motion, granted leave of absence for Saturday, February 23, 1907.

Senator Black was, on motion of Senator Walker, granted leave of absence for this day.

Senator Bates was, on motion of Senator Wright, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 21, 1907, the further reading was dispensed with, on motion of Senator Mattos.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

To His Excellency James N. Gillett, Governor of California, and to the Senate, and to the Assembly, of the State of California.

We, the undersigned citizens of California, send greeting:

And we hereby earnestly petition your favorable action in passing at the present session of the Legislature remedial legislation on the subject of divorce substantially as set forth in Senate Bills Nos. 402, 403, 404, 405, and 406: providing (1) for

divorce from bed and board, and personal service on defendant, whether within or without the State, and for restriction of migratory divorces; (2) for requiring the District Attorney to appear in all divorce proceedings in his county in behalf of the State to prevent collusion or fraud, or a one-sided presentation of default cases; (3) for making it a misdemeanor crime to be guilty of any of the acts or omissions that constitute a ground for divorce, or to be guilty of collusion or fraud in divorce proceedings; (4) providing for service of summons and all other papers in divorce cases on the District Attorney and giving the co-respondent in adultery cases notice and right to intervene.

And in support of our petition we recite the significant facts: (1) That the number of divorces has increased to an alarming extent, illustrated by the fact that in Los Angeles County in 1905 one divorce case was filed to every four marriage licenses issued; (2) Judges estimate that in ninety per cent (90%) of divorce cases there is no appearance by defendant; (3) More than one half the divorces granted in California are for trivial causes such as desertion and failure to provide; (4) The best thought and civic conscience of our entire nation is now being aroused to a recognition of the alarming growth of the divorce evil, a fact recognized by the President of the United States in his last annual message to Congress.

We plead (1) for a more practical and more just system of sifting out the right and wrong in divorce cases; (2) for the right to demand legal separation only, where the injured one in marital troubles has conscientious scruples against absolute divorce; (3) for the appropriate punishment of those who wilfully violate the solemn obligations of the sacred marriage vow; (4) for the more adequate protection of the sacred marriage relation; and (5) for the stability and permanence of the home, because the home is the rock upon which both the State and the nation are founded, and if the home decays, both State and nation must crumble and fall.

J. C. Barron, 3040 Key West Street; F. A. Brode, 901 West Thirty-fifth Street; T. J. Weogoner, 3412 McClintock; G. S. Challin, 317 West Thirty-first Street; P. Maur, 650 West Thirty-fifth Street; Newton Hogan, 1043 West Thirty-sixth Street; J. Van Cleve Rollins, 1149 West Jefferson Street; Mrs. M. J. Dickinson, 674 West Sixty-sixth Street; Mrs. Emma C. Campbell, 922 West Jefferson Street; Louisa Moses, 679 West Thirty-sixth Street; Helen W. Cole, 319 West Fortieth Street; Adella H. Brode, 901 West Thirty-fifth Street; R. W. E. Cole, 319 West Fortieth Street; H. A. Prior, 679 West 36th Street; E. A. Healy, 1017 West Thirty-fifth; W. M. Bowen, 1145 W. Thirty-seventh; Chas. W. Brown, 2820 Budlong Avenue; Oscar P. Sheldon, 1187 West Thirty-first Street; B. F. Kephart, 945 West Thirty-ninth Street; John M. C. Marble, 3201 Figueroa Street; Wm. Carey Marble, 3201 Figueroa Street; A. W. Stewart, 2802 Ellendale Place; A. E. McConnell, 1023 West Thirty-seventh Street; A. A. Holden, 1043 West Thirty-first; W. H. Sallada, 1044 West Thirtieth; J. H. Foster, 1223 West Forty-first; T. W. Tolchard, 1629 St. Andrews Place; J. R. Umsted, 3036 Hoover Street; F. E. Hastings, 3022 Budlong Avenue; J. H. Boneley, 1510 West Twenty-eighth Street, Los Angeles; F. E. Palmer, 834 East Prospect Avenue, Hollywood; E. Luke, 1011 West Thirty-sixth Street; John L. Dink, 2711 Budlong Avenue; Chas. Nelson, 816 West Thirty-ninth Street; Harlow M. Peirce, 1201 West Fifty-fifth Street; B. T. Tilden, 1146 West Thirty-seventh Street; Geo. R. Murdock, West Adams and Eighth Avenue; F. M. Cummins, 934 West Thirty-eighth Street, Los Angeles.

By Senator Mattos:

SAN FRANCISCO, February 20, 1907.

To the Honorable J. G. Mattos Jr., Member of the Senate:

DEAR SIR: The introduction into the Assembly by Mr. Percival, Assembly Bill No. 264, an Act to regulate the practice of barbering, and said bill has been referred to the Committee on Judiciary for their consideration;

WHEREAS, Said bill, a duplicate and several of the disreputable bills, the enforcement of which by our late commissioner proved to be a gross failure and a discredit to the barbers in general; and,

WHEREAS, The said bill was repealed by the Senate and Assembly in the year 1905, at the request of 90 per cent of the barbers of the State of California, and,

WHEREAS, The body of men as formerly are now endeavoring to force through the present session of the State Senate and Assembly the same bill, and,

WHEREAS, After canvassing the barbers' craft of the State by the Barbers' Protective Union an incorporated body of twenty-nine years' standing, we find the sentiment of the barbers more than ever opposed to the enactment of the said bill. Therefore, it was decided and

Resolved, To bring this matter before you and humbly ask you to withdraw your approval of said bill and protect our craft from these intruders, as no possible benefit can arise from the creation of a barber commission other than to the troublesome board of commissioners.

Thanking you in advance, we, the committee of the Barbers' Protective Union,

E. PAUL ROCHE.
HUGO SCHEUNERT.
ROBERT OPPENHEIM, Sect'y.
A. UNGER, Pres.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly this day passed Senate Bill No. 129—An Act to repeal Section 491 of the Penal Code of the State of California.

Also: Senate Bill No. 130—An Act to add a new section to the Penal Code of California, to be numbered 490a, providing therein for the punishment of the larceny of bicycles, jacks, jennies, and dogs.

Also: Senate Bill No. 111—An Act to repeal an Act entitled "An Act to incorporate the Town of Yuba City," approved March 30, 1878.

Also: Senate Bill No. 165—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths.

Also: Senate Bill No. 228—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation.

Also: Senate Bill No. 8—An Act to amend an Act entitled "An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, relating to tuition fees in said university.

Also: Senate Bill No. 522—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending Sections 1, 12, 14, 16, and 17, and by adding a new section thereto.

Also: Senate Bill No. 500—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Also: Senate Bill No. 456—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriating money therefor," approved March 18, 1905, and to change and re-direct the manner of the expenditure thereof.

Also: Senate Bill No. 517—An Act providing for an appropriation of six hundred dollars (\$600) for the purpose of putting a new roof and floor to the "Distillery" at Sutter's Fort.

Also: Assembly Bill No. 875—An Act to amend Sections 1908, 1914, 1916, 1922, and 1923, all of the Political Code of the State of California, relating to the enrolled militia.

Also: Assembly Bill No. 876—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, and 2112, all of the Political Code of the State of California, relating to the National Guard.

Also: Assembly Bill No. 877—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Also: Assembly Bill No. 247—An Act regulating the loan of money, when as security for such loan a lien is taken upon household furniture and effects, musical instruments, typewriters, and sewing machines, or upon any other personal property.

Also: Assembly Bill No. 107—An Act to provide for a topographical survey in the San Joaquin Valley, of Tulare Lake, and streams flowing therein, for the purpose of determining the best method of reclaiming lands inundated by the waters of said lake.

Also: Assembly Bill No. 150—An Act to add one section to the Code of Civil Procedure of the State of California, to be numbered 230½, relating to selecting and summoning jurors for courts not of record in incorporated cities.

Also: Assembly Bill No. 624—An Act making an appropriation of five hundred dollars (\$500) for the purpose of repairing and preserving the James Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.

Also: Assembly Bill No. 844—An Act to repeal Title XVI of Part IV of Subdivision 1 of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI, to take the place thereof in said Code, relating to land and building corporations, also called building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.

Also: Assembly Bill No. 799—An Act to amend Section 1817 of the Political Code, relating to county and city and county school tax.

Also: Assembly Bill No. 400—An Act to amend Section 1770 of the Political Code, relating to duties of county boards of education.

Also: Assembly Bill No. 591—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such district from overflow, and to levy assessments to erect, and construct, and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905.

Also: Assembly Bill No. 788—An Act to amend an Act entitled "An Act for the certification of land titles and simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof, and by adding three new sections thereto, to be numbered 114a, 114b, 114c, all relating to the fees of registrars, and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund, and the determination and disposition of claims against the same.

Also: Assembly Bill No. 377—An Act to add a new section to the Political Code, to be known as Section 1195½, relating to constitutional amendments.

Also: Assembly Bill No. 750—An Act to amend Section 2004 of the Code of Civil Procedure, stating the definition of a deposition.

Also: Assembly Bill No. 751—An Act to amend Section 2024 of the Code of Civil Procedure, relative to the manner of taking depositions out of the State.

Also: Assembly Bill No. 709—An Act to regulate the building and occupancy of tenement houses in incorporated cities.

Also: Assembly Bill No. 659—An Act to provide for the change of name of high school districts and union high school districts, and the manner of making such change.

Also: Assembly Bill No. 694—An Act to amend Section 867 of the Code of Civil Procedure, relating to undertaking on attachment, and the justification of sureties thereon, in justices' courts.

Also: Assembly Bill No. 626—An Act appropriating money for the purchase of books for the library of the Whittier State School.

Also: Assembly Bill No. 786—An Act to amend the Political Code by adding thereto a new section, to be numbered 419a.

Also: Assembly Bill No. 601—An Act to amend Section 1050 of the Code of Civil Procedure.

Also: Assembly Bill No. 602—An Act to amend Section 427 of the Code of Civil Procedure.

Also: Assembly Bill No. 695—An Act to add a new section to the Code of Civil Procedure, to be numbered 981, relating to costs on appeal to Superior Courts.

Also: Assembly Bill No. 495—An Act to amend Section 340 of the Penal Code of the State of California, relating to pawnbrokers.

Also: Assembly Bill No. 625—An Act to amend Section 1578 of the Code of Civil Procedure, relating to mortgages in certain cases.

Also: Assembly Bill No. 630—An Act to amend Section 1768 of the Code of Civil Procedure, relating to the powers and duties of guardians.

Also: Assembly Bill No. 473—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

Also: Assembly Bill No. 650—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Also: Assembly Bill No. 801—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Also: Assembly Bill No. 839—An Act to amend Sections 10 and 11 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of parties to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such parties; and providing when proceedings under this Act shall be admissible in evidence.

Also: Assembly Bill No. 640—An Act to add a new section to the Political Code, to be numbered 2295a, and relating to the supplying the State Library with State publications for exchange purposes.

Also: Assembly Bill No. 572—An Act to create a preserve for shellfish and invertebrate animals within a portion of the Bay of Monterey, and to prohibit taking the same from such preserves for commercial purposes.

Also: Assembly Bill No. 866—An Act to regulate the conduct of election campaigns, and repealing an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Also: Assembly Bill No. 631—An Act to provide for the compensation of judges pro tempore of the Supreme Court.

Also: Assembly Bill No. 777—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

Also: Assembly Bill No. 638—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain street in the City of Sacramento, to wit, Twenty-sixth Street from the south line of K Street to the north line of "L" Street, and to make an appropriation therefor.

Also: Assembly Bill No. 850—An Act to provide for the furnishing and equipment of a cottage for female patients to be erected on the premises of the Mendocino State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 847—An Act to provide for the completion of a water tower at the Mendocino State Hospital, and making an appropriation therefor.

Also: Adopted Assembly Concurrent Resolution No. 20—Approving twenty (20) certain amendments to the charter of the City of Vallejo, County of Solano, State of California, voted for and ratified by a majority of the qualified electors of said City of Vallejo, voting thereon at the special election held therein for that purpose on the fifth day of February, 1907.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bills Nos. 129, 130, 111, 165, 228, 8, 522, 500, 456, and 517 ordered to enrollment.

Assembly Bills Nos. 875, 876, and 877 read first time, and referred to Committee on Military Affairs.

Assembly Bills Nos. 247, 150, 377, 750, 751, 694, 601, 602, 695, 495, 629, 630, 473, 801, and 839 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 107 and 591 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bills Nos. 624 and 788 read first time, and ordered on file without reference to committee.

Assembly Bill No. 844 read first time, and referred to Committee on Corporations.

Assembly Bill No. 799 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bills Nos. 800 and 659 read first time, and referred to Committee on Education.

Assembly Bill No. 709 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bills Nos. 626, 786, 640, 631, 777, 638, 850, and 847 read first time, and referred to Committee on Finance.

Assembly Bill No. 650 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 572 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 866 read first time, and referred to Committee on Elections and Election Laws.

Assembly Concurrent Resolution No. 20 referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed, as amended, Senate Bill No. 128—An Act to amend Section 487 of the Penal Code of California, defining grand larceny.

Also: Senate Bill No. 50—An Act to provide for the examination, tearing down, and removal of certain buildings of the San José Normal School injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds for the use of said normal school, and making an appropriation therefor.

Also: Senate Bill No. 431—An Act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof.

And ask your honorable body to concur in said amendments.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 128?"

Amend by striking out the word "or," in line 10, of Section 1 of the printed bill.

Also: Amend by striking out the period after the word "mile," in line 10 of Section 1 of the printed bill, and inserting in lieu thereof a comma, and adding the words "jack or jenny."

The roll was called, and the Assembly amendments to Senate Bill No. 128 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, McCartney, Miller, Muentner, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Senate Bill No. 128 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 50?"

Amend by striking out the word "three," on line 1, first page, printed bill, and inserting in lieu thereof the following: "two," and on page 2, lines 4, 5, and 6, on printed bill, striking out the words: "and one hundred thousand dollars thereof shall be available January 1, 1909."

The roll was called, and the Assembly amendment to Senate Bill No. 50 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Broughton, Caminetti, Carter, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Willis, and Wolfe—28.

NOES—None.

Senate Bill No. 50 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 431?"

Amend by inserting in Section 7, on line 14, fourth page, printed bill, after the word "tansy," the word "pennyroyal."

Also: Amend by striking out the word "pennyroyal," in Section 9, on line 8, fourth page, printed bill.

The roll was called, and the Assembly amendments to Senate Bill No. 431 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Broughton, Caminetti, Cartwright, Keane, Lukens, Lynch, Mattos, McCartney, McKee, Miller, Muentner, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—23.

NOES—None.

Senate Bill No. 431 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day requests your honorable body to recede from amendment No. 5 to Assembly Bill No. 11, and if your honorable body refuse to recede, the Assembly requests that your honorable body appoint a committee of three on conference to meet like committee of three on conference from Assembly.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate recede from the following amendment to Assembly Bill No. 11?"

On page 1, Section 1, line 5, insert after the word "Alameda" the words "Contra Costa."

The roll was called, and the Senate refused to recede from the Senate amendment to Assembly Bill No. 11 by the following vote:

AYES—None.

NOES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—32.

COMMITTEE ON CONFERENCE.

Senator Belshaw moved that a Committee on Conference be appointed, to meet a similar committee of the Assembly, on Assembly Bill No. 11.
Motion carried.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President announced that he had appointed Senators Belshaw, Nelson, and Savage as the Committee on Conference on Assembly Bill No. 11.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 22, 1907.

To the Senate of the State of California:

GENTLEMEN: I have the honor to return herewith, without my approval, Senate Bill No. 447—An Act providing for the cancellation of bonds to secure the uniform performance of the conditions of franchises or privileges, the exoneration of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

This bill is intended to provide a method for the substitution of new sureties upon bonds given to secure the observance, fulfillment, and performance of each and every term or condition of franchises granted by counties or municipalities.

I am in accord with the apparent purpose of this Act, but through inadvertence the bill is worded in such a manner that it exonerates the sureties from all past as well as future liabilities. I am fully satisfied that it was not the intention of the framers of this bill, nor of the Legislature, to relieve the sureties from those liabilities already incurred.

Upon the attention of the author of this bill being called to this defect, he immediately prepared and has introduced Senate Bill No. 821, that apparently safeguards the interests of all counties and municipalities, and yet provides an adequate system for the substitution of new bondsmen to replace those who for proper reasons desire to be released from such bonds.

J. N. GILLETT,
Governor of the State of California.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 447 sustained by the following vote:

AYES—None.

NOES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Caminetti, Carter, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Miller, Muenter, Nelson, Price, Rambo, Reilly, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 21, 1907.

To the Senate of the State of California:

GENTLEMEN: I have the honor to inform your honorable body that I have approved Senate Bill No. 231—An Act transferring money from the General Fund to the State Printing Fund to defray the expenses of legislative printing for the thirty-seventh session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Also: Senate Bill No. 476—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating and improving the Governor's residence.

Also: Senate Bill No. 59—An Act authorizing the City of San Diego, and the authorities thereof to convey a portion of La Jolla Park, in said city, to the Regents of the University of California, for the purpose of a biological station.

Also: Senate Bill No. 6—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation and protection of juvenile delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 23, 1893, by adding one new section thereto, to be numbered Section 31, relating to the transfer of boys from state prisons thereto, and of the powers and duties of certain public officers in connection therewith.

Also: Senate Bill No. 85—An Act to amend Section 595 of the Political Code, relating to the general duties of an Insurance Commissioner.

J. N. GILLETT,
Governor of the State of California.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 848—An Act making an appropriation to pay the expenses of legislative printing for the thirty-seventh session—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BELSHAW, Chairman.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 848, the same was taken up for consideration.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Nelson:

Resolved, That Senate Bill No. 848 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Matto, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 848—An Act making an appropriation to pay the expenses of legislative printing for the thirty-seventh session.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 848 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 643—An Act to amend an Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, approved March 18, 1885, by adding thereto a new section, to be numbered 532, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Also: Senate Bill No. 820—An Act to repeal Sections 7 and 8 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to changing boundaries of and consolidation of municipal corporations.

Also: Senate Bill No. 807—An Act to amend Section 34 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to the expenses of making the assessment for work authorized by this Act.

Also: Senate Bill No. 575—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Also: Senate Bill No. 666—An Act to amend Section 20 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Also: Senate Bill No. 732—An Act to amend an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and dialects in criminal proceedings in cities, cities and counties, of one hundred thousand inhabitants," and to make said Act applicable to the counties of the second class of this State.

Also: Senate Concurrent Resolution No. 14—Approving twenty (20) certain amendments to the charter of the City of Vallejo, County of Solano, State of California, voted for and ratified by a majority of the qualified electors of the said City of Vallejo voting thereon at the special election held thereon for that purpose on the fifth day of February, 1907.

Also: Assembly Bill No. 73—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Also: Assembly Bill No. 371—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SAVAGE, Chairman.

Assembly Bills Nos. 643, 73, and 371 ordered on Assembly special file for second reading.

Senate Bills Nos. 820, 807, 575, 666, and 732 ordered on file for second reading.

Senate Concurrent Resolution No. 14 ordered on file.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 486—An Act to appropriate money for the general improvement and completion of survey of the Lake Tahoe wagon road, and for the construction of restraining walls, culverts, bridges, and milestones thereon—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be referred to Committee on Finance.

Also: Senate Bill No. 639—An Act to amend Section 2644 of the Political Code of the State of California, relating to the allowing of claims by the board of supervisors—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

MATTOS, Chairman.

Assembly Bill No. 486 referred to Committee on Finance.

Senate Bill No. 639 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 752—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof, and by adding three new sections thereto, to be numbered 114a, 114b, and 114c, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund and providing for the custody and management of said fund, and the determination and disposition of claims against the same.

Also: Senate Bill No. 599—An Act to promote the safety of employes and travelers upon railroads by limiting the number of hours of service of employes thereon, and to provide a penalty for the violation thereof.

Also: Senate Bill No. 625—An Act relating to the restoration by certain public officers of public records, other than court records or public records of private writings, when such public records have been lost, injured or destroyed by conflagration or other public calamity.

Also: Senate Bill No. 749 - An Act to authorize suits against the State of California concerning certain real property, and regulating the procedure therein.

Also: Senate Bill No. 99 - An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless same are recorded.

Also: Senate Bill No. 103—An Act to add a new section to the Political Code, to be numbered Section 188a, relating to the levy of taxes for the payment of school district bonds.

Also: Senate Bill No. 660—An Act to amend Sections 3804 and 3805a of the Political Code, relating to the refunding of taxes and the cancellation of certificates of tax sale.

Also: Senate Bill No. 647 - An Act to amend Section 1372 of the Political Code, relating to primary elections.

Also: Senate Bill No. 632—An Act in relation to fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations.

Also: Senate Bill No. 791 - An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written-up passbook or bankbook or to statements of his deposit account within a certain time or be concluded thereby.

Also: Senate Bill No. 792—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349a, relating to books or records of any bank, banker, trust company or savings and loan society that have been lost or destroyed by conflagration, earthquake or other public calamity, and prescribing a time within which certain actions shall be commenced.

Also: Senate Bill No. 578 - An Act to create a reclamation district, to be called Reclamation District No. 774, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

Also: Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing for the separation of State and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end amending Sections 1, 9, 10, and 11 of Article XIII and adding to Article XIII two new sections, to be numbered Sections 14 and 15, and repealing Section 10 of Article XI thereof, all relating to revenue and taxation.

And report that the same have been correctly engrossed.

REILLY, Chairman.

Senate Bills Nos. 752, 599, 625, 749, 99, 103, 660, 647, 632, 791, 792, and 578 ordered on file for third reading.

Senate Constitutional Amendment No. 1 ordered on file.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 566—An Act adding a new section to the Code of Civil Procedure, to be numbered and designated as Section 1124, relating to contesting elections in case of a tie—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WALKER, Chairman.

Assembly Bill No. 566 ordered on Assembly special file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 4—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 337; to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing, or running races between horses, mares, or geldings, and providing the punishment for the violation thereof—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Public Morals.

LUKENS, Chairman.

Senate Bill No. 4 referred to Committee on Public Morals.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 600—An Act to create a commission on revenue and taxation to investigate the system of revenue and taxation in force in this State and to formulate and recommend legislation for the revision and reform of the revenue laws, said commission to succeed and take the place of the present commission on revenue and taxation, and to be composed of the Governor, the Controller, the chairman of the State Board of Equalization, all three ex officio, two members of the State Senate, and one member of the Assembly, and an expert on taxation and public finance, also authorizing the Governor to appoint said expert, and authorizing the Senate to appoint two members, to define the duties and powers of the commission, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend a committee substitute therefor, and that the same do pass.

McCARTNEY, Chairman.

Senate Bill No. 600 ordered on file for second reading.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your Committee on Conference concerning Assembly Constitutional Amendment No. 3—proposing to the people of the State of California an amendment to Section 2½ of Article II of the Constitution of the State of California, relative to the direct nomination of candidates for public office at primary elections—report that we have met a like committee of the Assembly, consisting of Assemblymen Held, Johnson of Sacramento, and Stetson, and we report that the Conference Committee can not agree, and recommend that a committee on free conference be appointed.

WRIGHT,
LEAVITT,
WALKER.

Senate Committee on Conference.

Report adopted.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

In accordance with the above report of Committee on Conference, the President announced that he had appointed Senators Wright, Leavitt and Walker as such Committee on Free Conference.

RESOLUTION.

The following resolutions were offered:

By Senator Savage:

Resolved, That the Controller be, and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate, and the Treasurer is hereby authorized to pay the same for the sum of \$987.61 in favor of Hugh Branton, same being for the payment of the following attached bills for labor and material:

J. LOUIS MARTIN, Sergeant-at-Arms, of the Senate, Dr.

To Hugh Branton, 109 O'Farrell Street, San Francisco.

Account Senate Chamber.

Moving and raising Chief Clerk's counter, night work, 1	\$12 00
Fitting cover over pigeon holes, day work, 1	6 00
Building 4 platforms, night work, 1	12 00
Building 2 sets of steps, night work, 1	12 00
Disconnecting electric wires, and removing and replacing electric globes, night work, ½	6 00
Making 2 shelves to put cases on, day work, ½	3 00
Filling in platform and closing doors, night work, ½	6 00
Making shelf in rear hall, and putting on brackets, day work	4 00
Braces for posts of railing, 2 tables 2'-0" x 4'-0", day work, 2	12 00
Moving and raising President's platform, night work, 5	60 00
Railing and gates, Sunday work, 6	72 00

Account Bill Clerk's and Sergeant-at-Arms' Room.

Raising cases to seventh floor and setting up same, day work, 5	30 00
Taking down cases, moving same up-stairs and setting up at front of eighth floor, night work, 3 ½	42 00
Putting moulding around top of cases and railing and gate, day work, 4	24 00
1 shelf 14 ft. long, day work, 1	6 00
Cutting down and filling in 1-16 ft. case, night work, 2	24 00
Covering stairway, day work, 1	6 00

Account Rear Room, Top Floor.

Putting in partition, night work, 1	\$12 00
1 door 2 ft. 4 in. x 7 ft. 0 in. and casing for same, night work, 1	12 00

Account Store Room.

1 section of shelving covering stairs, Sunday work, 2	24 00
---	-------

Account Hat Room, Fourth Main Floor.

Putting up hat hooks, day work, 3	18 00
Putting up shelf in telephone locker, day work, $\frac{1}{2}$	3 00
Removing doors, day work, 1	6 00
Putting up 6 extra shelves, day work, $\frac{1}{2}$	9 00
Putting up towel racks, day work, $\frac{1}{2}$	3 00
Putting up blackboard in hall, day work, $\frac{1}{2}$	3 00

Account McCall's Office, Fourth Floor.

Railing and gate, Sunday work, $1\frac{1}{2}$	18 00
Shelf for same, Sunday work, $\frac{1}{2}$	6 00
2 extra shelves, night work, $\frac{1}{2}$	6 00
1 double locker, day work, $1\frac{1}{2}$	9 00
2 shelves for locker, day work, 1	6 00
2 lockers in clerk's desk, etc., night work, $2\frac{1}{2}$	30 00
1 case of pigeon holes for pamphlets, day work, 2	12 00

Account Engrossing Clerk's Room.

Covering stairs, night work, 2	20 00
Putting springs and hooks on toilet-room doors, day work, $\frac{3}{4}$	4 00

Account Basement Storeroom.

Putting up partition 7x10, day work, $1\frac{1}{2}$	9 00
Hanging 2 doors, day work, $\frac{3}{4}$	4 00
Putting up 2 shelves, day work, 4 hours	3 00
1 locker, day work, $\frac{1}{2}$	4 00
Going to State Capitol and taking down postoffice, day work, $1\frac{1}{4}$	7 50
Setting up same, Sunday work, $1\frac{1}{2}$ days	18 00

Account Senate Chamber.

Putting in drawer for Chaplain, day work, $\frac{1}{2}$	3 00
Fixing drawer in Lieutenant-Governor's desk, day work, $\frac{1}{2}$	3 00
Fixing up Senator Irish's desk, hour work, 2	1 50
Putting two drawers in Clerk's desk, day work, 1	3 00
Fixing drawers in Clerk's desk, day work, $\frac{1}{2}$	1 50
Making two drawers and putting same in Chief Clerk's table, night work, $1\frac{1}{2}$	18 00
Putting up coat hooks and coat strips, day work, 1	6 00

Account of Sergeant-at-Arms' Room.

Putting casters on typewriting desks, day work, 1	6 00
Putting up hooks for coats, day work, $\frac{3}{4}$	4 00
Putting on door checks, day work, $1\frac{1}{2}$	9 00
Fixing typewriting desks in room 5, day work, $\frac{1}{2}$	3 00
Putting locks on drawers, day work, 1	6 00

Account of Red Room.

Fixing typewriting desks, hours 2	1 50
Putting up hooks in committee rooms, day work, $\frac{3}{4}$	4 00
Raising table to top floor, night work, 1	12 00
Making 2 drawers and putting same in table as per order by McCall, day work, 1	6 00
Partition in basement at ladies toilet, day work, 1	6 00
Nails and screws	4 00
2 lights of glass	4 00
Bill W. F. Knox	\$136 19
Bill R. O. Kimbrough	58 73
Bill Waterman, Davis & Curtiss	11 10
Bill Schneider, Chappell & Jones	42 25
Bill Robertson Planing Mill	54 34

302 61

Total amount of bills \$987 61

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Lukens:

Resolved, That H. B. Stewart be and is hereby elected to the position of Assistant Sergeant-at-Arms, at the per diem of \$5, in place and instead of the position of Messenger at the per diem of three (\$3) dollars.

Also:

Resolved, That the following named persons be and are hereby elected to the position and at the per diem set opposite their respective names:

Miss Lorena MacIntyre, amanuensis.....	\$6 00
Hansford B. Griffith, Secretary of Judiciary Committee	5 00
Wm. Hood, Watchman.....	3 00

Resolutions read.

The question being on the adoption of the resolutions.

The roll was called, and the resolutions adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Broughton, Cartwright, Greenwell, Irish, Keane, Leavitt, Lukens, Lynch, McCartney, McKee, Muentner, Nelson, Price, Reilly, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Whereupon the President declared the above named persons had been elected.

ANNOUNCEMENT OF DECISION ON POINT OF ORDER.

The President announced that he was now prepared to give his decision on the point of order raised by Senator Carter on February 18, 1907, relative to the President's right to cast a deciding vote, and decided as follows:

On February 18, 1907, the Senate having under consideration Senate Bill No. 265, motion was made by Senator Price that a special committee of one to amend said bill be appointed, and the motion coming up for consideration on roll call the ayes were sixteen votes and the noes sixteen votes, whereupon the President announced the vote and declared the motion lost. A point of order was raised that as the motion had resulted in a tie vote the President was entitled to cast the deciding vote, and to that point of order there was raised a further point of order that the vote having been announced and the result declared, the President could not cast any further vote. The latter point the Chair declares well taken, but had not the Chair inadvertently announced the result it would have cast the deciding vote, as the rule is plain that under the Constitution of this State the President of the Senate has the casting vote on all matters where there is a tie vote, whether the members are all voting or not, except that in cases of the final passage of bills the Constitution requiring twenty-one votes to pass any bill, this casting vote can not be given unless the entire vote of the Senate is exhausted and the vote is twenty to twenty—in such cases only can the President cast the deciding vote. For the reasons hereinbefore given the Chair adheres to the ruling that the motion of Senator Price for the appointment of a special committee of one to amend Senate Bill No. 265 is declared lost.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Miller: Senate Bill No. 852—An Act compelling railroads doing business in this State as common carriers of passengers and freight, to have, keep, operate, and maintain a depot for the accommodation of passengers, to receive and discharge passengers at such depot, and to have, keep, operate, and maintain freight warehouses for the purpose of receiving and discharging freight, in any municipal corporation, incorporated city, or city and county, or incorporated town, if such municipal corporation, incorporated city, or city and county, or incorporated town is the county seat of any county in this State, traversed by the tracks or road of any railroad, also providing for the stoppage of trains at such depot, and providing penalties for failure to comply with this Act.

Bill read first time, and referred to Committee on Judiciary.

By Senator Weed: Senate Bill No. 853—An Act providing for the erection of a monument on the summit of Mount Shasta, making an appropriation for the same, and creating a board of trustees to have charge of the same.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 854—An Act entitled "An Act to amend Section 737 of the Political Code," relating to salaries of Superior Judges.

Bill read first time, and referred to Committee on Judiciary.

WITHDRAWAL OF BILL.

Senator Keane asked for and was granted unanimous consent to withdraw Senate Bill No. 752—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto, to be numbered 114a, 114b, and 114c, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund and the determination and disposition of claims against the same.

Senate Bill No. 752 withdrawn, and ordered stricken from the file.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set on February 22, 1907, for this day, being the consideration of Senate Bill No. 811—An Act to repeal Title II, of Part IV of the Political Code, and to add a new Title II, of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township government—the same was taken up and further consideration postponed and made a special order for this day at three o'clock and thirty minutes P. M.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of a motion by Senator Wright to reconsider the vote whereby Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the rights of suffrage—was refused adoption, the same was taken up for consideration.

The motion was duly seconded.

Senator Wright moved that further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 27 was refused adoption be postponed and made a special order for Tuesday, February 26, 1907, at ten o'clock and thirty minutes A. M.

Motion carried.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of a motion by Senator Sanford to reconsider the vote whereby Senate Bill No. 45—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator—was refused passage, the same was taken up for consideration.

The motion was duly seconded.

Senator Sanford moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 45 was refused passage be postponed and made a special order for Monday, February 25, 1907, at eleven o'clock A. M.

Motion carried.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of a motion by Senator Irish to reconsider the vote whereby Assembly Constitutional Amendment No. 8—Resolution to amend Section 6 of Article IX of the Constitution of California—was adopted, was taken up for consideration.

The motion was duly seconded.

Senator Irish moved that further consideration of the motion to reconsider the vote whereby Assembly Constitutional Amendment No. 8 was finally adopted be postponed and made a special order for Monday, February 25, 1907, at eleven o'clock A. M.

Motion carried.

TIME FOR ADJOURNMENT ON NEXT LEGISLATIVE DAY FIXED.

Senator Lukens moved that, when the Senate adjourn on the next legislative day, it do so at the hour of eleven o'clock A. M.

Motion carried.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and fifteen minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction by the Board of State Harbor Commissioners, of wharves, piers, seawall, State railroad, spurs, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to the vote of the people.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 461 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 390—An Act amendatory of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, by amending Section 29 thereof, and making an appropriation of \$25,000 to carry out the purposes of said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 390 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Caminetti, Cartwright, Greenwell, Hartman, Keane, Lukens, Lynch, Markey, Mattos, McKee, Muentner, Nelson, Reily, Rolley, Rush, Sanford, Walker, Welch, Willis, and Wright—23.

NOES—Senators Belshaw, Broughton, Carter, Irish, Leavitt, Miller, Price, Savage, and Weed—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two (2) of Article IV thereof, relating to sessions of the Legislature and the limitation of pay of members thereof in extraordinary sessions.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 28 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 1 of Article IV thereof, relating to the legislative power and to certain reservations thereof by the people.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 25 was temporarily passed on file, to retain its place.

Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

On motion of Senator Boynton, Senate Bill No. 148 was temporarily passed on file, to retain its place.

Senate Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to counties of the fifty-first class.

On motion of Senator Weed, Senate Bill No. 583 was temporarily passed on file, to retain its place.

Senate Bill No. 428—An Act to provide for the transfer of certain moneys from the county treasury to municipal corporations formed within such counties.

Senate Bill No. 428 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to Article II of the Constitution of California by amending Section 2½ thereof, relating to primary elections, so as to permit the direct or other nomination of candidates for public office without conventions.

On motion of Senator Belshaw, Senate Constitutional Amendment No. 19 was temporarily passed on file, to retain its place.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Belshaw, the hour of recess was extended twenty minutes.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 265—An Act to amend Sections 626, 626*a*, 626*d*, 626*g*, 626*j*, 627*b*, and 637*a* of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637*b*, all relating to the protection and preservation of game and fish.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Lynch moved to refer to Senator Sanford, as a special committee of one, to amend as follows:

By striking out of Section 1, lines 3 and 4, the words "first day of March and the first," and inserting in lieu thereof the following: "fifteenth day of February and the fifteenth."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 265, with instructions to amend, respectfully reports the same back, amended as per instructions.

SANFORD, Special Committee.

Report of special committee of one, and amendment adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Carter moved to refer to Senator Carter, as a special committee of one, to amend as follows:

Amend Section 5 of printed bill, as amended February 18, 1907, by striking out on page 2, Section 5, commencing with the word "every," in line 3 thereof, down to and including the word "misdemeanor," in line 8, and insert in lieu thereof the following: "Every person who, owning, controlling or having in his possession, any dog or dogs, willfully suffers, permits, or allows said dog or dogs to run, track, or trail any deer during the season that deer may be lawfully killed, except a wounded deer, is guilty of a misdemeanor."

POINT OF ORDER.

Senator Walker raised the point of order that the amendment offered by Senator Carter had been previously considered and acted upon by the Senate.

DECISION ON POINT OF ORDER.

The Acting President announced that he was prepared to give his decision, and declared the point of order not well taken.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE LOST.

The question being on the motion to refer Senate Bill No. 265 to a special committee of one for the purpose of amendment.

The roll was called, and the motion lost by the following vote:

AYES—Senators Boynton, Carter, Curtin, Irish, Lukens, Lynch, Mattos, McCartney, Miller, Price, Rambo, Rolley, Rush, Weed, Welch, and Willis—16.

NOES—Senators Anderson, Bell, Belshaw, Caminetti, Cartwright, Greenwell, Hartman, Keane, Leavitt, Markey, McKee, Muentner, Nelson, Reily, Sanford, Walker, Wolfe, and Wright—18.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Nelson moved to refer to Senator Walker, as a special committee of one, to amend as follows:

By striking out of Section 5, lines 3 to 8, the words beginning with "every," in line 3 and including "misdemeanor," line 8, and inserting in lieu thereof the following: "There shall be a closed season on deer for three years from the passage of this Act, and any one killing a deer during this period shall be guilty of a misdemeanor."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 265, with instructions to amend, respectfully reports the same back, amended as per instructions.

WALKER, Special Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read :

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 705—An Act to add a new section to the Penal Code, to be known as Section 273g, relating to indulging in degrading, lewd, immoral, or vicious habits or practices, or being habitually drunk in the presence of children.

Also: Senate Bill No. 708—An Act to amend Section 608 of the Penal Code, and to add three new sections thereto, to be numbered 608a, and 608b, and 608c, all relating to the burning, injuring, or setting adrift rafts or vessels.

Also: Senate Bill No. 684—An Act permitting the retirement of capital stock of mutual life insurance corporations in certain cases.

Also: Senate Bill No. 784—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV of Division Second, consisting of Sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, and 1426q, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing An Act entitled "An Act entitled an Act relating to the working, rights of way, easement and drainage of mines within the State of California," approved March 31, 1891.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 705, 708, 684, and 784 ordered on file for third reading.

RECESS.

The hour of recess having arrived, the Acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of the Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your Committee on Free Conference, concerning Assembly Constitutional Amendment No. 3—relative to direct nomination of candidates for public office—report that we have met a like committee of the Assembly, consisting of Assemblymen Held, Johnson of Sacramento, and Stetson, and we report that the Free Conference Committee agreed upon and recommend that Assembly Constitutional Amendment No. 3, relating to direct primaries, as amended by the Senate February 7,

1907, be amended by striking out the word "also," on line 3 (Section 2½) of the proposed Constitutional amendment, and inserting in lieu thereof the following: "the Legislature shall enact," and when so amended that said constitutional amendment be adopted.

WRIGHT,
LEAVITT,
WALKER,

Senate Committee on Free Conference.

SPECIAL ORDER SET.

Senator Belshaw moved that the consideration of the report of the Committee of Free Conference on Assembly Constitutional Amendment No. 3 be made a special order for Monday, February 25, 1907, at two o'clock P. M.

Motion carried.

CONSIDERATION OF DAILY SPECIAL FILE—THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 298—An Act to add a new section to the Political Code of the State of California, to be numbered 1625, and relating to penalties of boards of trustees and city boards of education for non-fulfillment of their official duties.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 298 refused final passage by the following vote:

AYES—Senators Caminetti, Cartwright, Curtin, Keane, and Reily—5.

NOES—Senators Anderson, Anthony, Bell, Belshaw, Broughton, Carter, Leavitt, Lynch, Mattos, Miller, Nelson, Price, Rambo, Rolley, Rush, Sanford, Willis, and Wolfe—18.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 509—An Act to amend Section 1663 of the Political Code, relating to duties of county boards of education.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 509 refused final passage by the following vote:

AYES—Senators Belshaw, Broughton, Curtin, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, and Walker—11.

NOES—Senators Anderson, Anthony, Bell, Caminetti, Carter, Cartwright, Keane, Leavitt, Lukens, Markey, Mattos, McKee, Miller, Muentner, Rush, Welch, and Wolfe—17.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At two o'clock and forty-five minutes P. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 558—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books by the several counties or cities and counties of the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 558 refused final passage by the following vote:

AYES—Senators Anderson, Anthony, Bell, Broughton, Price, Reily, Rolley, Rush, Sanford, and Walker—10.

NOES—Senators Belshaw, Caminetti, Carter, Cartwright, Curtin, Keane, Leavitt, Lukens, Markey, McKee, Miller, Muentner, Nelson, Rambo, Savage, Welch, Willis, Wolfe and Wright—19.

NOTICE OF MOTION TO RECONSIDER.

Senator Caminetti gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 558 was this day refused passage.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relative to the duties of the text-book committee.

On motion of Senator Anderson, Assembly Bill No. 543 was temporarily passed on file, to retain its place.

Assembly Bill No. 264—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California.

On motion of Senator Muentner, Assembly Bill No. 264 was temporarily passed on file, to retain its place.

Assembly Bill No. 123—An Act to amend Sections 3, 9, 10, 12, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

On motion of Senator McKee, Assembly Bill No. 123 was temporarily passed on file, to retain its place.

Assembly Bill No. 242—An Act to amend Section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates.

On motion of Senator Leavitt, Assembly Bill No. 242 was temporarily passed on file, to retain its place.

Assembly Bill No. 567—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof, defining the practice of dentistry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 567 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Caminetti, Carter, Cartwright, Curtin, Keane, Leavitt, Lukens, Markey, Mattos, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Willis, and Wolfe—25
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 358—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895, and an Act amendatory thereof approved March 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 358 refused final passage by the following vote:

AYES—Senator McKee—1.

NOES—Senators Anderson, Anthony, Bell, Belshaw, Caminetti, Curtin, Keane, Leavitt, Lynch, Markey, Mattos, Miller, Muenter, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Willis, and Wolfe—22.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 570—An Act to amend Section 1 of an Act entitled an Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 570 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Caminetti, Keane, Leavitt, Lynch, Markey, Mattos, McKee, Miller, Muenter, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Willis, and Wolfe—22.

NOES—Senator Walker—1.

Title read and approved.

Bill ordered transmitted to the assembly.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 449—An Act to grant permission to the "Sacramento Society of California Pioneers" to erect a memorial building on the grounds of the Sutter's Fort Park, in Sacramento City.

Bill read second time, and ordered on file for third reading.

Assembly Constitutional Amendment No. 1—Amending Constitution relative to rights of suffrage.

On motion of Senator Keane, Assembly Constitutional Amendment No. 1 was temporarily passed on file, to retain its place.

Assembly Constitutional Amendment No. 7—Relative to county and township officers.

On motion of Senator Bell, Assembly Constitutional Amendment No. 7 was temporarily passed on file, to retain its place.

Assembly Bill No. 148—An Act to amend Section 3627 of the Political Code of the State of California, relating to the assessments of property for taxation.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 1, at end of Section 1, printed bill, after the word "year," insert the following: "The parties to any contract of loan or to any mortgage, deed of trust, or other lien securing any obligation, shall nevertheless have the right to provide by

contract that the debtor shall pay all or any taxes or assessments on the money loaned or on the mortgage, deed of trust, or other lien, or on the property thereby covered or the obligation thereby secured, and such contract shall be valid and constitute a waiver by the debtor of all right to treat the payment of such tax or assessment as a payment on the amount loaned or secured or as being to any extent a discharge thereof."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 67—An Act authorizing the regents of the University of California to hold farmers' institutes, and making appropriations therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 235—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 294—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefore.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 295—An Act to provide for repairing the plumbing, installing new bathtubs and toilets, and laying a cement flooring, and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 237—An Act to amend an Act entitled "An Act to create a fireman's relief, health, life insurance and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 370—An Act to amend Section 601 of the Code of Civil Procedure, relating to challenges in civil cases.

During second reading of bill, the following amendments were submitted by the committee:

On page 1, title, line 1, insert after the word "amend" the word "Section."

Amendment adopted.

Also:

On page 1, section 1, line 7, strike out the word "eight," and insert in lieu thereof, the following: "ten."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 103—An Act to amend Section 33½ of "An Act to establish a uniform system of county and township government."

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 512—An Act regulating the hours of labor of women, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

During second reading of bill, the following amendments were submitted by committee:

On page 1, of the printed bill, strike out all of Section 2, and amend Sections 3 and 4 by renumbering the same Sections 2 and 3.

Amendment adopted.

Also:

Amend Section 1, page 1, by inserting after the word "in," on line 5, the words "the twenty-four hours of."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 12—An Act appropriating money for advertising and exploiting the State Fair.

During second reading of bill, the following amendments were submitted by committee:

Strike out all after the enacting clause, and insert, in lieu thereof, the following:

SECTION 1. The sum of five thousand (5,000) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be used by the Board of Directors of the State Agricultural Society, for the purpose of advertising the resources of California, and to obtain exhibits of California's resources and products for the State Fair of 1907.

SEC. 2. The State Controller is hereby directed to draw his warrant in favor of the Board of Directors of the State Agricultural Society for said amount, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Amendment adopted.

Also:

Strike out the title and insert, in lieu thereof, the following: "An Act appropriating money for advertising the resources and products of California at the State Fair in 1907."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 296—An Act to provide for laying a cement sidewalk on California Street, along the property of the Stockton State Hospital, in the City of Stockton, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 43—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 153—An Act appropriating money to be used to replace the library of the Supreme Court, destroyed by fire in San Francisco.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 154—An Act appropriating money for furniture, carpets, fixtures, and other accessories necessary for the use of the Supreme Court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 155—An Act appropriating money to pay the increased salaries of Justices of the Supreme Court for the current fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 322—An Act making an appropriation of \$1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 417—An Act to appropriate money for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 644—An Act making an appropriation of \$4,000, to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of landing place at Monterey of Junipero Serra, and the old theater property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties," approved February 21, 1905.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901.

During second reading of bill, the following amendments were submitted by committee:

On page 1, title, amend by striking out all of the title, and inserting in lieu thereof the following:

An Act amending an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision, without Governor's approval, February 25, 1901, by amending Sections 2, 5, 7, and 9 thereof.

Amendment adopted.

Also:

On page 2, line 8, insert immediately after the word "uses" the word "wharves."

Amendment adopted.

Also:

On page 5, Section 5, line 4, strike out the period after the word "hereby," and insert in lieu thereof the following: "*provided, however, that all proceedings which may have been, prior to the passage of this Act, taken by any city, town, or municipal corporation incorporated under the laws of this State in the manner prescribed by the said Act of which this Act is amendatory, for the incurring of indebtedness for the purpose of acquiring, constructing, completing, or repairing any wharf or wharves, shall be and the same is hereby declared to be valid as fully as though the incurring of indebtedness for such purpose had been expressly authorized by said Act, and any and all indebtedness incurred, or which hereafter be incurred, by any such city, town, or municipal corporation, or any bonds which may have been, or may hereafter be, issued pursuant to any such proceedings so taken or had, shall be and the same are hereby declared to be valid as fully as though the creation of said indebtedness, or the issuance of said bonds had been expressly authorized by said Act.*"

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 98—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be known as Section 800a, relating to the dispensing with abstracts of title in all proceedings brought for the purpose of affecting, establishing or registering title to real estate where it shall appear that the public records of such title, or a substantial portion thereof, have been destroyed by conflagration or other public calamity.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 212—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 352—An Act to amend Section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of State hospitals.

On motion of Senator Leavitt, Assembly Bill No. 352 was temporarily passed on file, to retain its place.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 811—An Act to repeal Title II, of Part IV of the Political Code, and to add a new Title II, of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments—the same was taken up for consideration.

During second reading of bill, the following amendments were offered:
By Senator Carter:

Strike out of pages 96 to 105 inclusive, the whole of lines 1 to 320, inclusive, of Section 4232 of the body of the bill, and insert in lieu thereof the following:

4232. In counties of the third class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries:

1. The county clerk four thousand (\$4,000.00) dollars per annum: *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one chief deputy whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one judgment clerk whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one assistant judgment clerk whose salary is hereby fixed at the sum of twelve hundred dollars per annum; five court room deputies whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; one index clerk whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; one document clerk whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one clerk to the board of supervisors whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; four deputies whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; four copyists whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each, and two stenographers whose salaries are hereby fixed at the sum of nine hundred dollars per annum each; all of the foregoing deputies, clerks, copyists, and stenographers herein provided for shall be appointed by the clerk of said county and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk; *provided, further*, that in such years as the compilation of a great register of voters is required by law to be made the county clerk in counties of this class shall be and he is hereby allowed the following additional help: one clerk for a period of and not exceeding six months whose salary is hereby fixed at one hundred and twenty-five dollars per month; ten clerks for a period of and not exceeding six months whose salaries are hereby fixed at one hundred dollars per month each; such clerks shall be appointed by the county clerk of such counties, and during their respective period of employment their salaries shall be paid by such county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk of such counties.

2. The sheriff, four thousand (\$4,000.00) dollars per annum: *provided*, that in counties of this class there shall be and hereby is allowed to the sheriff, one under sheriff whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one bookkeeper, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one chief jailer whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; two assistant jailers, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; five bailiffs, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; one office deputy, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one matron for the jail, whose salary is hereby fixed at the sum of nine hundred dollars per annum; one stenographer, whose salary is hereby fixed at the sum of nine hundred dollars per annum; *provided further*, that the under sheriff, bookkeeper, chief jailer, office deputy, assistant jailers, bailiffs, matron for jail, and stenographer, herein provided for shall be appointed by the sheriff and their salaries shall be paid by the said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff; *provided further*, that in counties of this class there shall be and there hereby is allowed to the sheriff for the better protection of the county jail, three deputies who shall be known as turnkeys, whose salaries are hereby fixed at the sum of

twelve hundred dollars per annum each; and for the purpose of assisting the sheriff in the apprehension of criminals and recovering stolen property, there is hereby allowed the sheriff a detective, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; and for the purpose of conveying prisoners and insane persons to the various state institutions, there is hereby allowed to the sheriff two deputies to be known as transportation men, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; *provided further*, that the turnkeys, detective and transportation men, shall be appointed by the sheriff, and their salaries shall be paid by said county in equal installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff; the sheriff shall also receive the amount of money necessarily expended by him in serving all process and notices and all expenses necessarily incurred by him in the pursuit of criminals within his county, and the same shall be a charge against the county and allowed as such by the board of supervisors, and paid as other county charges are paid; *provided further*, that the provisions of this subdivision of this section of this Act with reference to the turnkeys, detective and transportation men shall be in force from and after its passage.

3. The recorder, four thousand (\$4000.00) dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the recorder the following deputies and copyists, who shall be appointed by the recorder of such county, and shall be paid salaries and compensation as follows: one chief deputy at a salary of eighteen hundred dollars per annum; one index deputy whose salary is hereby fixed at fifteen hundred dollars per annum; three deputies whose salaries are hereby fixed at twelve hundred dollars per annum each; one mortgage deputy whose salary is hereby fixed at twelve hundred dollars per annum; one distributing clerk whose salary is hereby fixed at twelve hundred dollars per annum; one delivery clerk whose salary is hereby fixed at twelve hundred dollars per annum; and one general clerk whose salary is hereby fixed at twelve hundred dollars per annum; *provided further*, that the chief deputy, index deputy, three deputies, mortgage deputy, distributing clerk, delivery clerk and general clerk herein provided for shall be appointed by the recorder of said county, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder; *provided further*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office, at the rate of eight cents per folio for each paper or document so recorded; and *provided further*, that said recorder shall file monthly, with the county auditor, a verified statement, showing in detail the persons and the amounts paid to each for such recording.

4. The auditor, thirty-six hundred (\$3,600) dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the auditor one chief deputy, who shall be appointed by the auditor of said county, and whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one redemption deputy who shall be appointed by the auditor of said county and whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; three deputies who shall be appointed by the auditor of said county and whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each; and one stenographer who shall be appointed by the auditor of said county and whose salary is hereby fixed at the sum of nine hundred dollars per annum; and such additional assistants as the auditor may appoint, and whose compensation shall not in the aggregate exceed the sum of three thousand dollars per annum; and *provided*, that the auditor shall file with the county clerk a certified statement showing in detail the amounts paid, and the persons to whom said compensation is paid for such extra assistance as aforesaid. The salaries herein provided for shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the auditor.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer one chief deputy whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; and one deputy whose salary is hereby fixed at the sum of twelve hundred dollars per annum; and one deputy whose salary is hereby fixed at the sum of twelve hundred dollars per annum, which sums shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the treasurer; *provided*, that the chief deputy and the two deputies herein provided for shall be appointed by the treasurer of such county.

6. The tax collector, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector one chief deputy whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; three deputies whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each, and one stenographer whose salary is hereby fixed at the sum of nine hundred dollars per annum; *provided further*, that there shall be and there hereby is allowed to the tax collector three extra deputies for a period not to exceed five months in any one year, at a salary of one hundred dollars per month each; two extra deputies for a period not to exceed four months in any one year at a salary of one hundred dollars per month each; one extra deputy for a period not to exceed three months in any one year at a salary of one hundred dollars per

month; one extra deputy for a period not to exceed two months in any one year at a salary of one hundred dollars per month, and seven extra deputies for a period not to exceed one month in any one year at a salary of one hundred dollars each for said month; *provided further*, that in counties of this class the tax collector shall appoint eight persons to be known as indexers, which office is hereby created and whose duty it shall be under the supervision and direction of the tax collector to compile, make out, and complete an index of the assessment rolls of the county and of the sanitary assessment rolls for each sanitary district in the County of Alameda, yearly, commencing with the year of 1907 as soon as said rolls are completed by the assessor of the county and each assessor of said sanitary districts, and for each year thereafter. The said indexes to be a public record for use of the tax collector and the general public and to be kept in the office of the tax collector during the collection of taxes and to be turned over to the auditor at the same time as the assessment rolls are turned over in the final settlement of the tax collector with the county auditor. Such indexers shall be paid a salary of one hundred dollars per month each, payable at the same time and in the same manner as other county officers are paid, but such indexers shall not be employed to exceed four months in any one year; *provided further*, that the chief deputy, the stenographer and all other deputies herein provided for shall be appointed by the tax collector of said county and the salaries of said chief deputy, stenographer, and all deputies herein provided for shall be paid by said county during the time which they shall hold office as herein provided at the time and in the same manner and out of the same fund as the salary of the tax collector.

7. The license collector shall receive fifteen per cent of all licenses collected by him.

8. The assessor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, who shall be appointed by the assessor and shall be paid salaries as follows: One chief deputy assessor, at twenty-four hundred dollars per annum; one deputy assessor at fifteen hundred dollars per annum; one deputy assessor at fifteen hundred dollars per annum; one mortgage deputy assessor at twelve hundred dollars per annum; one transfer deputy assessor at twelve hundred dollars per annum; seven outside field deputy assessors at one hundred and twenty-five dollars each per month, not exceeding six months in any one year; one stenographer at nine hundred dollars per annum; one stenographer at six hundred dollars per annum; six field deputy assessors for not exceeding four months in any one year, at one hundred dollars each per month; one cashier, for not exceeding seven months in any one year, at a salary of one hundred and twenty-five dollars per month; eight copyists, for not exceeding four months in any one year, at a salary of one hundred dollars each per month; five extra deputy assessors for not exceeding four months in any one year, at a salary of one hundred dollars each per month, and such additional assistance as the assessor may appoint and whose compensation shall not in the aggregate exceed the sum of forty-five hundred dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistance, as aforesaid. The salaries herein provided for shall be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *and provided further*, that in counties of this class the assessor shall appoint eight competent persons to be known as building inspectors, two of such building inspectors shall serve for twelve months and six of whom shall serve for six months in any one year, which office is hereby created, and whose duty it shall be, under the supervision and direction of the assessor, to examine all buildings in course of construction, ascertain the cost of materials used therein and the amount expended for labor thereon, up to twelve o'clock noon on the first Monday in March of each year; also to ascertain the amount of all new telephone and telegraph construction; also all new street railway construction and all new railroad construction, up to twelve o'clock noon on the first Monday in March of each year. All of said information shall be reported to the assessor. Such building inspectors shall be paid a salary of one hundred and twenty-five dollars each per month, payable at the same time and in the same manner as other county officers are paid. *It is hereby further provided*, that in counties of this class the assessor shall receive commissions for his collections of taxes on personal property, and such assessor shall receive compensation or commission for the collection of poll taxes or road poll taxes, but the said assessor shall not receive compensation for making out the military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one of the Political Code; *provided, however*, that should the assessor be directed by any law, or by any order of the board of supervisors, or by any municipality within said counties of the third class, to prepare maps, plats or block books for the use of the county, or assessment rolls for the use of any municipality, then said assessor shall make such maps, plats or block books, or assessment rolls, but shall only receive the actual cost by him incurred in making or preparing such maps, plats or block books or assessment rolls; *and provided further*, that he shall file with the county auditor a sworn statement showing the persons to whom, and the amounts paid to each, for such maps, plats or block books, or assessment rolls, and he shall account forthwith and pay over to the county any difference between such cost and the amount allowed him for such work.

9. The district attorney, four thousand dollars per annum: *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the following assistant, deputies and employes, who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: one assistant district attorney at a salary of two thousand dollars per annum; one chief deputy district attorney at a salary of two thousand dollars per annum; three deputy district attorneys at a salary of eighteen hundred dollars each per annum; one clerk at a salary of twelve hundred dollars per annum; one stenographer at a salary of nine hundred dollars per annum; one detective at a salary of fifteen hundred dollars per annum, who shall assist the district attorney in the detection of crime and prosecution of criminal cases: *provided further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel when, in the judgment of said board, the interest of said county requires it; the salaries of the assistant, deputies, clerk, stenographers, detective and special counsel herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney.

10. The coroner, such fees as are now or may hereafter be allowed by law: *provided*, that the coroner shall be paid by such counties in the same manner and out of the same fund as such fees are now paid, the sum of two dollars for each certificate of the cause of death made by him.

11. The public administrator, such fees as are now or may hereafter be allowed by law.

12. The county superintendent of schools, four thousand dollars per annum: *provided*, that in counties of this class, there shall be and hereby is allowed to the county superintendent of schools, one assistant superintendent of schools, and one deputy, who shall be appointed by the county superintendent of schools of said county and whose salaries shall be as follows: The salary of the assistant shall be one hundred and fifty dollars per month, that of the deputy shall be one hundred and twenty-five dollars per month. The salaries shall be paid out of the same fund and in the same manner as the salary of the county superintendent of schools is paid.

13. The surveyor shall receive ten dollars per day for all work performed for the county, and in addition thereto all necessary expenses and transportation for work performed in the field: *provided*, that whenever the surveyor is directed or charged to make, plat, trace or otherwise prepare maps, plats, or block books for the use of the county, city and county, or any municipality within such county, then such county surveyor shall only be allowed, in addition to the actual cost and expense of making, platting, tracing, or otherwise preparing such maps, plats or block books, a compensation to be determined by the board of supervisors, not exceeding the sum of ten dollars per day while he is actually so employed; *and provided further*, that such county surveyor shall file with the county auditor a sworn statement showing in detail the amounts so paid, and the persons to whom such amounts have been so paid for such expenses as aforesaid.

14. Justices of the peace shall receive the following monthly salaries to be paid each month and in the manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nineteen thousand, two hundred and twenty-five dollars; and each justice of the peace in townships having a population of more than nineteen thousand shall be provided by the board of supervisors with a suitable office in which to hold his court, the location of which is to be selected by the justice of the peace; in townships having a population of fifteen thousand and less than nineteen thousand, one hundred and fifteen dollars; in townships having a population of one thousand and less than fifteen thousand, one hundred dollars. In addition to the compensation received in criminal cases each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions: *provided*, that all fees in civil actions collected by justices of the peace of townships having a population of one thousand and less than fifteen thousand shall be accounted for by them and paid into the county treasury on the first Monday of each and every month: *provided*, that in townships containing a population of more than nineteen thousand there shall be but one justice in and for such townships. Each justice of the peace must keep a book open for the inspection of the public, during office hours, in which must be entered at once and in detail the amount of all fines collected by him in criminal cases, and on the first Monday of each and every month he must pay such fines so collected into the county treasury or city treasury as provided by law.

15. Constables shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five thousand, one hundred and fifty dollars; in townships having a population of more than nineteen thousand and not more than twenty-five thousand, one hundred dollars; in townships having a population of fifteen thousand and less than nineteen thousand, ninety dollars; in townships having a population of one thousand and not more than fifteen

thousand, one hundred dollars: *provided*, that in townships having a population of fifteen thousand and less than nineteen thousand there shall be but one constable. In addition to the compensation received in criminal cases each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases: *provided*, that all fees in civil cases collected by constables of townships having a population of one thousand and less than fifteen thousand, shall be accounted for by them, and paid into the county treasury on the first Monday of each and every month; *provided*, that in counties of this class constables shall be and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail; such expenses to be itemized and presented as a claim against the county and to be audited and allowed by the board of supervisors and paid out of the county treasury in the manner as are other claims.

16. Each supervisor, two hundred and fifty dollars per month; *provided*, however, that no mileage of whatever kind or nature shall be charged against the county.

Amendment adopted.

Also:

Amend by striking out of Section 1, pages 85 to 96, inclusive, lines 1 to 418, inclusive, being the whole of Section 4231 of the body of the bill, and inserting in lieu thereof the following:

4231. In counties of the second class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following clerks, deputies and employes who shall be appointed by the county clerk, and shall be paid salaries as follows: One chief deputy at a salary of one hundred seventy-five dollars per month; one deputy who shall be cashier and bookkeeper, at a salary of one hundred fifty dollars per month; one deputy who shall be register clerk at a salary of one hundred thirty-five dollars per month; one deputy who shall be an assistant register clerk at a salary of one hundred and ten dollars per month; one deputy, who shall be clerk of the board of supervisors, at a salary of one hundred fifty dollars per month; nine deputies who shall be court room clerks, at salaries of one hundred twenty-five dollars each per month; one deputy who shall be judgment clerk at a salary of one hundred twenty-five dollars per month; one deputy who shall be an assistant judgment clerk at a salary of one hundred ten dollars per month; one deputy who shall be a file clerk at a salary of one hundred ten dollars per month; one deputy who shall be an index clerk at a salary of one hundred ten dollars per month; one deputy who shall be in charge of the criminal records, at a salary of one hundred ten dollars per month; two deputies who shall be recording clerks for probate orders at a salary of one hundred fifteen dollars each per month; one deputy who shall be an assistant clerk of the board of supervisors at a salary of one hundred ten dollars per month; one deputy who shall be a stenographer at a salary of one hundred dollars per month; one deputy who shall be a stenographer for the board of supervisors at a salary of one hundred dollars per month; one deputy who shall be a miscellaneous department clerk at a salary of one hundred twenty-five dollars per month; one deputy who shall be in charge of the registration and naturalization department at a salary of one hundred twenty-five dollars per month; six deputies at a salary of one hundred dollars each per month; one messenger and telephone boy at a salary of sixty dollars per month; one deputy at a salary of twenty-five dollars per month; ten deputies, for a period not to exceed one month in any one year, at a salary of seventy-five dollars per month each; *provided*, further, that in such years as the compilation of the great register of voters is required by law to be made, the county clerk in counties of this class shall be and he is hereby allowed one hundred and fifty deputies for a period not to exceed one month each in any such year, at a salary of ninety dollars per month each, and also for any such year one additional deputy in each voting precinct in the county for the purpose of registering electors in such precincts, who shall be paid five cents per name for each elector legally registered by them. The salaries of the deputies, clerks and employes herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff an under sheriff and the following deputies, stenographers and employes, who shall be appointed by the sheriff of said county and shall be paid salaries as follows, to wit: One under sheriff, at a salary of two hundred dollars per month; one deputy, who shall be bookkeeper, at a salary of one hundred fifty dollars per month; one deputy, who shall be an assistant bookkeeper, at a salary of one hundred ten dollars per month; two deputies at a salary of one hundred thirty-five dollars per month each; one cook at the county jail at a salary of seventy dollars per month; fourteen deputies at a salary of one hundred dollars each per month; nine deputies, who shall be court bailiffs, at a salary of ninety dollars each per month; five deputies, who shall be turnkeys at the county jail, at a salary of ninety dollars each per month; one matron of the county jail at a salary of seventy-five dollars per month; one stenographer at a salary of seventy-five dollars per month. The

salaries of the under sheriff, matron, cook and all deputies and stenographers herein provided for, shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund that the salary of the sheriff is paid. The sheriff shall also receive the amount of money necessarily expended by him in serving all processes and notices, and the same shall be charged against the county and allowed as such by the board of supervisors, and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution, the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed the recorder the following deputies and copyists, who shall be appointed by the recorder of said county and who shall be paid salaries as follows: One chief deputy, at a salary of one hundred seventy-five dollars per month; one deputy at a salary of one hundred thirty-five dollars per month; two deputies at a salary of one hundred twenty-five dollars each per month; eight deputies at a salary of one hundred ten dollars each per month; twenty deputies at a salary of one hundred dollars each per month, and as many copyists as may be required, who shall receive as compensation for their services the sum of seven cents per folio, for recording any instrument or notice, except maps or plats; for copies of any record or paper, seven cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the county recorder is paid.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the auditor the following deputies, clerks and assistants, who shall be appointed by the auditor, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred seventy-five dollars per month; one deputy who shall be in charge of the redemption department at a salary of one hundred thirty-five dollars per month; one deputy in the redemption department at a salary of one hundred thirty dollars per month; one deputy in the redemption department at a salary of one hundred twenty dollars per month; one deputy who shall be chief bookkeeper, at a salary of one hundred fifty dollars per month; one deputy who shall be an assistant bookkeeper, at a salary of one hundred twenty-five dollars per month; one deputy at a salary of one hundred fifteen dollars per month; two deputies at a salary of one hundred dollars each per month; sixty-five clerks at a salary of four dollars per day each for each day employed for a period not to exceed thirty days in any one year; and such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed seventeen hundred and fifty dollars in any one year. The salaries of the deputies, clerks and assistants herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the auditor is paid.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer the following deputies who shall be appointed by the treasurer, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred seventy-five dollars per month; one deputy at a salary of one hundred thirty-five dollars per month; one deputy at a salary of one hundred dollars per month. The salaries of the deputies herein provided for shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the treasurer is paid.

6. The tax collector, three thousand six hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector, the following deputies, stenographers and clerks, who shall be appointed by the tax collector, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred seventy-five dollars per month; one deputy who shall be chief clerk, at a salary of one hundred twenty-five dollars per month; one deputy, who shall be assistant chief clerk, at a salary of one hundred ten dollars per month; one deputy who shall be cashier, at a salary of one hundred twenty-five dollars per month; one deputy who shall be assistant cashier, at a salary of one hundred dollars per month; two deputies who shall be correspondence clerks, at a salary of one hundred twenty dollars each per month; one deputy who shall be license clerk, at a salary of one hundred ten dollars per month; two deputies who shall be license inspectors, at a salary of one hundred dollars each per month; one deputy who shall be chief report clerk, at a salary of one hundred twenty-five dollars per month; three deputies who shall be report clerks, at a salary of one hundred ten dollars each per month; one deputy who shall be bookkeeper, at a salary of one hundred ten dollars per month; ten deputies, at a salary of one hundred dollars each per month; two deputies who shall be sale and redemption clerks, at a salary of one hundred dollars each per month; one deputy who shall be map clerk, at a salary of one hundred and fifteen dollars per month; one deputy who shall be a stenographer, at a salary of seventy-five dollars per month; sixty-five clerks for a period not to exceed six months during the year 1907, at a salary of four dollars per day for each day employed; and for any year subsequent to the year 1907, eighty clerks for a period not to exceed six months in any one year, at a salary of four dollars per day each for each day employed; and also such additional assistants as the tax collector may require in preparing a property index; the compensation of which assistants, however, shall not exceed in the

aggregate the sum of two thousand dollars during the year 1907, and like assistants in any year subsequent thereto for the revision and maintenance of said property index, whose compensation for any year after the year 1907 shall not exceed in the aggregate one thousand dollars for any such year. The tax collector shall also be allowed and there is hereby allowed a sum not to exceed four hundred dollars for traveling expenses of said license tax collector each year. The salary of the deputies, clerks, assistants, and stenographers herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the tax collector is paid.

7. The district attorney, five thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the district attorney, the following deputies, employés, and assistants, who shall be appointed by the district attorney of said county and who shall be paid salaries as follows: one assistant district attorney at a salary of two hundred seventy-five dollars per month; one chief deputy at a salary of two hundred fifty dollars per month; four deputies at a salary of two hundred twenty-five dollars each per month; four deputies at a salary of two hundred dollars each per month; one clerk at a salary of one hundred fifty dollars per month; two detectives at a salary of one hundred thirty-five dollars each per month; two process servers at a salary of one hundred dollars each per month; one stenographer at a salary of one hundred fifty dollars per month; one stenographer at a salary of one hundred dollars per month; one messenger at a salary of sixty dollars per month; the auditor shall audit and allow, and the treasurer shall pay to the district attorney the sum of fifty dollars per month on the first of each month, which shall be for a secret service fund to be used in detection and prevention of crime by the district attorney; *provided*, that nothing herein contained shall be construed as limiting the previous sections 4307 and 4344 of the Political Code; *provided further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel, when, in the judgment of said board, the interests of said counties require it. The salaries of the assistants, deputies, clerks, stenographers, special counsel, detectives, and employés herein provided for, shall be paid by the county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the district attorney.

8. The assessor, three thousand six hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and hereby is allowed to the assessor the following deputies, clerks, stenographers and copyists, who shall be appointed by the assessor, and who shall be paid salaries as follows: One chief deputy, at a salary of one hundred seventy-five dollars per month; one head deputy, country department, at a salary of one hundred twenty-five dollars per month; one head deputy, city department, at a salary of one hundred twenty-five dollars per month; two improvement valuation deputies at a salary of one hundred twenty dollars each per month; one real estate valuation deputy at a salary of one hundred twenty dollars per month; one machinery valuation deputy at a salary of one hundred twenty dollars per month; six deputies at a salary of one hundred dollars each per month; four transfer deputies at a salary of one hundred dollars each per month; forty-five field deputies for a period not exceeding four months in any one year at a salary of one hundred dollars each per month; thirty field deputies for a period not exceeding three months in any one year at a salary of one hundred dollars each per month; eighteen field deputies for a period not exceeding four months in any one year at a salary of one hundred dollars each per month; nine field deputies for a period not exceeding four months in any one year at a salary of one hundred dollars each per month; ten copyists at a salary of seventy-five dollars each per month; seven copyists for a period not exceeding four months in any one year, at a salary of seventy-five dollars each per month; forty copyists for a period not exceeding three months in any one year, at a salary of seventy-five dollars each per month; eight comparers, for a period not exceeding four months in any one year, at a salary of eighty dollars each per month; eight comparers for a period not exceeding two months in any one year, at a salary of ninety dollars each per month; two deputies, who shall be photographers, at a salary of one hundred twenty dollars each per month; one stenographer at a salary of seventy-five dollars per month; there is also allowed not to exceed five hundred dollars for traveling expenses of the said assessor or his deputies each year. The salaries of the deputies, stenographer, clerks, and copyists herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the county assessor is paid. *It is further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section one thousand nine hundred and one of the Political Code; *provided, however*, that fifteen per cent of all moneys collected by him for poll taxes and road poll taxes shall be allowed to such counties on their settlement with the State and be and remain the property of such counties.

9. The coroner, three thousand dollars per annum and his actual necessary expenses in traveling outside of the county seat. He must hold inquests as prescribed by Chapter II, Title XII, Part II, of the Penal Code, except that he may in his discretion dispense with a jury. The coroner or other officer holding an inquest upon the body of a deceased person may subpoena a physician or surgeon to inspect the body, or a chemist to make an analysis of the contents of the stomach or tissues of the body, or

hold a post-mortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner in counties of this class shall be and he hereby is allowed the following assistants: one deputy at a salary of two hundred dollars per month; said deputy shall have the power and it shall be his duty when directed by the coroner, to hold inquests, and all power conferred by law upon the coroner may be exercised by said deputy; one stenographer at a salary of one hundred dollars per month. Said stenographer shall take down in shorthand the testimony of witnesses at inquests, and shall transcribe the same into longhand and file a certified copy thereof with the county clerk; one clerk at a salary of one hundred twenty-five dollars per month. The salaries of the deputy, clerk and stenographer herein provided for shall be paid by the county in the same manner, at the same time and out of the same fund as the salary of the coroner is paid.

10. The public administrator, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the public administrator one deputy at a salary of one hundred and fifty dollars per month. The salary of said deputy shall be paid by the county in the same manner, at the same time, and out of the same fund as the salary of the public administrator.

11. The superintendent of schools, three thousand six hundred dollars per annum, which shall be in full for all services, including attendance upon the board of education, also actual necessary traveling expenses, not to exceed five dollars for every school district in the county; *provided*, that in counties of this class there shall be and there hereby is allowed the superintendent of schools the following assistants and deputies who shall be appointed by the superintendent of schools of said county, and who shall be paid salaries as follows: Two assistants at a salary of one hundred seventy-five dollars each per month; two deputies at a salary of one hundred twenty-five dollars each per month; two deputies at a salary of one hundred dollars each per month. The salaries of the assistants and deputies herein provided for shall be paid by the county at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

12. The health officer, fifteen hundred dollars per annum, and special health officers when appointed as in this Act provided, ten dollars each per day; *provided*, that not more than five hundred dollars per annum shall be paid or expended in any one year in payment of special health officers. The salaries of the health officer and special health officers shall be paid by the county in the same manner and at the same time and out of the same fund as the salaries of other county officers are paid.

12½. Each member of the county board of education, except the secretary thereof, five dollars for each session of the board attended, not exceeding a total of four hundred dollars to any member in any one year. In addition, each member shall be entitled to mileage at the rate of ten cents per mile, for one way only, while attending the regular sessions. Said compensation of the members of the board of education shall be payable monthly and out of the same funds, and in the same manner as the salary of the county superintendent of schools is paid. Said compensation shall be in full payment for all services rendered.

13. The surveyor, three thousand six hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed in the field, and all necessary expenses for searching records and compiling assessor's maps; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor, one chief deputy who shall be a licensed engineer, and fifteen deputies who shall be draughtsmen, and who shall be appointed by the surveyor of said county and shall be paid salaries as follows: One chief deputy at a salary of two hundred fifty dollars per month; one deputy at a salary of one hundred fifty dollars per month; seven deputies at a salary of one hundred twenty-five dollars each per month; five deputies at a salary of one hundred dollars each per month; two deputies at a salary of ninety dollars each per month. The salaries of said surveyor and said deputies and draughtsmen herein provided for shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the county surveyor is paid.

14. Supervisors, one thousand eight hundred dollars per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioners or supervisors, not exceeding in the aggregate seven hundred and fifty dollars each per annum. They shall also receive their necessary expenses when attending meetings of the State Board of Equalization; and *provided further*, that there shall be and hereby is allowed to said board of supervisors the following clerks: One clerk at a salary of one hundred twenty-five dollars per month; one clerk at a salary of one hundred ten dollars per month; one clerk at a salary of one hundred dollars per month; one clerk when needed, as emergency clerk, at a salary of one hundred dollars per month; one clerk who shall be superintendent of charities at a salary of one hundred ten dollars per month; one clerk who shall be assistant to the superintendent of charities, at a salary of ninety dollars per month; one clerk who shall be assistant to the superintendent of charities at a salary of eighty-five dollars per month; one clerk who shall be stenographer for the department of charities at a salary of seventy dollars per month; twenty clerks for a period not exceeding thirty days in any one year at a salary of four dollars each for each day actually employed to assist said board while sitting as a board of equalization; and in addition to the clerks hereinbefore provided for, in years when a general election is held in the State, there shall be and hereby is allowed to said board of supervisors twenty clerks for a period not

to exceed twenty days in such years, at a compensation of four dollars each per day for each day actually employed; such clerks shall be appointed by the board of supervisors and shall be paid by said county in the same manner, at the same time, and out of the same fund as other clerks of the county officers are paid; and still further provided, that from and after the first Monday after the first day in January in the year one thousand nine hundred and nine, supervisors in counties now of this class shall receive as compensation for the services required of them by law, a salary of two thousand four hundred dollars each per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties either as road commissioners or supervisors not exceeding in the aggregate seven hundred and fifty dollars each per annum, and they shall also receive their necessary expenses when attending meetings of the State Board of Equalization.

15 Justices of the peace, such fees as are now or may be hereafter allowed by law; provided, that no justice of the peace shall receive more than one thousand five hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred twenty-five dollars per month, for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the State of California are or may be parties; and no claim of any such justice of the peace in excess of said sum of one thousand five hundred dollars per annum, or the installments thereof as aforesaid, shall be allowed or paid; but all fines and fees collected by every such justice on the account aforesaid shall belong to and be the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report, under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fines and fees collected by him, on the account aforesaid, during the preceding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment, to said board, with the said report; provided further, that the boards of supervisors of such counties in townships having a population of more than one hundred thousand, shall provide each such justice with an office and the necessary furniture and supplies for the justice's court; and provided further, that the boards of supervisors in said counties shall, in townships having a population of more than one hundred thousand, appoint a clerk for each justice court therein, which clerks shall each hold office for the term of two years from and after appointment, and shall receive a salary of one hundred dollars each per month, payable in like manner, at like times and out of the same fund as county officers are paid by the county; said clerks shall each take and file an oath of office in like manner, as county officers, and after being appointed and qualifying as hereinbefore prescribed, shall have power to administer and certify oaths to affidavits, and all papers, documents, or instruments used in or in connection with the actions and proceedings of such justice's court. Such clerks shall perform such other clerical services as may be required of them by the justice or justices. And provided further, that in townships having a population of more than one hundred thousand and less than three hundred thousand each justice of the peace shall receive a salary of three thousand dollars per year, payable in like manner and out of the same fund and at like times as county officers are paid, and such salary shall be in lieu of all fees due or to become due such justice for performance of any official act. And all fees together with all fines and penalties paid to such justice or into such court shall be and become the property of the county in which such justice exercises his jurisdiction.

16 Constables such fees as are now or may hereafter be allowed by law; provided, that no constable shall receive more than one thousand two hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred dollars per month for all services rendered by him in all criminal cases or in actions or proceedings to which the people of the State of California are, or may be, made parties; and all fees collected by such constable on account of services rendered in criminal cases or proceedings, to which the people of the State of California are parties, shall belong to and be the property of the county in which said constable has been elected or appointed; provided further, that the constable shall be allowed the actual fare and expenses incurred in transporting prisoners to the county jail; and provided further, that in counties of this class and in townships having more than one hundred thousand inhabitants, and less than three hundred thousand, there shall be, and there is hereby allowed to each constable two deputies, who shall be appointed by the constable, and shall receive a salary of one hundred dollars each per month, payable in like manner and at like times, and out of the same fund as the county officers are paid by the county; said deputies shall each take and file an oath of office in like manner as county officers. Each constable shall report under oath on the first Monday of each month to the board of supervisors of such county, the amount of all fees collected by him for all services rendered in all criminal cases or in actions or proceedings to which the people of the State of California are, or may be, made parties, during the preceding month, and shall, on said date, deposit with the county treasurer to the credit of the county all such fees as may be shown by said report to have been collected by him on account of the aforesaid. He shall also transmit the treasurer's receipt for said payment to said board with said report.

Amendment adopted.

Also:

Amend by striking out that portion of Section 1 of the printed bill contained in lines 1 to 136, inclusive, on pages 105 to 108, and inserting in lieu thereof the following: 4233. In counties of the fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

1. The county clerk thirty-six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk two deputy county clerks who shall receive a salary of fifteen hundred dollars per annum each; also four deputy clerks who shall receive a salary of twelve hundred dollars per annum each, also one deputy county clerk who shall receive a salary of nine hundred dollars per annum; the deputies herein provided for shall be appointed by the clerk of said county, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as is the salary of the county clerk; *provided further*, that in such years as the compilation of a great register of voters is required by law to be made, the said clerk may appoint two deputies who shall serve for a term of four months and shall each receive a salary not to exceed seventy five dollars per month, to be paid as are other deputies herein provided for; *provided*, that the said county clerk may be allowed the actual and necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

2. The sheriff four thousand dollars per annum; *provided*, that there shall be and hereby is allowed to the sheriff one under sheriff whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, also six deputies who shall receive a salary of twelve hundred dollars per annum each, also one deputy who shall act as matron of the county jail who shall receive a salary of nine hundred (900) dollars per annum. The under sheriff and deputies herein provided for shall be appointed by the sheriff and paid at the same time and in the same manner and out of the same funds as is the salary of the sheriff; *provided*, that said sheriff shall be allowed the actual necessary expenses incurred in the performance of his official duties. He shall pay into the county treasury all fees and mileage collected by him for the service of papers or process issued by any court of this State.

3. The county recorder, thirty-six hundred dollars per annum, and said recorder may appoint one deputy recorder who shall receive a salary of fifteen hundred dollars per annum, also one deputy recorder who shall receive a salary of twelve hundred dollars per annum, also six deputy recorders who shall receive a salary of eight hundred dollars per annum each. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same funds as the county recorder; *provided*, that such recorder may be allowed the actual necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

4. The county auditor, thirty-six hundred dollars per annum, and said auditor may appoint one deputy auditor who shall receive a salary of fifteen hundred dollars per annum; *provided*, that for the purpose of performing the work imposed upon him by law, in connection with the annual assessment and collection of property taxes, said auditor may be allowed five additional deputies for a period of one month who shall each receive a salary of one hundred dollars. The deputies herein provided for shall be paid at the same time and in the same manner as is the county auditor; *provided*, that such auditor shall pay into the county treasury all fees received by him in his official capacity.

5. The county treasurer, thirty-six hundred dollars per annum, and said treasurer may appoint one deputy treasurer who shall receive a salary of twelve hundred dollars per annum. All fees and commissions collected by him in his official capacity shall be paid into the county treasury; *provided*, that the county treasurer shall be entitled to retain for his own use the fees which are now or which may hereafter be allowed by the State law for the collection and payment to the State Treasurer of inheritance taxes, except that he shall not be entitled to retain more than the sum of one hundred dollars out of the inheritance taxes paid on account of any one estate. Whenever the fees received on account of any one estate paying inheritance taxes shall exceed the sum of one hundred dollars, such excess shall be by the county treasurer paid into the county treasury as in the case of fees received by him from other sources. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county treasurer.

6. The tax collector, thirty-six hundred dollars per annum, and said tax collector may appoint one deputy tax collector who shall receive a salary of fifteen hundred dollars per annum; one additional deputy tax collector who shall receive a salary of fifteen hundred dollars per annum; also seven additional deputy tax collectors to serve as such only from the first day of October to the fifteenth day of December of each year and who shall receive a salary of one hundred dollars each per month; also one deputy tax collector who shall serve as such only during the months of April and May of each year and shall receive a salary of one hundred dollars per month; also nine copyists who shall serve only during one month and one half month of each year and shall receive a salary of seventy-five dollars per month. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the salary of the tax collector; *provided*, that said tax collector shall be allowed the

actual and necessary expenses incurred by him in the performance of his official duties and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

7. The license collector, fifteen per cent on the whole amount of licenses collected by him; *provided*, that the entire compensation of said license collector shall not exceed the sum of fifteen hundred dollars per annum.

8. The county assessor, thirty-six hundred dollars per annum, and said assessor may appoint one deputy assessor who shall receive a salary of twelve hundred dollars per annum, also seventeen deputy assessors who shall serve as such only during the months of March, April, May, and June of each year, who shall each receive a salary of one hundred dollars per month, also eight additional deputy assessors who shall serve as such only during the months of March, April, May, June, and July of each year who shall receive a salary of one hundred dollars per month, also six copyists to serve as such only during four months of each year who shall receive a salary of seventy-five dollars each per month; *provided*, that the above salaries and compensations shall be in full for all services rendered by him as such assessor and that no commission for the collection of State or infirmity poll taxes or personal property taxes shall be retained by him but that all such commissions shall be paid into the county treasury. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county assessor; *provided*, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties.

9. The district attorney three thousand six hundred dollars per annum; he may appoint a chief deputy at a salary of two thousand two hundred dollars per annum, one assistant district attorney at a salary of eighteen hundred dollars per annum, and one assistant district attorney at a salary of one thousand five hundred dollars per annum; also a deputy district attorney at a salary of one thousand five hundred dollars per annum, and a clerk at a salary of twelve hundred dollars per annum, all of whom shall be paid in the same manner as said district attorney; *provided*, that said district attorney shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. All fees and commissions collected by him shall be paid into the county treasury.

10. The coroner and public administrator, such fees as are now or may hereafter be allowed by law.

11. The county superintendent of schools three thousand dollars per annum, and the said superintendent of schools may appoint a deputy superintendent of schools who shall receive a salary of twelve hundred dollars per annum and the said superintendent of schools shall also be paid his actual traveling expenses when visiting the schools of the county. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the superintendent of schools.

12. The county surveyor the sum of three thousand dollars per annum. Said surveyor may appoint the chief deputy surveyor who shall receive a salary of fifteen hundred dollars per annum, also one deputy who shall receive a salary of twelve hundred dollars per annum; and one deputy at nine hundred dollars per annum. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for engineering and surveying other than for the county, shall be paid into the county treasury; *provided*, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field, and in the official discharge of his duties. Such salaries to be paid at the same time and in the same manner as the salaries of other county officers are paid.

13. In counties of this class justices of the peace shall be compensated as follows, and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz:

In townships having a population of 20,000 or more, justices of the peace shall each receive a salary of one hundred and fifty dollars per month as for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and in all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, performing the duties of coroner, and taking and approving bonds or undertakings including the justification of sureties, justices of the peace may receive and retain for their own use such fees as are now or may hereafter be allowed for such services.

In townships having a population of 5,000 and less than 20,000, justices of the peace shall receive the sum of one hundred and thirty-seven dollars and fifty cents per month as salaries for all services rendered by them in criminal cases; as compensation for all services rendered in civil cases and in all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, performing the duties of coroner and taking and approving bonds or undertakings, including the justification of sureties, justices of the peace may receive and retain for their own use such fees as are now, or may hereafter be, allowed for such services.

In townships having a population of 4,400 and less than 5,000, justices of the peace shall each receive as a salary the sum of one hundred and thirty-seven dollars and fifty

cents per month as full compensation for all services rendered by them both in criminal cases and civil cases and in all cases wherein the justice of the peace performs the duties of coroner, and also in all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, and taking and approving bonds or undertakings, including the justification of sureties; all fees collected by justices of the peace in criminal cases and in civil cases and also all other fees of every kind and character lawfully chargeable and collectible by justices of the peace shall be collected by them and by them paid monthly into the county treasury, the above salary being in full for all services.

In townships having a population of 4,000 and less than 4,400, justices of the peace shall each receive as a salary the sum of one hundred and thirty-five dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases, and in all cases wherein the justice of the peace performs the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. All other matters wherein a justice of the peace may lawfully charge fees for his services including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, and taking and approving bonds or undertakings, including the justification of sureties, a justice of the peace may collect and retain for his own use such fees as are chargeable by law as his compensation.

In townships having a population of 1,500 and less than 4,000, justices of the peace shall each receive as a salary the sum of sixty-five dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. All other matters wherein a justice of the peace may lawfully charge fees for the services he may collect and retain for his own use such fees as are chargeable by law as his compensation.

In townships having a population of 1,000 and less than 1,500, justices of the peace shall each receive as a salary the sum of fifty dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected and by them paid monthly into the county treasury. In all other matters wherein a justice of the peace may lawfully charge fees for his services he may collect and retain for his own use such fees as are chargeable by law as his compensation.

In townships having a population of less than 1,000, justices of the peace shall each receive as a salary the sum of thirty dollars per month as full compensation for all services rendered by them in both criminal and civil cases. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected and by them paid monthly into the county treasury. In all other matters wherein a justice of the peace may lawfully charge fees for his services he may collect and retain for his own use such fees as are chargeable by law as his compensation.

14. In counties of this class constables shall be compensated as follows, and all salaries herein provided shall be paid as follows, in the same manner as the salaries of county officers are paid, viz:

In townships having a population of 20,000 or more constables shall each receive a salary of one hundred dollars per month for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and in all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now or may hereafter be allowed by law.

In townships having a population of 5,000 and less than 20,000, constables shall each receive the sum of seventy-seven dollars and fifty cents per month as a salary for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and in all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation, such fees as are now or may hereafter be allowed by law.

In townships having a population of 4,000 and less than 5,000, constables shall each receive the sum of seventy-seven dollars and fifty cents per month as a salary for all services rendered by them in criminal cases, civil cases and in the performance of all other duties imposed upon them by law. All fees chargeable and collectible by them both in criminal cases and civil cases, and in all other cases wherein fees are chargeable by constables, they shall collect in advance and pay monthly into the county treasury.

In townships having a population of 4,000 and less than 4,400 constables shall each receive the sum of seventy-five dollars per month as a salary for all services rendered by them in both criminal and civil cases. All fees collected by them in civil and criminal cases shall be paid by them monthly into the county treasury. For all other services performed by them they may charge and retain for their own use such fees as are chargeable at law.

In townships having a population of 1,500 and less than 4,000, constables shall each receive the sum of sixty dollars per month, as a salary for all services rendered in both civil and criminal cases. All fees collected by them in civil and in criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

In townships having a population of less than 1,500, constables shall receive each the sum of forty dollars per month, as a salary for all services rendered by them both in civil and criminal cases. All fees collected by them both in criminal and civil cases shall be paid monthly into the county treasury. For all other services performed by them, they may charge and collect for their own use such fees as are allowed by law.

Constables shall be allowed all necessary expenses incurred in conveying prisoners. The population herein referred to in classifying the townships for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the last preceding federal census; *provided*, that if a township census be taken after the taking of the federal census, under the provisions of subdivision twelve and one-half of Section 25 of this Act then such census shall be known and shall become the official census of the township in which the same is so taken, and the population therein determined shall be and become the official population of such township.

15. Each supervisor, one thousand two hundred dollars per annum and mileage of ten cents per mile for each mile actually traveled in going to and from their residence to the county seat or in performance of the duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only four mileages shall be allowed for each month and that the total mileage allowed shall not exceed one hundred dollars in any one month; and in counties of this class the members of the board of supervisors shall be ex officio road commissioners and as such road commissioners shall be paid the sum of five hundred dollars per annum each.

Amendment adopted.

Also:

On page 178, line 7, printed bill, strike out "two thousand," and insert in lieu thereof "twenty-five hundred."

Amendment adopted.

Also:

On page 178, line 8, printed bill, strike out "one thousand," and insert in lieu thereof "fifteen hundred."

Amendment adopted.

Also:

On page 178, line 11, printed bill, strike out the words "twenty-four hundred," and insert in lieu thereof, "three thousand."

Amendment adopted.

Also:

Page 178, strike out all of Section 13, and insert in lieu thereof the following:

13. Justices of the peace in townships having a population of fifteen hundred, or more, shall receive a monthly salary of forty dollars per month; in townships having a population of one thousand or less than fifteen hundred shall receive a salary of thirty dollars per month; and in townships having a population of less than one thousand, shall receive a salary of ten dollars per month, and all justices shall make monthly reports and pay in all fines to county every month.

Amendment adopted.

Also:

Page 178, strike out all of Section 14, and insert in lieu thereof the following:

14. Constables in townships having a population of two thousand, or more, shall receive a monthly salary of fifty dollars per month; in townships having a population of one thousand or less than two thousand, shall receive a salary of forty dollars per month; and in townships having a population of less than one thousand, shall receive a salary of twenty dollars per month. The salaries of township officers, herein provided for, shall be paid monthly, in the same manner as the salaries of the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases. In civil cases they may retain the fees that are now or may hereafter be allowed by law.

Amendment adopted.

Also:

Page 178, strike out all of Section 15, and insert in lieu thereof the following:
15. The meetings of the board of supervisors shall be monthly and be held on the first Monday of each and every month. Each member of the board of supervisors is to receive a salary of one thousand dollars per annum and mileage at the rate of twenty cents per mile from his home to and from county seat.

Amendment adopted.

Also:

Amend by striking out in Section 1, page 217 of Section 4268 of the body of the bill, the semicolon on line 43, and inserting in lieu thereof a period, and by striking out all thereafter on said line 43, and the whole of lines 44 and 45.

Amendment adopted.

Also:

Amend by striking out of Section 1, page 216, the whole of line 8 of Section 4268 of the body of the bill, and inserting the following: "served from any courts in the State, also his necessary expenses for pursuing criminals, or transacting any criminal business."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 218, lines 69 to 81, inclusive, the whole of Subdivision 13 of Section 4268 of the body of the bill, and inserting the following:

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in counties of this class are hereby classified according to population, said population to be determined by the board of supervisors upon the enactment of this Act and at the time of the formation of any new judicial township or townships in the following manner: By appointing a suitable person in each township to take said census and said census shall be taken by said person so appointed of all the inhabitants of his township, the full name of each person shall be plainly written, the names alphabetically arranged and regularly numbered in one complete series and when completed shall be verified before any officer authorized to administer oaths and be filed with the county clerk and thereupon the same shall be the official census of said township. The expenses of taking said census shall be a county charge. Townships having a population of three thousand five hundred or more shall belong to and be known as townships of the first class. Townships having a population of less than three thousand five hundred and more than two thousand shall belong to and be known as townships of the second class. Townships having a population of less than two thousand shall belong to and be known as townships of the third class.

Justices of the peace shall receive the following salaries for all services rendered by them in criminal cases payable monthly in the same manner as county officers are paid: In townships of the first class one hundred and fifty dollars per month. In townships of the second class seventy-five dollars per month. In townships of the third class forty dollars per month. *Provided*, that in townships of the first class no person shall be eligible to the office of justice of the peace unless he has been admitted to practice law in a court of record.

Amendment adopted.

Also:

Amend by striking out, in Section 1, page 218 of Section 4268 of the printed bill, all after the word "constables," on line 82, and all of the following lines down to and including the word "month," and inserting the following: "in counties of this class shall receive the following salaries for all services rendered by them in criminal cases payable monthly and in the same manner as county officers are paid: In townships of the first class one hundred dollars per month. In townships of the second class seventy-five dollars per month. In townships of the third class forty dollars per month."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 167, line 16 of Section 4257 of the body of the bill the period after the word "law," and inserting the following: "*provided*, that there shall be and hereby is allowed to the recorder one deputy, to be appointed by the recorder, whose salary is hereby fixed at nine hundred dollars per annum, which salary shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder."

Amendment adopted.

Also:

On page 23, line 169, after the word "election," insert the following: "19a. To employ the copyists necessary to reproduce any of the county records that may be in danger of destruction by age, obliteration, or constant use in any of the county offices."

Amendment adopted.

Also, offered by Senator Willis:

Amend by striking out of Section 4041, lines 142 and 143, the words "subdivision thirteen of section twenty-five of this Act," and inserting the following: "Section four thousand and eighty-eight."

Amendment adopted.

Also:

Amend Section 1, Section 4248 of the body of the bill, subdivision 5, page 160 of the printed bill, by striking out, beginning with the word "The" in line 48, all of lines 48, 49, 50, 51, 52, 53, and down to and including the word "paid," in line 53½, and insert in lieu thereof the following: "The treasurer, twenty-five hundred dollars per annum."

Amendment adopted.

Also:

Section 1, page 250, at the end of line 19, and beginning of line 20, of Section 4290 of the body of the bill, strike out the words: "second and third," and insert the following: "and second."

Amendment adopted.

Also:

On page 11, Section 4014, strike out all of Section 4014 and insert in lieu thereof the following:

4014 The officers of the township are, two justices of the peace, two constables, and such subordinate officers as are provided by law. In townships containing cities in which city justices and recorders are elected, and in townships having a population of less than five thousand, there shall be but one justice of the peace; and provided, that in townships containing a population of more than one hundred thousand there shall be four justices of the peace.

The board of supervisors of each county, as public convenience may require, shall divide their respective counties into townships for the purpose of electing justices of the peace and constables; provided, however, that in the establishment of townships, no incorporated city shall be divided so as to lie partly within one township and partly within another. Upon the approval of this Act the board of supervisors must appoint competent persons to fill the additional offices of justices of the peace by this Act created.

Amended adopted.

Also:

Amend by striking out of Section 4190, lines 1 to 12 inclusive, page 73, printed bill, the words following the figures "4190," and inserting the following: "On the commencement in, or removal to, the Superior Court of any county in this State of any civil action, proceeding, or appeal, on the filing of the first papers therein, the party instituting such proceeding, or filing the said first papers, and thereafter any defendant or respondent or adverse party, or intervening party, on his first appearance therein (or any number of such defendants or respondents or adverse parties appearing jointly therein), and also the party on whose request any default case is placed on the court calendar, for hearing or trial, shall pay to the clerk of said court (in addition to fees fixed by law), the sum of \$1 as costs, for a fund which shall be designated as the 'Law Library Fund,' to be expended in the purchase of law books and periodicals, and in the establishment and maintenance of a law library at the county seat of said county, which law library shall be governed and controlled, and said fund be expended by the board of trustees hereinafter provided."

Amendment adopted.

Also:

Amend by striking out of Section 4200, lines 1 to 5 inclusive, page 76, printed bill, the words following the figures "4200," and insert the following: "Said libraries shall be free to the judiciary, county officials, and members of the bar of said county, and to all inhabitants of said county; but the board of trustees may provide that no books shall be removed from said libraries, except by the judiciary, county officials, and members of the bar, without the payment of such dues as the board of trustees may ordain, and under such rules or regulations as may be by them provided."

Amendment adopted.

SPECIAL ORDER SET.

Senator Carter moved that the further consideration of Senate Bill No. 811, now up for second reading, be postponed and made a special order for Monday, February 25, 1907, at eleven o'clock and thirty minutes A. M.

Motion carried.

COMMITTEE SUBSTITUTE RECALLED FROM ENGROSSMENT FOR PURPOSE OF AMENDMENT.

Senator McKee asked for and was granted unanimous consent to have Committee Substitute for Senate Bills Nos. 238, 665, and 710 recalled from engrossment for the purpose of amendment.

Whereupon the committee substitute was recalled from engrossment.

Substitute for Senate Bill No. 238—An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of medical examiners in the matter of said regulation.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McKee moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

By striking out of Section 11, line 101, page 9, the word "or" and inserting in lieu thereof the following word "if."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bill No. 238, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELSHAW, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reengrossment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Willis asked for and was granted unanimous consent to have Senate Bill No. 784 taken up for the purpose of amendment.

Senate Bill No. 784—An Act to amend the Civil Code by adding a new title thereto, to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1426, 1426*a*, 1426*b*, 1426*c*, 1426*d*, 1426*e*, 1426*f*, 1426*g*, 1426*h*, 1426*i*, 1426*j*, 1426*k*, 1426*l*, 1426*m*, 1426*n*, 1426*o*, 1426*p*, and 1426*q*, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement and drainage of mines within the State of California," approved March 11, 1891.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Savage, as a special committee of one, to amend as follows:

1. Strike out of the title, page one, amended bill, on line 6 thereof, the word "and," between the figures and letter "1426^p" and "1426^q."
2. On line 6 of the title, after the figures and letter "1426^q," insert the figures and letters "and 1426^r."
3. On page 2, line 5, Section 1, amended bill, strike out the word "and."
4. On page 2, Section 1, line 6, amended bill, strike out after the figures and letter "1426^q," and insert the figures and letter "and 1426^r."
5. On page 7, amended bill, after Section "1426^r," add a new section as follows:
"1426^r. The provisions of this Act shall not in any manner be construed as affecting any mining district in the State of California, or as requiring a compliance with the provisions of this Act as to the location of mining claims within such district, where such district comprises one county, and the recorder of such district is the recorder of such county."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 784, with instructions to amend, respectfully reports the same back, amended as per instructions.

SAVAGE, Special Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

SECOND READING OF BILLS.

Senate Bill No. 108—An Act to provide for the purchasing of a site and building, equipping, and furnishing of an armory to be used for the National Guard and National Guard purposes in the City of Los Angeles, and to make appropriation for the same.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 4, amend the title of said Act by inserting, after the word "Los Angeles," in said title, the following: "and the City and County of San Francisco."

Amendment adopted.

Also:

On page 1, Section 1, lines 1 and 2, strike out the words "one hundred thousand dollars (\$100,000.00)" and insert in lieu thereof the following: "two hundred thousand dollars (\$200,000.00)."

Amendment adopted.

Also:

On page 1, Section 1, line 7, strike out the words: "For purchasing a site in the City of Los Angeles, and building, equipping, and furnishing an armory to be used for a National Guard in the State of California and national guard purposes, on the said site in the City of Los Angeles," and insert in lieu thereof, the following: "For purchasing sites in the City of Los Angeles and the City and County of San Francisco, and building, equipping, and furnishing armories to be used for a National Guard in the State of California, and national guard purposes, on the said sites in the City of Los Angeles, and the City and County of San Francisco."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 25—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 26—An Act making an appropriation for the construction of an annex to the hospital at the Veterans' Home of California, located at Yountville, Napa County.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 33—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 34—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 36—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Bill read second time, considered engrossed, and ordered on file for third reading.

SENATOR BELSHAW IN THE CHAIR.

At three o'clock and forty-five minutes P. M., Senator Belshaw, of the Ninth District, in the chair.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 43—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 667—An Act to appropriate the sum of sixty and fifty-one one-hundredths dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 668—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 669—An Act to appropriate the sum of two hundred twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 670—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 671—An Act to appropriate the sum of three hundred forty-nine and sixty one-hundredths dollars, to pay the claim of Minnesota Mutual Life Insurance Company against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 672—An Act to appropriate the sum of nine hundred three and seventy-two one-hundredths dollars, to pay the claim of the Massachusetts Mutual Life Insurance Company, of Springfield, against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 673—An Act to appropriate the sum of eleven and thirty one-hundredths dollars to pay the claim of the Life Association of America against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 674—An Act to appropriate the sum of one thousand seven hundred sixty-two and seventy-nine one-hundredths dollars to pay the claim of the Germania Life Insurance Company, of New York, against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 675—An Act to appropriate the sum of eight hundred eighty-nine and ninety-five one-hundredths dollars to pay the claim of the Bankers' Life Association, of Des Moines, Iowa, against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 676—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars, to pay the claim of the Etna Life Insurance Company, of Hartford, Connecticut, against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 743—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Alaska-Yukon-Pacific Exposition, to be held in the City of Seattle, Washington, 1909, and to provide for a commissioner thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 572—An Act to add a new section to the Civil Code, to be numbered Section 265, and relating to contributions of corporate funds for political purposes.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 780—An Act to amend Section 1619 of the Code of Civil Procedure, relating to the compensation of attorneys of executors and administrators for extraordinary services.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 661—An Act to amend Section 61 of the Civil Code, relating to marriage contracts during life of former husband or wife, and to repeal Sections 131 and 132 of the Civil Code, relating to judgments in actions for divorce.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 723—An Act to amend Section 324 of the Civil Code, relating to the transfer of stock in corporations.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 1, line 29, strike out the words "one thousand" and insert in lieu thereof "four hundred."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 702—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3571½, relating to the public lands of this State.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, lines 19 to 22, strike out on line 19 the word "or" down to and including the word "purchase" on line 22.

Amendment adopted.

Also:

On page 1, title, line 2, strike out the fraction " $\frac{1}{4}$," and insert in lieu thereof the letter "a."

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the words, parenthesis and figures: "and one-half (3571½)," and insert in lieu thereof the letter "a."

Amendment adopted.

Also:

On page 1, Section 1, line 5, strike out the fraction " $\frac{1}{4}$," and insert in lieu thereof the letter "a."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 151—An Act providing for the disposition of actions and proceedings in which the proceedings upon the trial thereof have been lost or destroyed by conflagration or other public calamity.

During second reading of bill, the following amendments were submitted by committee:

On page 1, title, line 2, strike out the words "the proceedings upon the trial thereof," and insert in lieu thereof the following: "proposed bills of exception or statements on motion for new trial."

Amendment adopted.

Also:

On page 1, Section 1, strike out all after the words "Section 1," and insert in lieu thereof the following:

When any proposed bill of exceptions, or statement of the case on motion of new trial, in any action or proceedings is lost or destroyed by reason of conflagration or

other public calamity, and no other record of the proceedings upon the trial thereof can be obtained, and such action or proceedings is subject to review by motion for a new trial pending at the time of such loss or destruction, and it is by the court in which such action or proceeding is pending, deemed impossible or impracticable to restore such proceedings (and to settle a bill of exceptions or statement of the case containing such proceedings) so as to enable the court to review the judgment or order therein by motion of new trial, the court may grant a new trial of such action or proceeding if at the time of such loss or destruction a motion for new trial be pending therein, and such action or proceedings shall thereupon be tried anew. In order to grant such new trial it shall be unnecessary to have any bill of exceptions or statement of the case settled, but upon the facts above recited being shown to the satisfaction of the court by affidavit or otherwise, the court shall have power in its discretion to grant such new trial.

Sec. 2. Pending the hearing of a motion under the preceding section to grant such new trial, the time within which a bill of exception might be prepared, served or presented for settlement, shall be extended, and shall not commence to run until the decision upon such motion. (The motion provided for by this Act must be made within thirty days after the loss or destruction of such records; *provided* that in any case now pending such motion may be at any time within sixty days after the passage of this Act.)

Sec. 3. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 731—An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries, and to provide for the expense of the establishment and maintenance thereof.

During second reading of bill, the following amendment was offered by Senator Rambo:

Amend as follows: By inserting after the word "California," on line 6, page 1, the following: "(permission in writing having first been obtained from the State Board of Fish Commissioners)."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No 716—An Act to add a new section to the Penal Code, to be numbered Section 628e, to prevent the catching of surf fish, yellow fin or spot-fin croaker, and providing penalties therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 785—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 19, 1903, and March 20, 1905, by amending Section 162 thereof, relating to the fees and the salaries of county and township officers in counties of the fifth class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 652—An Act to amend Section 139 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the duties of the county surveyor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 800—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 742—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing, or relocation of bridges over navigable waters between said counties, jointly with other persons or corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 561—An Act to validate the organization and incorporation of municipal corporations.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 18 of printed bill, after the word "legal," strike out the period, and insert in lieu thereof a semicolon.

Amendment adopted.

Also:

On page 1, Section 1, after line 18 of printed bill, add the following: "*provided, that this Act is not intended to affect municipal corporations, the validity of the organization of which is questioned in quo warranto proceedings, or actions at law, or any special proceedings, filed and instituted and pending in any of the courts of this State prior to the 25th day of February, 1907.*"

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 728—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 758—An Act to create a reclamation district, to be called "Reclamation District No. 800," and providing for the control and management thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 778—An Act to provide for drainage by irrigation districts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 787—An Act to dissolve Protection District No. 2 of Yuba County, California, and providing for the liquidation and winding-up of said dissolved district.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 603—An Act to add a new section to the Penal Code of the State of California, to be known as Section 310, relating to selling of cigarettes, cigarette tobacco, and cigarette papers.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "section," in line 1 of Section 310 of Section 1 of the printed bill.

Amendment adopted.

Also:

Amend by striking out the words "or has in his possession," on line 3 of Section 310 of Section 1 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 444—An Act to amend Section 634 of the Penal Code of the State of California, relating to the protection and preservation of fish.

During second reading of bill, the following amendment was submitted by committee:

Amend by inserting in Section 1, page 2, line 24, after the word "length," the following: "and every person who, for the purpose of catching salmon, shall set or draw, or assist in setting or drawing, any seine or net, dragnet or paranzella, the meshes of which are, when drawn closely together and measured inside the knot, less than seven and one half inches in length, in any of the waters of this State, within a radius of one hundred and fifty feet of any place where there is then setting any seine or net, dragnet or paranzella, the meshes of which are, when drawn closely together and measured inside the knot, less than five and one quarter inches in length."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 763—An Act to amend Sections 2748, 2749, 2754, and 2771 of the Political Code, to repeal Section 2761 thereof, and to add a new section thereto, to be numbered 2771½, relating to permanent road divisions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 737—An Act providing for the appointment of a highway commission in any county in the State, declaring the powers and duties of such commission, and providing for the laying out, construction, straightening, improvement, and repair of main public highways, providing for the acceptance of donations, and for voting, issuing, and selling county bonds to pay for such work and improvements, and authorizing cities and towns to improve the portions of such public highways within their corporate limits, and to issue and sell bonds therefor.

During second reading of bill, the following amendments were submitted by committee:

Strike out the title and insert in lieu thereof the following:

"An Act providing for the laying out, constructing, straightening, improvement, and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor."

Amendment adopted.

Also:

Strike out Section 1 of the printed bill and insert in lieu thereof the following:

SECTION 1. The board of supervisors of any county in the State, upon receiving a petition signed by freeholders, electors of the county, equal in number to at least ten per cent of the vote cast for Governor in said county at the last election, praying that the matter of issuing bonds of the county for highway purposes be submitted to the electors of the county, may appoint a highway commission for such county, who shall perform the duties hereinafter specified.

Amendment adopted.

Also:

Strike out Section 2 of the printed bill, and insert in lieu thereof the following:

SEC. 2. Said highway commission shall consist of three members, who shall be, and have been for two years, bona fide residents and freeholders of such county, and shall be especially qualified to have charge of the improvement of highways. Said commissioners shall be appointed to serve for the term of two years and until their successors are appointed and qualified, and any vacancy in the commission shall be filled by appointment for the unexpired term; *provided, however*, that when the proposition for the issuance of bonds fails to carry at the election held under Section 7 of this Act, or when all the highway improvements for which bonds are voted under said Section 7 are completed, or, if there is a surplus in the highway improvement fund after completion thereof, when said surplus has been expended on other highways, the existence

of said highway commission shall cease. Thereafter another commission may be appointed under Section 1 hereof. Each commissioner shall give a bond for the faithful performance of his duties, to be approved by the board of supervisors, in such amount as said board may require."

Amendment adopted.

Also:

Strike out Section 3 of the printed bill, and insert in lieu thereof the following:

SEC. 3. For the purpose of this Act a main public highway is defined to be a highway connecting different cities and towns in the same or different counties, or connecting any city or town in one county with the public highway system of another county. Provision may be made under this Act for the improvement of any number of such highways jointly, to be paid for with the proceeds of one bond issue.

Amendment adopted.

Also:

Strike out all of Section 4 of the printed bill, and insert in lieu thereof the following:

SEC. 4. Immediately upon their appointment said commission shall proceed with all diligence to investigate carefully the main public highways of the county and the condition thereof, and to have made a map showing said main public highways, their connections, and such other information in regard thereto as the commission may deem necessary for carrying out the purposes of this Act, and to ascertain which of said main public highways should be improved by the issuance of bonds, and the kind of improvements to be made thereon, and to estimate the cost of such improvements.

Amendment adopted.

Also:

Strike out all of Section 5 of the printed bill and insert in lieu thereof the following:

SEC. 5. With the consent of the board of supervisors they may employ a competent engineer or engineers and other experts at the cost of the county, to make any necessary surveys and prepare said map, and to assist the commission in determining the best material to be used and the best manner of making such improvements and the cost thereof. All surveys made for the purpose of determining the location of highways shall be approved by the county surveyor before the same are adopted by the commission.

Amendment adopted.

Also:

Page 3 of the printed bill, Section 6, line 11, after the period after the word "amount," strike out the remainder of the section.

Amendment adopted.

Also:

Strike out of Section 7, lines 1 and 2, page 4 of the printed bill, the words "within thirty days after receiving such report it shall be the duty of the board of supervisors to," and insert in lieu thereof the following: "If said report is not approved by the board of supervisors they may refer it back to said commission for further consideration. If the board approve the report they shall adopt the same, and shall without delay"; also insert after the period in line 16, same page and section, the following: "any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds."

Amendment adopted.

Also:

Strike out of Section 7, line 10, page 4 of the printed bill, the words "the last," and in the same line insert after the word "election" the word "purposes."

Amendment adopted.

Also:

In Section 8, line 6, page 4 of the printed bill, strike out the period (.) after the word "act" and insert in lieu thereof a (;); and in the same section and page of the printed bill, commencing with line 7, strike out all of lines 7, 8, 9 and all of line 10 up to and including the semicolon after the word "authorized."

Amendment adopted.

Also:

Strike out all of Section 9 of the printed bill and insert in lieu thereof the following:

SEC. 9. The doing of the work for which said bonds are issued shall be under the supervision and direction of the highway commission; *provided*, that the final acceptance thereof shall be by the board of supervisors. As soon as the funds raised by the

sale of said bonds are in the treasury the commission shall proceed to prepare detailed specifications, plans and profiles for the work to be done, or for such parts of it as they deem it advisable to have done separately, if they have not already done so, and for this purpose they may hire assistants with the consent of the board of supervisors; and they shall then present said specifications, plans and profiles, with their recommendations in regard to the doing of the work and letting of contracts to the board of supervisors, who shall either adopt or reject the same as presented. If the board adopt the same they shall thereupon advertise for bids for doing the said work, or any part thereof which the highway commission recommend should be done separately, in accordance with said plans, profiles, and specifications, by publishing a notice for ten days in a daily newspaper or two weeks in a weekly newspaper published at the county seat. Every contract for doing any part of said work shall be let, after advertisement as above provided, to the lowest responsible bidder who will give security for the faithful performance of his contract, with sureties satisfactory to the board of supervisors, in such amount as they may fix, which shall be stated in said advertisement; *provided, however,* that the board may authorize the highway commission to make contracts, without advertisement, for any part of said work the cost of which does not exceed one thousand dollars; *and provided further,* that the board may reject all bids and may thereupon readvertise for bids for doing any part or the whole of said work, or in their discretion authorize the highway commission to purchase the necessary material, purchase or hire tools and appliances, and hire laborers, and to do the work or any part thereof without letting any contract therefor. In such case all contracts for materials, tools or appliances, amounting to more than one thousand dollars in value shall be let by the commission to the lowest responsible bidder, after advertisement as above provided. Said commission may, with the consent of the board of supervisors, hire all necessary engineers, inspectors and superintendents to supervise the performance of said contracts, or to have charge of the doing of said work without contract.

Amendment adopted.

Also:

Strike out of line 7, Section 10, page 5 of the printed bill, the words "they may use," and insert after the word "donations," in the same line, the words "may be used."

Amendment adopted.

Also:

Strike out of line 10, Section 10, page 6 of the printed bill, the words "shall not expend any," and insert in lieu thereof the word "no," and insert in same page and section, after the word "issue" the words "shall be expended."

Amendment adopted.

Also:

Strike out of line 2, Section 11, page 6 of the printed bill, the words "they may," and insert in lieu thereof the following: "The board of supervisors may, on their recommendation."

Amendment adopted.

Also:

Strike out of lines 5 and 6, Section 11, page 6 of the printed bill, the words "or the board of supervisors shall, on the recommendation of such commission," and insert in lieu thereof the words "and may."

Amendment adopted.

Also:

Strike out of lines 2 and 3, Section 12, page 6 of the printed bill, the words "by said highway commission."

Amendment adopted.

Also:

Strike out of lines 4 and 5, Section 12, page 6 of the printed bill, the words "said highway commission propose so to improve," and insert in lieu thereof the words "is being so improved."

Amendment adopted.

Also:

Strike out of lines 1 and 2, Section 13, page 6 of the printed bill, the words "by said highway commission."

Amendment adopted.

Also:

Strike out of line 14, Section 15, page 7 of the printed bill, the word "first."

Amendment adopted.

Also:

Strike out of line 6, Section 7, page 4 of the printed bill, the word "and" after the word "issued," and insert in lieu thereof a comma (,) and insert after the word "sold," in the same line, section, and page, the words "and paid."

Amendment adopted.

Also:

Strike out of lines 6, 7, and 8, Section 7, page 4 of the printed bill, the words "in the manner and form now or hereafter provided by law for the issuing of bonds by counties," and insert in lieu thereof the following: "under and in accordance with all the provisions of law now or hereafter existing in regard to the issuance, sale, and payment of county bonds, and all proceedings had in regard to such bonds shall be in accordance with such provisions of law."

Amendment adopted.

Also:

Insert in line two, Section 15, page 7 of the printed bill, after the words "each day" the words "actually and."

Amendment adopted.

Also:

Strike out of line 4, Section 15, page 7 of the printed bill, the comma (,) after the word "to," and insert before the word "paid," in the same line, the words "allowed by the board of supervisors and."

Amendment adopted.

Also:

At the end of line 11, Section 10, page 6, after the period (.), insert the following: "No railroad, electric road, or street railroad shall be constructed along or upon any highway, or any portion thereof, improved under the provisions of this Act, except for crossings duly authorized by the board of supervisors or other legislative body having control thereof. Nor shall any board of supervisors or other legislative body have power to grant any franchise for the construction of any railroad, electric road, or street railroad along or upon any such highway or portion thereof, except for crossings."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 350—An Act to pay the claim of Albert G. Lafferty and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 497—An Act to provide for taking down the Agricultural Pavilion, now located in Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said park from said material, and such additional material as may be necessary, two exhibition buildings, to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 518—An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of said gardener.

During second reading of bill, the following amendments were submitted by committee:

In Section 2, line 3, page 1 of the printed bill, strike out the word "dollars," and the dollar mark and figures 1,080.00 in parenthesis, and insert in lieu thereof the figures "1080" in parenthesis, and the word "dollars."

Amendment adopted.

Also:

After the word "to," on line 3, Section 2, page 1 of the printed bill, insert the word "be."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 786—An Act to provide for the construction and maintenance of a fire boat for the protection of shipping and appropriating money therefor.

During second reading of bill, the following amendments were submitted by committee:

Strike out all of Section 2 after the word "minute," on line 4, page 1 of the printed bill, and strike out the ", " and insert a ".".

Amendment adopted.

Also:

Strike out in Section 3, line 2, page 1 of the printed bill, after the word "of," the following, "a board of four citizens appointed by the Governor to serve without compensation," and insert in lieu thereof the words "the Board of State Harbor Commissioners."

Amendment adopted.

Also:

Strike out all of Section 4, and insert in lieu thereof the following: "Said boat, after its completion and equipment, shall be stationed at the City and County of San Francisco, upon condition that the same be manned, controlled, and maintained by said municipality, under the direction of its board of fire commissioners or chief engineer of its fire department."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 352—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 181—An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 713—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the Port of Wilmington and Bay of San Pedro," approved March 19, 1889.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 824—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches, a misdemeanor.

During second reading of bill, the following amendment was submitted by committee:

Amend Section 1, page 1, printed bill, on line 6, Section 1, before the word "the" in said line, the words "to the State of California."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 624—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 783—An Act to add three new sections to the Code of Civil Procedure of the State of California, to be known as numbers 953a, 953b, and 953c, relating to a new and alternative method for the preparation of records to be used on appeals, judgments, orders, or decrees of the Superior Court to the Supreme Court or District Court of Appeal.

Bill read second time, considered engrossed, and ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Lynch: Senate Bill No. 855—An Act to amend Section 3495 of the Political Code of the State of California, relating to the public lands.

Bill read first time, and referred to Committee on Judiciary.

By Senator Muentert: Senate Bill No. 856—An Act to add to the Code of Civil Procedure of the State of California a new section, to be numbered 530½, relating to injunctions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 857—An Act to amend Section 530 of the Code of Civil Procedure of the State of California, relating to injunctions.

Bill read first time, and referred to Committee on Judiciary.

By Senator Welch: Senate Bill No. 858—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator McKee: Senate Bill No. 859—An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator McKee: Senate Bill No. 860—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 651a, relating to the use of public highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Willis (by request of Code Commission): Senate Bill No. 861—An Act to amend the Civil Code, by adding thereto a new section to be numbered 290a, relating to corporations authorized to act as executor, administrator, guardian, assignee and receiver, depository or trustee.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 862—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 3522a thereof, relating to certification of the monthly statement by the Secretary of the Board of State Harbor Commissioners to the State Controller, and the employment of a certified public accountant therefor.

Bill read first time, and referred to Committee on Commerce and Navigation.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation and protection of juvenile delinquents in the State of California, to be known as the "Whittier State School," by amending Sections 8, 11, 16, 17, 18, and 20 thereof, and by adding a new section thereto, to be numbered Section 13½, providing for the appointment, duties and compensation of a secretary of said school.

Also: Assembly Bill No. 48—An Act to provide for the segregation, grading and reward and punishment of State prisoners.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LYNCH, Chairman.

Assembly Bills Nos. 628 and 48 ordered on Assembly special file for second reading.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 829—An Act to add a new section to the Political Code to be numbered Section 1361, and to amend Section 1367 of the Political Code, in relation to primary elections—have had same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WALKER, Chairman.

Senate Bill No. 829 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 21, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 798—An Act to provide for suitable toilet rooms in certain foundries, and providing a penalty for a violation of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McKEE, Chairman.

Senate Bill No. 798 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 159—An Act to change, establish, and permanently locate the boundary lines of the County of Kings—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CARTER, Chairman.

Assembly Bill No. 159 ordered on Assembly special file for second reading.

ON INSURANCE AND INSURANCE LAWS.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 21—An Act to establish a standard form of fire insurance policy, and to prevent variations therefrom except under certain stated conditions and restrictions.

Also: Senate Bill No. 394—An Act to establish a standard form of fire insurance policy, and to prevent variations therefrom except under certain stated conditions and restrictions.

Have had the same under consideration, and respectfully report the same back, and recommend that the substitute be adopted.

LEAVITT, Chairman.

Senate Bills Nos. 21 and 394 ordered on file for second reading.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of the substitute submitted by committee for Senate Bills Nos. 21 and 394 be made a special order for Monday, February 25, 1907, at eleven o'clock A. M.

Motion carried.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Anthony asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 10 taken up for the purpose of amendment.

Senate Concurrent Resolution No. 10—Relative to the formation of rifle clubs throughout California under Act of Congress, approved March 3, 1905, and message of President of the United States, dated December 3, 1906.

During the consideration of the concurrent resolution, the following amendment was submitted by committee:

On page 3, line 65 of the printed resolution, after the word "and," insert the following: "be it further."

Amendment adopted.

Also:

On page 3, below line 65, add the following:

Resolved, That the Secretary of the Senate is hereby directed to mail twenty copies of these resolutions to each board of supervisors of the State of California, and to each patriotic and military society having a State organization in California.

Amendment adopted.

Senate Concurrent Resolution ordered to print as amended.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by

amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employes of the Senate and Assembly—with amendments pending, and Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 23 of Article IV thereof, relating to the compensation of the members of the Legislature, limiting the expense of the employes of the Senate and Assembly—the same was taken up for consideration, and, on motion of Senator Wolfe, the further consideration postponed and made a special order for the next legislative day, immediately after the reading of the Journal.

ADJOURNMENT.

At four o'clock and five minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Saturday, February 23, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Irish, Leavitt, Lynch, Marker, Mattos, McKee, Muentz, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Willis, Wolfe, and Wright—25.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVES OF ABSENCE.

Senator Welch was, on motion of Senator Keane, granted leave of absence for this day.

Senator Hartman was, on motion of Senator Keane, granted leave of absence for this day.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 22, 1907, the further reading was dispensed with, on motion of Senator Boynton.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employes of the Senate and Assembly—with

amendments pending; and Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 23 of Article IV thereof, relating to the compensation of the members of the Legislature, limiting the expense of the employes of the Senate and Assembly—the same was taken up for consideration, and on motion of Senator Wolfe, the further consideration postponed and made a special order for Monday, February 25, 1907, immediately after the reading of the Journal.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Assembly Bill No. 37—An Act recommending to the electors of the State to vote for or against a convention to revise the Constitution of the State of California.

Also: Assembly Bill No. 584—An Act to confer further powers upon the Board of Railroad Commissioners.

Also: Read and adopted Assembly Joint Resolution No. 7—Relative to the mining interest of the State of California.

Also: That the Assembly on this day receded from Assembly Amendment No. 1 to Senate Bill No. 7—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive to the purchaser of a fruit or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecution under this may be commenced.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bill No. 37 read first time, and referred to Committee on Elections and Election Laws.

Assembly Bill No. 584 read first time, and referred to Committee on Corporations.

Assembly Joint Resolution No. 7 referred to Committee on Mines and Mining.

Senate Bill No. 7 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON INSURANCE AND INSURANCE LAWS.

SENATE CHAMBER, SACRAMENTO, February 23, 1907.

MR. PRESIDENT: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 656—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 437a, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 242—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding two new sections thereto, to be numbered 4463 and 4464, requiring persons, firms, associations, or corporations in this State engaged in the business of loaning money, receiving deposits, banking, or insurance in any form, to publish certain reports, and prescribing a penalty for failure or neglect to do so.

Also: Senate Bill No. 510—An Act to add a new section to the Civil Code, to be known as Section 2759, relating to fire insurance companies.

Also: Senate Bill No. 511—An Act to add a new section to the Civil Code, to be known as Section 2758, to compel insurance companies to pay the full amount of the loss sustained upon property covered by policies of insurance up to the amount expressed in the policies notwithstanding any stipulation in such policies to the contrary.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

LEAVITT, Chairman.

Assembly Bill No. 656 ordered on Assembly special file for second reading.

Senate Bills Nos. 242, 510, and 511 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 23, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 624—An Act making an appropriation of five hundred dollars (\$500) for the purpose of repairing and preserving the James Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.

Also: Senate Bill No. 812—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of \$1,000 for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 813—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin and extending to Islais Creek in the City and County of San Francisco, and extending their jurisdiction over the same.

Also: Senate Bill No. 819—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid.

Also: Senate Bill No. 826—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of a central ward building, to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same," approved March 25, 1903, and to change and redirect the manner of expenditure thereof.

Also: Senate Bill No. 831—An Act to provide for the survey, location, plans and estimates of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 623—An Act making an appropriation of two hundred and fifty dollars (\$250), for the purchase of a certain spring of water near the James Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.

Also: Assembly Bill No. 674—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such board; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903, as amended by Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same, approved March 22, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

BELSHAW, Chairman.

Assembly Bills Nos. 624, 623, and 674 ordered on Assembly special file for second reading.

Senate Bills Nos. 812, 813, 819, 826, and 831 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 23, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 790—An Act to add a new section to the Political Code, to be numbered Section 1671a, and relating to the issue of bonds for the support of county high schools—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CARTER, Chairman.

Senate Bill No. 790 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 398—An Act to prevent the adulteration of paints, oils, varnishes, and pigments.

Also: Assembly Bill No. 354—An Act to amend Section 597b of the Penal Code, relating to cruelty to animals.

Also: Senate Bill No. 237—An Act to amend Section 1200 of the Code of Civil Procedure, relating to mechanics' liens.

Also: Senate Bill No. 751—An Act to amend Section 4178 of the Political Code, relating to the duties of the county clerks.

Also: Assembly Bill No. 99—An Act to amend Section 1026 of the Code of Civil Procedure, relating to the right of a defendant to require security for costs when plaintiff is a non-resident or foreign corporation.

Also: Senate Bill No. 815—An Act amendatory of and supplemental to an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands, approved March 2, 1867,' approved March 30, 1868," approved March 12, 1885.

Also: Assembly Bill No. 767—An Act to amend the Penal Code of California, by adding thereto a new section, to be numbered 462, relating to burglary with explosives, and the punishment thereof.

Also: Senate Bill No. 808—An Act to increase the number of judges of the Superior Court of the County of Tulare, and to provide for the appointment of an additional judge.

Also: Assembly Bill No. 178—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1350a, all relating to letters testamentary and of administration with the will annexed.

Also: Assembly Bill No. 180—An Act to amend Section 1371 of the Code of Civil Procedure, relating to letters of administration.

Also: Assembly Bill No. 182—An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills.

Also: Assembly Bill No. 183—An Act to amend Section 1300 of the Code of Civil Procedure, relating to proceedings for the probate of wills.

Also: Assembly Bill No. 186—An Act to amend Sections 1228, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

Also: Assembly Bill No. 188—An Act to repeal Chapter III of Title IV of Part III of the Code of Civil Procedure, and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said Code, relating to liens for salaries and wages.

Also: Assembly Bill No. 191—An Act to amend Section 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties.

Also: Assembly Bill No. 192—An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted.

Also: Assembly Bill No. 193—An Act to amend Sections 1431 and 1432 of the Code of Civil Procedure, both relating to transfers of administrations.

Also: Assembly Bill No. 195—An Act to amend Section 1445 of the Code of Civil Procedure, relating to the inventory and appraisal of the estates of the decedents.

Also: Assembly Bill No. 189—An Act to amend Sections 1166 and 1167 of the Code of Civil Procedure and to repeal Section 1175 thereof, all relating to summary proceedings for obtaining possession of real property.

Also: Assembly Bill No. 194—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators.

Also: Assembly Bill No. 198—An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents.

Also: Assembly Bill No. 199—An Act to amend Sections 1466 and 1468 of the Code of Civil Procedure, both relating to provisions for the support of the families of deceased persons.

Also: Assembly Bill No. 200—An Act to add a new section to the Code of Civil Procedure, to be numbered 1471, relating to the setting apart of homesteads and of other property exempt from execution, belonging to estates of decedents.

Also: Assembly Bill No. 197—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collections of deposits made by deceased persons in banks.

Also: Assembly Bill No. 187—An Act to amend Sections 1209 and 1210 of the Code of Civil Procedure, both relating to contempt.

Also: Assembly Bill No. 202—An Act to amend Sections 1497, 1498, 1502, 1503, 1504, and 1505 of the Code of Civil Procedure, to repeal Section 1509 thereof, all relating to claims against the estates of decedents.

Also: Assembly Bill No. 274—An Act to amend Section 1591 of the Code of Civil Procedure, to repeal Section 1640 thereof, and to add a new section thereto, to be numbered 1592, both relating to the management of the estates of deceased persons.

Also: Assembly Bill No. 384—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof.

Also: Assembly Bill No. 605—An Act to add a new section to the Political Code, to be known as Section 35 thereof, relating to the conveying to the United States of State lands covered by navigable waters.

Also: Assembly Bill No. 606—An Act to repeal Article XIII, of Chapter III, of Title I, of Part III of the Political Code, relative to State Geologist.

Also: Assembly Bill No. 609—An Act to amend Section 364 of the Political Code, relating to the Board of Examiners

Also: Assembly Bill No. 610—An Act to repeal Section 367 of the Political Code, relating to State prisons.

Also: Assembly Bill No. 612—An Act to repeal Section 349 of the Political Code, relating to State Printer.

Also: Assembly Bill No. 668—An Act to amend Section 2349 of the Political Code and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

Also: Assembly Bill No. 705—An Act to repeal Section 312 of the Civil Code, as approved March 21, 1905, and to amend Section 312 of said Code, as approved March 22, 1905, both relating to elections by stockholders or members in corporations.

Also: Assembly Bill No. 706—An Act to repeal Section 421 of the Civil Code, as approved March 3, 1905, relating to the investment of the capital and accumulations of corporations organized for the transaction of business in any kind of insurance.

Also: Assembly Bill No. 757—An Act to amend Section 323 of the Civil Code, relating to the contents of certificates of stock of corporations for profit.

Also: Assembly Bill No. 758—An Act to amend Section 290 of the Civil Code, relating to the contents of articles of incorporation of corporations.

Also: Assembly Bill No. 604—An Act to repeal Section 11 of the Political Code, relating to holidays.

Also: Senate Bill No. 206—An Act to amend Section 1045 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.

Also: Senate Bill No. 214—An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property.

Also: Senate Bill No. 327—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions

Also: Senate Bill No. 358—An Act to amend Section 1467 of the Penal Code of California, relating to the taking, hearing, and determination of appeals to the Superior Court in criminal actions.

Also: Senate Bill No. 356—An Act to amend Section 687 of the Penal Code of California, relating to prosecutions for the same offense after prior convictions or acquittals in criminal actions.

Also: Senate Bill No. 326—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees.

Also: Senate Bill No. 329—An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

Also: Assembly Bill No. 474—An Act to amend Sections 2787 and 2789 of the Political Code, and to add a new section thereto, to be known as Section 2802, relating to the construction of toll roads.

Also: Senate Bill No. 796—An Act to amend Section 2349 of the Political Code, and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 661—An Act to amend Section 2969 of the Civil Code, by providing for recording mortgages of personal property by persons who do not reside in this State.

Also: Assembly Bill No. 459—An Act amending Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Also: Senate Bill No. 760—An Act to add a new section to the Political Code, to be numbered 759, relating to the appointment and employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said Code.

Also: Senate Bill No. 407—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Also: Senate Bill No. 318—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Also: Assembly Bill No. 181—An Act to amend Sections 1328 and 1329 of the Code of Civil Procedure, both relating to the contesting of wills after probate.

Also: Assembly Bill No. 272—An Act to amend Sections 1518, 1522, 1524, 1537, 1543, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, all relating to the sale of the property of deceased persons.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

Also: Senate Bill No. 822—An Act to provide for the payment of attorney fees in justices' courts and other inferior courts—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 805—An Act to amend Section 1662 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Education.

Also: Senate Bill No. 325—An Act to add a new section to the Code of Civil Procedure, to be numbered 635, relating to trials of questions of fact by the court—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

LUKENS, Chairman.

Assembly Bills Nos. 398, 354, 99, 767, 178, 180, 182, 183, 186, 188, 191, 192, 193, 195, 189, 194, 198, 199, 200, 197, 187, 202, 274, 384, 605, 606, 609, 610, 612, 668, 705, 706, 757, 758, 604, 474, 661, 459, 181, and 272 ordered on Assembly special file for second reading.

Senate Bills Nos. 237, 751, 815, 808, 206, 214, 327, 358, 356, 326, 329, 796, 760, 407, 318, and 822. ordered on file for second reading.

Senate Bill No. 805 referred to Committee on Education.

WITHDRAWAL OF BILL.

Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Bill No. 325.

Senate Bill No. 325 withdrawn, and ordered stricken from the file.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER SET.

In compliance with his notice given on previous day, Senator Caminetti moved that the vote whereby Assembly Bill No. 558—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of textbooks by the several counties or cities and counties of the State—was refused passage, be now reconsidered.

The motion was duly seconded.

Senator Caminetti moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 558 was refused passage be postponed and made a special order for Monday, February 25, 1907, at eleven o'clock A. M.

Motion carried.

APPOINTMENT OF SPECIAL COMMITTEE.

In accordance with the resolution offered by Senator Boynton and adopted on February 21, 1907, authorizing the appointment of a special committee of five Senators to investigate the alleged unlawful purchases by speculators of the output of the jute bag factory at the State prison at San Quentin for the years 1906 and 1907, with the view of ascertaining whether the Act regulating the sale of such product has been violated by any person or persons, the President announced that he had appointed Senators Boynton, Lynch, Bates, McCartney, and Miller to serve as such special committee.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Willis (by request of Code Commission): Senate Bill No. 863—An Act to repeal Title III of Part IV, and each and every section thereof, of the Political Code, and to add a new Title III of Part IV of said Code in place thereof, relating to the organization, incorporation, and government of municipal corporations.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 864—An Act to provide for the completion of a cottage for female patients at the Mendocino State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Caminetti: Senate Bill No. 865—An Act to make an appropriation for the repair and maintenance under the supervision, management, and control of the Department of Highways of the State of California, or such other department as may by law succeed to the duties and authority thereof, of that certain State highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road; to place such highway under the supervision, management and control of such Department of Highways, or such other department as may by law succeed to the duties and authority thereof, and to designate and name such State highway as the Alpine State highway.

Bill read first time, and referred to Committee on Finance.

By Senator Keane: Senate Bill No. 866—An Act to provide for the restoration of ordinances, resolutions, documents, maps, surveyors' field notes, or other records required by law to be kept or preserved or which heretofore have been kept or preserved in the office of the board of supervisors, or board of trustees, the office of the board of public works or in the office of the surveyor or engineer of any city, county, or city and county or other municipalities, which have been destroyed by conflagration or other public calamity.

Bill read first time, and referred to Committee on Judiciary.

By Senator Willis: Senate Bill No. 867—An Act to amend the Penal Code by adding thereto a new section, to be numbered Section 515, relating to embezzlement by co-owner or co-partner.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS.

On motion of Senator Leavitt, the second-reading file was taken up for consideration.

Senate Bill No. 820—An Act to repeal Sections 7 and 8 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to changing boundaries of and consolidation of municipal corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 807—An Act to amend Section 34 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to the expenses of making the assessment for work authorized by this Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 575—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 666—An Act to amend Section 20 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 732—An Act to amend an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and dialects in criminal proceedings in cities, cities and counties of one hundred thousand inhabitants," and to make said Act applicable to the counties of the second class of this State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 639—An Act to amend Section 2644 of the Political Code of the State of California, relating to the allowing of claims by the board of supervisors.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 7, after the word "same," on line 7, insert the following: "kind and quality of materials used."

Amendment adopted.

Also:

On page 1, line 8, strike out all after the word "used," to and including the word "performed," on line 11.

Amendment adopted.

Also:

On page 1, strike out after line 15 all of Section 2 and insert in lieu thereof the following: "This Act shall not apply to any claims filed in the office of the county clerk prior to the passage of this Act."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 600—An Act to create a commission on revenue and taxation to investigate the system of revenue and taxation in force in this State, and to formulate and regulate legislation for the revision and reform of the revenue laws, said commission to succeed and take the place of the present Commission on Revenue and Taxation, and to be composed of the Governor, the Controller, the chairman of the State Board of Equalization, all three ex officio, two members of the State Senate, and one member of the Assembly, and an expert on taxation and public finance, also authorizing the Governor to appoint said expert, and authorizing the Senate to appoint two members, to define the duties and powers of the commission, and making an appropriation therefor.

During second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 600

An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any moneys not otherwise appropriated for the purpose of carrying on the work mentioned

and provided for to be carried on under and by virtue of "An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.

Sec. 2. Said money shall be expended and used for the purpose of paying the necessary expenses of the members of said commission while actually engaged in the performance of their duties, as prescribed in said Act, and for the salary of the expert mentioned in said Act, and for all necessary clerical, printing and other expenses connected with the work of carrying out the provision of said Act. The claims for each shall be audited and approved by the Board of Examiners, in the manner provided by law, and when so approved, the State Controller is authorized to draw his warrant therefor, and the Treasurer is directed to pay the same.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 829—An Act to add a new section to the Political Code, to be numbered Section 1361, and to amend Section 1367 of the Political Code, in relation to primary elections.

During second reading of bill, the following amendments were submitted by committee:

On page 1, insert in the title, between the word "sixty-one" and the comma, the following: "a."

Amendment adopted.

Also:

On page 1, Section 1, line 2, strike out "1361," and insert in lieu thereof the following: "1361a."

Amendment adopted.

Also:

On page 1, line 3, strike out "1361," and insert in lieu thereof the following: "1361a."

Amendment adopted.

Also:

On page 1, line 7, strike out the words "qualifications or."

Amendment adopted.

Also:

On page 2, line 9, strike out the word "which" and insert in lieu thereof the following: "whose."

Amendment adopted.

Also:

On page 2, line 20, strike out the words "possesses the qualifications," and insert in lieu thereof the following: "subscribes to the test."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 798—An Act to provide for suitable toilet rooms in certain foundries, and providing a penalty for a violation of this Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 352—An Act to amend Section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of State hospitals.

Assembly Bill No. 352 was temporarily passed on file.

Assembly Bill No. 643—An Act to amend an Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, approved March 18, 1885, by adding thereto a new section, numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 371—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 566—An Act adding a new section to the Code of Civil Procedure, to be numbered and designated as Section 1124, relating to contesting elections in case of a tie.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 3, strike out the words "for any office," and insert in lieu thereof the following: "for that particular office."

Amendment adopted.

Also:

On page 1, line 5, between the words "may" and "contest," insert the following: "within twenty days after such declaration."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 788—An Act to amend an Act entitled "An Act for the certification of land titles, and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof, and by adding three new sections thereto, to be numbered 114a, 114b, and 114c, all relating to the fees of registrars and the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund, and the determination and disposition of claims against the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 624—An Act making an appropriation of five hundred dollars (\$500) for the purpose of repairing and preserving the James Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation and protection of juvenile delinquents in the State of California, to be known as the Whittier State School," by amending Sections 8, 11, 16, 17, 18, and 20 thereof, and by adding a new section thereto, to be known as Section 13½, providing for the appointment, duties, and compensation of a secretary of said school.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 48—An Act to provide for the segregation, grading, and reward and punishment of State prisoners.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 159—An Act to change, establish, and permanently locate the boundary line of the County of Kings.

Bill read second time, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 23, 1907.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 805—An Act to amend Section 1662 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872—have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

ANDERSON, Chairman.

Senate Bill No. 805 ordered on file for second reading.

ADJOURNMENT.

At ten o'clock and twenty-five minutes A. M., on motion of Senator Wolfe, the President declared the Senate adjourned until Monday, February 25, 1907.

IN SENATE.

SENATE CHAMBER,

Monday, February 25, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVES OF ABSENCE.

Senator Rambo was, on motion of Senator Willis, granted leave of absence for this day.

Senator Irish was, on motion of Senator Sanford, granted leave of absence for this day.

READING OF JOURNAL.

During the reading of the Journal of Saturday, February 23, 1907, the further reading was dispensed with, on motion of Senator Mattos.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 32, the same was taken up for consideration.

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 23 of Article IV thereof, relating to the compensation of the members of the Legislature, and limiting the expense of the employes of the Senate and Assembly.

During the consideration of the constitutional amendment, the following amendments were offered by Senator Wolfe:

Amend by adding after the word "added," on line 5 of the proposed constitutional amendment, the words "to the Constitution of the State of California,"; by striking out all after the word "four" on line 6 down to and inclusive of the word "California," on line 7, and insert in lieu thereof the word "thereof"; also, strike out the word "thereto," on line 5.

Amendments adopted.

Senate Constitutional Amendment ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Wolfe, the Secretary was directed to issue a rush order for printing Senate Constitutional Amendment No. 32, as amended, the same to retain its place on file.

SPECIAL ORDER SET.

Senator Wolfe moved that the consideration of Senate Constitutional Amendment No. 32 be made a special order for Tuesday, February 26, 1907, immediately after the reading of the Journal.

Motion carried.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employes of the Senate and Assembly—with amendments pending, the same was taken up for consideration, and on motion of Senator Curtin, the further consideration was postponed and made a special order for Tuesday, February 26, 1907, immediately after the consideration of Senate Constitutional Amendment No. 32.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day received the report of the Conference Committee upon Assembly Constitutional Amendment No. 3, relative to primary elections, and in accordance therewith discharged the committee and appointed Assemblymen Held, Johnson of Sacramento, and Stetson a Committee on Free Conference, which committee reported back, with amendments as agreed upon, and the amendments so recommended were adopted, and the constitutional amendment so amended was adopted.

Also: Passed Assembly Bill No. 438—An Act prohibiting the placing, painting, printing, sticking, posting, or otherwise affixing upon any fence, structure, pole, rock or other

object, which is the property of another, any word or words, device, trademark, advertisement or notice, except such as required by law, without having first obtained the consent in writing of the owner or tenant of said property, and providing a penalty for the violation thereof, and providing for the obliteration of any word or words, device, trademark, or notice, placed, printed, painted, stuck, posted, or otherwise affixed upon any fence, structure, pole, rock, or other object, in violation thereof.

Also: Assembly Bill No. 350—An Act to add a new section to the Political Code of the State of California, to be designated Section 2181a, relating to unclaimed money and property of patients at State hospitals.

Also: Assembly Bill No. 785—An Act to amend Section 324 of the Civil Code, relating to the transfer of stock in corporations.

Also: Assembly Bill No. 841—An Act providing for the appointment of a highway commission in any county in the State, declaring the powers and duties of such commission, and providing for the laying out, constructing, straightening, improvement, and repair of main public highways, providing for the acceptance of donations and for voting, issuing and selling county bonds to pay for such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor.

Also: Assembly Bill No. 672—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Also: Assembly Bill No. 410—An Act to amend Section 1372 of the Political Code of the State of California, relating to the territory of this State within which primary elections shall be obligatory and mandatory.

Also: Assembly Bill No. 619—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Sections 2, 3, 4, and 6 of said Act, and by adding thereto a new section, to be numbered 8a.

Also: Assembly Bill No. 663—An Act to amend Section 608 of the Penal Code, and to add three new sections thereto, to be numbered 608a, 608b, and 608c, all relating to the burning, injuring or setting adrift rafts or vessels.

Also: Senate Bill No. 153—An Act making an appropriation to pay the claim of Solinskv & Wehe against the State of California.

Also: Senate Bill No. 223—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Also: Senate Bill No. 494—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

Also: Senate Bill No. 163—An Act to amend an Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901.

Also: Senate Bill No. 570—An Act to amend Section 12 of an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Also: Senate Bill No. 47—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Also: Senate Bill No. 107—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Also: Senate Bill No. 84—An Act authorizing the Governor to set apart one day each year to be designated "Bird and Arbor Day," and to request its observance.

Also: Senate Bill No. 193—An Act to amend Section 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing a compensation of the members thereof, etc.

Also: Senate Bill No. 194—An Act to amend Section 2567 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay.

Also: Returns to your honorable body Assembly Bill No. 562—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants—said bill having been returned to the Assembly for correction.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 438, 350, and 672 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 785 and 663 read first time, and ordered on Assembly special file without reference to committee.

Assembly Bill No. 841 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 410 read first time, and referred to Committee on Elections and Election Laws.

Assembly Bills Nos. 619 and 562 read first time, and referred to Committee on Finance.

Senate Bills Nos. 153, 223, 494, 163, 570, 47, 107, 84, 193, and 194 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 52—An Act to amend Section 1202 of the Political Code of the State of California, relating to the appointment of election officers.

Also: Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.

Also: Senate Bill No. 519—An Act providing for an appropriation of three thousand dollars (\$3,000) for the purpose of improving the grounds of Sutter's Fort.

Also: Senate Bill No. 27—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3695, 3699, 3700, 3702, 3738, 3897, and 3898 of the Political Code; to amend Subdivision 13 of Section 3692 of the Political Code; and to repeal Section 3701 of the Political Code, as it now exists, and to reenact and amend said Section 3701, all said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 52?"

Amend by striking out the word "must," on line 8, Section 1, first page, printed bill, and inserting in lieu thereof the following: "need not."

Also: Amend by striking out the word "no," on line 8, Section 1, first page, printed bill.

The roll was called, and the above Assembly amendments to Senate Bill No. 52 concurred in by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, Miller, Price, Reily, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.
NOES—None.

Senate Bill No. 52 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 106?"

Amend by striking out the words "five thousand," Section 1, on line 3, first page, printed bill, and inserting in lieu thereof the following: "two thousand five hundred."

The roll was called, and the Senate refused to concur in the above Assembly amendment to Senate Bill No. 106 by the following vote:

AYES—Senator Rolley—1.

NOES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, Muentner, Nelson, Price, Reily, Sanford, Savage, Walker, and Wolfe—23.

Whereupon the President directed the Secretary to request the Assembly to recede from its amendment to Senate Bill No. 106.

Bill ordered transmitted to the Assembly.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 519?"

Amend by striking out the words "three thousand dollars" and the figures "(\$3,000)" of title, first page, printed bill, and inserting in lieu thereof the following: "one thousand five hundred dollars (\$1,500)."

Also: Amend by striking out the words "three thousand" and the figures "(\$3,000)," Section 1, on line 1, first page, printed bill, and inserting in lieu thereof the following: "one thousand five hundred (\$1,500)."

The roll was called, and the above Assembly amendments to Senate Bill No. 519 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Reily, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Senate Bill No. 519 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 27?"

Amend by adding in Section 1, after the "period" after the word "year," in line 30, page 2 of the engrossed printed bill, the following: "The parties to any contract to loan, or to any mortgage, deed of trust, or other lien securing any obligation, shall nevertheless have the right to provide by contract that the debtor shall pay all or any taxes or assessments upon the money loaned or on the mortgage, deed of trust, or other lien, or on the property thereby covered, or the obligation thereby secured, and such contract shall be valid and constitute a waiver by the debtor of all right to treat the payment of such tax or assessment as a payment on the amount loaned or secured or as being to any extent a discharge thereof."

The roll was called, and the Assembly amendment to Senate Bill No. 27 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, Miller, Muentner, Nelson, Price, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Senate Bill No. 27 ordered to enrollment.

WITHDRAWAL OF BILL.

Senator Curtin asked for and was granted unanimous consent to withdraw Senate Bill No. 723—An Act to amend Section 324 of the Civil Code, relating to the transfer of stock in corporations.

Senate Bill No. 723 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON INSURANCE AND INSURANCE LAWS.

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. PRESIDENT: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 750—A new section is hereby added to the Political Code, to be known as Section 625a, relating to information to be furnished each county clerk by the Insurance Commissioner—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEAVITT, Chairman.

Senate Bill No. 750 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 23, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 13—An Act to provide for taking down the Agricultural Pavilion now located in Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said park from said material, and such additional material as may be necessary, two exhibition buildings, to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor.

Also: Assembly Bill No. 79—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans, who served honorably during the civil war, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California, for the fifty-ninth and sixtieth fiscal years.

Also: Assembly Bill No. 222—An Act to amend Section 10 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines and to provide for the government thereof by the State," as amended by an Act approved March 20, 1905, providing for the disposition of pension moneys belonging to deceased members.

Also: Assembly Bill No. 712—An Act appropriating \$1,500 for restoring certain records and refitting and refurnishing the office of the Clerk of the Supreme Court in the City of San Francisco.

Also: Assembly Bill No. 713—An Act to add a new section to the Political Code of the State of California, to be designated and numbered Section 751½ authorizing the Clerk of the Supreme Court to employ two assistant deputy clerks, and fixing the compensation of such assistant deputy clerks.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BELSHAW, Chairman.

Assembly Bills Nos. 13, 79, 222, 712, and 713 ordered on Assembly special file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 545—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUKENS, Chairman.

Assembly Bill No. 545 ordered on Assembly special file for second reading.

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. PRESIDENT: Your Committee on Printing, to whom was referred Senate Bill No. 840—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of California, 1850-1907, inclusive—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

NELSON, Chairman.

Senate Bill No. 840 ordered on file for second reading.

ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Senate Bill No. 55—An Act providing for the manner of locating and re-locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of location and assessment work on mining claims, and the time within which said work shall be done, and providing for proofs of such work, and for the recordation of location notices and certificates and proof of labor, and for the enforcement of contributions from delinquent co owners of mining claims, and prescribing the duties of district mining recorders and of county recorders respecting the recording of location notices and certificates of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

BOYNTON, Chairman.

WITHDRAWAL OF BILL.

Senator Willis asked for and was granted unanimous consent to withdraw Senate Bill No. 55.

Senate Bill No. 55 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 739—An Act authorizing the Governor to appoint a commission to consist of himself, a Senator and Assemblyman of the thirty-seventh session of the Legislature of the State of California, and two citizens at large, of which commission the Governor shall be ex officio a member and chairman thereof, to investigate the fish and fishing industry and the wild game of the State, relative to the propagation, preservation, and better protection thereof, and to recommend to the thirty-eighth session of the Legislature a plan for the propagation, preservation, and better protection of such fish and game; to provide for the creation of said commission and to define its powers, and making an appropriation therefor.

Also: Senate Bill No. 839—An Act to amend Section 4 of an Act entitled "An Act to create the office of fish and game warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

WELCH, Chairman.

Senate Bills Nos. 739 and 839 ordered on file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 107—An Act to provide for a topographical survey in the San Joaquin Valley, of Tulare Lake and streams flowing therein, for the purpose of determining the best method of reclaiming lands inundated by the waters of said lake.

Also: Assembly Bill No. 461—An Act to amend Sections 1, 3, 4, 5, 6, 7, 9, 10, 13, 14, and 20 of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Also: Assembly Bill No. 549—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creating, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, A. D. 1905.

Also: Assembly Bill No. 591—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

PRICE, Chairman.

Assembly Bills Nos. 107, 461, 549, and 591 ordered on Assembly special file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 841—An Act to provide for the organization, incorporation, disincorporation, consolidation, and government of municipal corporations, and to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations, approved March 13, 1883, by adding a new section thereto, to be known as Section 4a, relating to the disincorporation, and reorganization, and consolidation of municipalities, and by amending Section 8 of said Act, relating to consolidation of municipal corporations.

Also: Senate Bill No. 842—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," by adding a new section thereto, to be numbered Section 9½, providing for the disposition of money raised by the sale of bonds under said Act, whenever it appears to be impracticable to use said money for the purpose for which the bonds were voted.

Also: Assembly Concurrent Resolution No. 20—Approving twenty certain amendments to the charter of the City of Vallejo, County of Solano, State of California, voted for and ratified by a majority of the qualified electors of said City of Vallejo voting thereon at the special election held therein for that purpose on the 5th day of February, 1907.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 455—An Act providing that in any city or city and county, in this State where by general law or by charter the board of police commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department, and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Also: Assembly Bill No. 415—An Act providing that in any city or city and county in this State where by general law or by charter the board of police commissioners of such city, or city and county, is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that superior courts and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

SAVAGE, Chairman.

Senate Bills Nos. 841 and 842 ordered on file for second reading.

Assembly Concurrent Resolution No. 20 ordered on Assembly special file.

Assembly Bills Nos. 455 and 415 ordered on Assembly special file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 832—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Also: Senate Bill No. 730—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a new section, to be numbered Section 25c, authorizing boards of supervisors to acquire and maintain parks, and to issue bonds therefor.

Also: Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 3 of Article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties.

Also: Assembly Bill No. 536—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class and repealing all conflicting Acts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CARTER, Chairman.

Senate Bills Nos. 832 and 730 ordered on file for second reading.

Senate Constitutional Amendment No. 36 ordered on file.

Assembly Bill No. 536 ordered on Assembly special file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 576—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and Acts amendatory thereof, by amending Section 3 of said Act (last amendment, Statutes 1905, p. 416).

Also: Senate Bill No. 595—An Act to amend Section 1050 of the Code of Civil Procedure.

Also: Senate Bill No. 254—An Act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partitions, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

Also: Senate Bill No. 72—An Act to add a new section to the Political Code of the State of California, to be numbered Section 2793, relating to the office, salary, and duties of the attorney for the State Board of Health, and to repeal an Act entitled "An Act to create the office of attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891.

Also: Senate Bill No. 747—An Act to amend Section 777 of the Penal Code of the State of California, relating to local jurisdiction of public offenses.

Also: Senate Bill No. 821—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

Also: Senate Bill No. 25—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

Also: Senate Bill No. 26—An Act making an appropriation for the construction of an annex to the hospital at the Veterans' Home of California, located at Yountville, Napa County.

Also: Senate Bill No. 33—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Senate Bill No. 34—An Act to provide for replacing the worn out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Senate Bill No. 36—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Also: Senate Bill No. 43—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Senate Bill No. 667—An Act to appropriate the sum of sixty and fifty-one one-hundredths dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 668—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California.

Also: Senate Bill No. 669—An Act to appropriate the sum of two hundred and twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Also: Senate Bill No. 670—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 671—An Act to appropriate the sum of three hundred forty-nine and sixty one-hundredths dollars, to pay the claim of Minnesota Mutual Life Insurance Company against the State of California.

Also: Senate Bill No. 672—An Act to appropriate the sum of nine hundred three and seventy-two one-hundredths dollars, to pay the claim of the Massachusetts Mutual Life Insurance Company, of Springfield, against the State of California.

Also: Senate Bill No. 673—An Act to appropriate the sum of eleven and thirty one-hundredths dollars to pay the claim of the Life Association of America against the State of California.

Also: Senate Bill No. 674—An Act to appropriate the sum of one thousand seven hundred sixty-two and seventy-nine one-hundredths dollars to pay the claim of the Germania Life Insurance Company, of New York, against the State of California.

Also: Senate Bill No. 675—An Act to appropriate the sum of eight hundred eighty-nine and ninety-five one-hundredths dollars to pay the claim of the Bankers' Life Association, of Des Moines, Iowa, against the State of California.

Also: Senate Bill No. 676—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars, to pay the claim of the Etna Life Insurance Company, of Hartford, Connecticut, against the State of California.

Also: Senate Bill No. 743—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Alaska-Yukon-Pacific Exposition, to be held in the City of Seattle, Washington, 1909, and to provide for a Commissioner thereof.

Also: Senate Bill No. 572—An Act to add a new section to the Civil Code, to be numbered Section 365, and relating to contributions of corporate funds for political purposes.

Also: Senate Bill No. 780—An Act to amend Section 1619 of the Code of Civil Procedure, relating to the compensation of attorneys of executors and administrators for extraordinary services.

Also: Senate Bill No. 661—An Act to amend Section 61 of the Civil Code, relating to marriage contracts during life of former husband or wife, and to repeal Sections 131 and 132 of the Civil Code, relating to judgments in actions for divorce.

Also: Senate Bill No. 716—An Act to add a new section to the Penal Code, to be numbered Section 628, to prevent the catching of surf fish, yellow fin or spot-fin croaker, and providing penalties therefor.

Also: Senate Bill No. 785—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 19, 1903, and March 20, 1905, by amending Section 162 thereof, relating to the fees and the salaries of county and township officers in counties of the fifth class.

Also: Senate Bill No. 652—An Act to amend Section 139 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the duties of the county surveyor.

Also: Senate Bill No. 800—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 742—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing, or relocation of bridges over navigable waters between said counties, jointly with other persons or corporations.

Also: Senate Bill No. 728—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Also: Senate Bill No. 758—An Act to create a reclamation district, to be called "Reclamation District No. 800," and providing for the control and management thereof.

Also: Senate Bill No. 778—An Act to provide for drainage by irrigation districts.

Also: Senate Bill No. 787—An Act to dissolve Protection District No. 2 of Yuba County, California, and providing for the liquidation and winding up of said dissolved district.

Also: Senate Bill No. 763—An Act to amend Sections 2748, 2749, 2754, and 2771 of the Political Code, to repeal Section 2761 thereof, and to add a new section thereto, to be numbered 2771½, relating to permanent road divisions.

Also: Senate Bill No. 350—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Also: Senate Bill No. 497—An Act to provide for taking down the Agricultural Pavilion, now located in Capital Park, in the City of Sacramento, moving the material thereon to Agricultural Park, near the City of Sacramento, and erecting in said park from said material, and such additional material as may be necessary, two exhibition buildings, to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor.

Also: Senate Bill No. 352—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Also: Senate Bill No. 181—An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

Also: Senate Bill No. 713—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the Port of Wilmington, and Bay of San Pedro," approved March 19, 1889.

Also: Senate Bill No. 624—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State mining bureau, who shall have the direction, management, and control of said Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau.

Also: Senate Bill No. 783—An Act to add three new sections to the Code of Civil Procedure of the State of California, to be known as numbers 953a, 953b, and 953c, relating to a new and alternative method for the preparation of records to be used on appeals, judgments, orders, or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 576, 595, 254, 72, 747, 821, 25, 26, 33, 34, 36, 43, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 743, 572, 780, 661, 716, 785,

652, 800, 742, 728, 758, 778, 787, 763, 350, 497, 352, 181, 713, 624, and 783, ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 440, the same was taken up for consideration.

Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

During the consideration of the bill, the following amendments were submitted by committee:

On page 4, Section 10, line 9, strike out the parenthesis and figures "(18)."

Amendment adopted.

Also:

On page 4, Section 10, lines 10 and 11, strike out the words "three (3) years," and insert in lieu thereof the following: "one year."

Amendment adopted.

Also:

On page 4, Section 10, line 12, strike out the words "three (3) years," and insert in lieu thereof the following: "one year."

Amendment adopted.

Also:

On page 4, Section 10, line 15, strike out the words "three (3) years," and insert in lieu thereof the following: "one year."

Amendment adopted.

Also:

On page 5, Section 11, line 2, strike out after the word "card" the word "of," and insert in lieu thereof the following: "or."

Amendment adopted.

Bill ordered to print, reëngrossment, and passage.

RUSH ORDER TO PRINTER.

On motion of Senator Anthony, the Secretary was directed to issue a rush order for printing Senate Bill No. 440 as amended.

SPECIAL ORDER SET.

Senator Anthony moved that the consideration of Senate Bill No. 440 be made a special order for Wednesday, February 27, 1907, at eleven o'clock A. M.

Motion carried.

CONSIDERATION OF SPECIAL ORDER ON MOTION TO RECONSIDER.

The hour having arrived for the consideration of the special order heretofore set for this day, and in compliance with his notice given on February 21, 1907, Senator Boynton moved that the vote whereby Senate Bill No. 555—An Act to amend Sections 336, 337, 338, 339, and 344 of

the Code of Civil Procedure, all relating to the time within which certain actions must be commenced—was passed, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Boynton, Leavitt, Lukens, Markey, Mattos, Nelson, Price, Sanford, Savage, and Welch—10.

NOES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Kennedy, McCartney, McKee, Miller, Muenter, Reily, Rolley, Walker, Weed, Willis, Wolfe, and Wright—24.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LUKENS IN THE CHAIR.

At eleven o'clock and forty minutes A. M., Senator Lukens, of the Fifteenth District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Committee Substitute for Senate Bill No. 21 and Senate Bill No. 394, the same was taken up for consideration.

COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 21 AND 394.

An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, except under certain stated conditions and restrictions.

The People of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The following is adopted as a standard form of fire insurance policy for the State of California:

CALIFORNIA STANDARD FORM OF FIRE INSURANCE POLICY.

No. \$
(Leave space of six inches for name and location of corporation).

In consideration of dollars, premium, does insure
of and legal representatives, for the term
of from the day of
19 .., at noon, to the day of 19 .., at noon, against
all loss or damage by fire, to the amount of dollars, to the following
described property while located and contained as described herein, to wit:

(Leave space of six inches for written form.)

Property not covered.

UNLESS SPECIALLY MENTIONED, bills of exchange, notes, accounts, evidences of debt, certificates of stock, manuscripts, money, and patterns, are not included in said insured property.

Perils not covered by this policy.

SAID PROPERTY IS INSURED AGAINST all loss or damage by fire originating from any cause other than insurrection, foreign enemies, riots, usurped power, or by order of civil or military authority; unless such order is given to prevent the spread of fire endangering said property; in which event this company shall be liable for loss or damage regardless of the means employed.

Amount of loss—how determined.

THE AMOUNT OF LOSS OR DAMAGE, unless otherwise herein provided, to be determined according to the actual cash value of the insured property at the time such loss or damage occurs.

Matters avoiding policy.

THIS POLICY SHALL BE VOID if the insured has fraudulently misrepresented any material fact concerning this insurance, or if in the event of fire the insured shall willfully, wantonly, or fraudulently fail to use all reasonable means to save and preserve the property covered by this policy.

Matters suspending policy.

THIS POLICY SHALL BE SUSPENDED during the existence or continuance of the acts or conditions specified as follows: If the insured has, or shall hereafter obtain, any other insurance on the said property without the written assent of this company, —or if without such assent the said property shall be removed, except that, if such removal shall be necessary for the preservation of the property from fire, this policy shall be valid without such assent for five days thereafter, —or if without such assent the conditions affecting the risk shall, with the knowledge and within the control of the insured, be so changed as to cause a material increase of hazard, —or if without such assent this policy shall be assigned, —or if the premises hereby insured shall become vacant by the removal of the owner or occupant and so remain vacant for more than fifteen consecutive days without such assent, —or if it be a manufacturing establishment in which machinery is operated, running at night later than ten o'clock, without such assent, —or if it cease to be operated for more than thirty consecutive days, without such assent, —or if gunpowder, or other articles subject to legal restriction shall be kept in quantities or manner different from those allowed or prescribed by law, —or if, without such assent, gasoline, benzine, naphtha or other chemical oils or burning fluids in excess of one quart each shall be kept or used by the insured on premises described, except that refined petroleum, kerosene, or coal oil of legal test may be used for lighting and heating, and kept on sale in quantities not exceeding five barrels.

Notice of loss.

IN CASE OF LOSS OR DAMAGE under this policy the insured shall, without unnecessary delay, give notice in writing to this company, or its agent.

Proof of loss.

THEREAFTER AND WITHOUT UNREASONABLE DELAY, the insured shall serve on this company or its agent, a verified proof of loss setting forth in detail the value of the property insured, the amount claimed thereon, the interest of the insured therein, all other insurance thereon, the purpose for which the building insured, or containing the property insured, was used, and the time at which and manner in which the fire originated, so far as known to the insured.

This company may also examine the books of account and vouchers of the insured, and make extracts from the same.

Payment of loss.

THIS COMPANY SHALL PAY, within sixty days after the insured shall have submitted proof of loss as provided in the preceding clause, the amount for which it shall be liable, which amount, if not agreed upon, may be ascertained by award of appraisers as hereinafter provided, or it may, within fifteen days after such proof of loss is submitted, notify the insured of its intention to rebuild or repair the premises, and shall thereupon enter upon said premises and rebuild or repair the same with reasonable expedition.

Appraisal clause.

IN THE EVENT OF DISAGREEMENT as to the amount of loss or damage, other than on personal property totally destroyed, the same shall, upon the written demand of either the insured or this company, be ascertained by appraisers; *provided*, that such demand on the part of this company shall be made within fifteen days after the service of insured's proof of loss, in which event the insured and this company shall each select a competent and disinterested appraiser, and the two so chosen shall first select a competent and disinterested umpire, who shall be a resident of the county in which the loss occurred; the appraisers together shall then estimate and appraise the loss, stating separately sound value and damage, and, failing to agree, shall submit their differences to the umpire; and the award of any two shall determine the amount of such loss; the parties thereto shall pay the appraiser respectively selected by them, and shall bear equally the expenses of the appraisal and umpire.

Apportionment of loss.

IF THERE SHALL BE ANY OTHER INSURANCE on the property described, the insured shall recover under this policy no greater proportion of the loss or damage sustained than the sum hereby insured bears to the whole amount insured thereon.

Subrogation.

WHENEVER THIS COMPANY SHALL PAY ANY LOSS, the insured shall, if required assign to it, the extent of the amount so paid, all rights to recover satisfaction for the loss or damage from any person, or corporation, excepting other insurers.

Mortgage clause.

IF THIS POLICY SHALL BE MADE PAYABLE TO A MORTGAGEE of the insured property, no act or default of any person other than such mortgagee shall affect such mortgagee's right to recover in case of loss or damage on said property; *provided*, that the mortgagee shall, on demand, pay for any increase of risk not paid for by the insured, and whenever this company shall pay to a mortgagee any sum on account of loss or damage under this policy for which it is claimed by this company that no liability exists as to the mortgagor, this company shall, to the extent of such payment, be subrogated to all the rights of the party to whom such payments shall be made in and to all securities held as collateral to the mortgage debt; and if this company shall elect to pay the mortgagee the full amount secured by such mortgage, the mortgagee shall assign and transfer to this company, upon such payment, the said mortgage, together with the note and debt thereby secured.

Cancellation clause.

THIS POLICY MAY BE CANCELED at any time at the request of the insured, who thereupon shall be entitled to a return of the portion of the premium remaining, after deducting the customary short rate for the time this policy shall have been in force.

This company also reserves the right, after giving written notice to the insured, and to any mortgagee, or other party to whom this policy is made payable, and tendering to the insured a ratable proportion of the premium, if paid, to cancel this policy as to all risks subsequent to the expiration of five days from the service of such notice.

Time for commencing action.

NO ACTION AGAINST THIS COMPANY for the recovery of any claim by virtue of this policy shall be sustained in any court of law of this State, unless commenced within one year from the time the loss or damage occurred; delay in serving proof of loss shall not prevent recovery, but shall postpone the accrual of his cause of action until sixty days after such service.

Provision for mutual insurance.

IF THIS POLICY BE MADE BY A MUTUAL or other company having special regulations lawfully applicable to its organization, membership, policies, or contracts of insurance, such regulations shall apply to and form a part of this policy as the same may be written or printed upon, attached, or appended hereto.

IN WITNESS WHEREOF, this company has executed and attested these presents this _____ day of _____ 19____.

(Leave space of one inch for signatures of company officers).

Countersigned at _____ this _____ day of _____ 19____.

Agent.

SEC. 2. Said standard form of policy shall be plainly printed, and no portion thereof shall be in type smaller than long primer, and the printed parts thereof shall be in black ink, except that subheads shall be printed in red ink and in type not smaller than pica.

SEC. 3. All fire insurance policies on property in California shall be on said standard form, and except as hereinafter provided, shall not contain additions thereto. No parts of the standard form shall be omitted therefrom.

SEC. 4. The blanks in said standard form for (1) the number of the policy, (2) the amount of the policy, (3) the name of the company and the state or country under the laws of which it is organized, (4) the amount of the premium, (5) the name of the insured, (6) the term of the policy, (7) the description, location, use, or condition of the property insured, (8) the date of the policy, (9) the signatures of the persons executing and issuing the policy on behalf of the company, are to be filled in in writing or in any other way adopted by the insurer. The company may add to the standard form any matter relating to its financial condition, directors, officers, stockholders, and history, and the address of its home office and principal office in the United States.

SEC. 5. No rider may be attached to any policy and no contract may be made between the insured and the insurer under and by virtue of which the liability of the insurer shall be diminished, suspended, or avoided, except as provided in the foregoing form of policy. All that portion of any such rider or contract as is in violation of the provisions of this section is null and void.

SEC. 6. The insurer may, notwithstanding the provisions of this Act, add to the policy in any form that the said insurer may adopt, (a) clauses covering property not covered according to the printed provisions of the policy, (b) clauses assuming risks not insured under the printed provisions of the policy, (c) waivers of any of the matters avoiding the policy according to the printed provisions thereon, (d) waivers of any of the matters suspending the insurance according to the printed provisions of the policy, (e) waivers of any of the requirements imposed on the insured after loss by the printed provisions of the policy, (f) clauses assuming greater or additional liability than is imposed on the insurer according to the printed provisions of the policy, and (g) clauses granting to the insured privileges withheld from him by the printed provisions of the policy, and any such additions to or endorsements on the policy are to govern in case of any conflict with the printed portions thereof.

SEC. 7. Any insurers other than corporations issuing policies on property in California shall use the standard form, changing only such words as refer to the corporation or company or to officers or agents of the corporation or company, and in regard to its organization; and such other insurers may substitute in place of such words having peculiar reference to corporations, appropriate words having similar reference to themselves.

SEC. 8. Any policy varying from the standard form, except in the manner and form above provided, shall be void in regard to the variations made otherwise than as above provided, and all variations made otherwise than as above provided shall be disregarded in the interpretation of said policy; but in respect to matter other than such variations the policy shall be valid, and shall be read and interpreted as though the parts of the standard form changed by such variations appeared in the policy.

SEC. 9. Any insurer, or the agent countersigning or issuing a fire insurance policy covering in whole or in part property in California varying from the California standard form of policy, except in the manner and form hereinabove provided, shall forfeit unto the State of California the sum of five hundred dollars for each such policy issued.

SEC. 10. This Act shall take effect and be in force from and after July first, nineteen hundred and seven.

Substitute read and adopted.

Bills read second time, and ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for printing Committee Substitute for Senate Bills Nos. 21 and 394, with further instructions to the printer that standard form of insurance policy be printed with substitute.

SPECIAL ORDER SET.

Senator Leavitt moved that the further consideration of Committee Substitute for Senate Bills Nos. 21 and 394 be made a special order for Wednesday, February 27, 1907, at eleven o'clock and thirty minutes A. M. Motion carried.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set on February 19, 1907, for this day, being the consideration of Senate Bill No. 811—An Act to repeal Title II, of Part IV of the Political Code, and to add a new Title II, of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments—the same was taken up and, on motion of Senator Willis, further consideration postponed and made a special order for this day, immediately following the consideration of Assembly special file.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 45—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator—the same was taken up for consideration and, on motion of Senator Sanford, the further consideration postponed and made a special order for Tuesday, February 26, 1907, at eleven o'clock A. M.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Constitutional Amendment No. 8—Resolution to amend Section 6 of Article IX of the Constitution of California—the same was taken up for consideration and, on motion of Senator Leavitt, the further consideration postponed and made a special order for Thursday, February 28, 1907, at eleven o'clock and thirty minutes A. M.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of a motion to reconsider the vote whereby Assembly Bill No. 558—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books

by the several counties or cities and counties of the State—was refused passage; the same was taken up for consideration and, on motion of Senator Caminetti, the further consideration postponed and made a special order for Tuesday, February 26, 1907, at eleven o'clock and thirty minutes A. M.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Reily: Senate Bill No. 868—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 680, relating to the prevention of trusts or monopolies in the service of news or information.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

By Senator Wolfe: Senate Bill No. 869—An Act to provide for the loan from the School Land Fund to the State of California of the sum of \$250,000, providing for the transfer of said amount from the School Land Fund to the General Fund, and for the repayment of said amount with interest thereon, and authorizing the Controller to transfer moneys from the School Land Fund to the General Fund, and from the General Fund to the School Land Fund, and from the General Fund to the State School Fund, to carry out the purposes of this Act.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 870—An Act to provide for the construction and repair by the Board of State Harbor Commissioners of wharves, piers, docks, bulkheads, sheds, streets, and sea wall, the property of the State of California, situated on the water front of the City and County of San Francisco, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Rolley: Senate Bill No. 871—An Act providing for the inspection of sheep, the appointment of a Board of Sheep Commissioners, and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same.

Bill read first time, and referred to Committee on Judiciary.

By Senator Savage: Senate Bill No. 872—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Forestry and Water Preservation.

By Senator Curtin: Senate Bill No. 873—An Act making an appropriation to pay the deficiency in the appropriation for the maintenance of the Sonora and Mono Road, a State highway, under the supervision of the Department of Highways, for the fifty-eighth fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 874—An Act to provide for the purchase of a portrait of ex-Governor George C. Pardee by the State Board of Examiners and to appropriate money therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Wright: Senate Bill No. 875—An Act to amend Section 73 of the Code of Civil Procedure, relative to sessions of the Superior Court.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caminetti: Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to Section 14, of Article IV. of the Constitution, in relation to sessions of the Legislature, and the pay of the members, officers, and attachés thereof, for any recess in excess of three days.

Senate Constitutional Amendment referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 876—An Act to definitely establish and permanently locate the eastern boundary line of Mendocino County, between Hull and the southwest corner of Tehama County, and establish a western boundary of the County of Glenn, between Mendocino and Glenn counties.

Bill read first time, and referred to Committee on County Government.

By Senator Lukens: Senate Bill No. 877—An Act making an appropriation of \$50,000 to increase the salaries of the members of the teaching staff of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 878—An Act to revise and amend Sections 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, and 2553 of the Political Code of California, and to add four new sections to said code, to be known as Sections 2534, 2554, 2555, and 2556, thereof respectively, all relating to the creation of a Board of State Harbor Commissioners for the Harbor of San Francisco, and various offices and places of employment of said board, and defining and prescribing the jurisdiction, powers, duties, compensation, regulation, control, qualifications, tenure, and terms of said board, its officers and employes, and the manner of their appointment and removal, and forming part of Article IX, of Title VI, Chapter I, Part III, of said Political Code.

Bill read first time, and referred to San Francisco Delegation.

By Senator Belshaw (by request): Senate Bill No. 879—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time, and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 880—An Act making an appropriation of twenty thousand dollars (\$20,000), to be expended by the Board of Capitol Commissioners for making alterations, repairs, improvements, and for otherwise completing and embellishing the State Capitol, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act authorizing and directing the Board of Capitol Commissioners to remodel and repair the State Capitol building, making the same fire proof, rendering all space therein available, and making an appropriation therefor," approved March 18, 1905, and exempting such appropriation from the provisions of an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and all Acts amendatory thereof.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 881—An Act to amend Section 386 of the Political Code, relating to salary of executive secretary of the Governor.

Bill read first time, and referred to Committee on Finance.

By Senator McCartney: Senate Bill No. 882—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered four hundred and seventy-six *a* (476*a*), relating to the making, drawing, uttering or delivery of a bank check or draft for the payment of money by a person without funds or credit to meet the same upon presentation, and prescribing a penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 883—An Act to protect all citizens in their civil and legal rights and to fix a penalty for violation thereof.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 884—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, and amended March 2, 1903, in relation to cruelty to animals and the arrest, trial and punishment of offenders against the provision of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Leavitt: Senate Bill No. 885—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Bill read first time, and referred to Committee on Finance.

By Senator Caminetti: Senate Bill No. 886—An Act to provide for the printing and distribution of proposed bills and amendments to the Constitution offered by members of the Legislature, and by members-elect thereto; to define the duties of the Secretary of State, and of the Superintendent of State Printing in relation to such proposed bills and amendments, and to provide for the payment of the cost of printing and distribution thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Keane: Senate Bill No. 887—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section to be designated as Section 1674*a*, relating to contracts involving carriers of newspapers and newspaper carriers' business.

Bill read first time, and referred to Committee on Labor, Capital and Immigration.

By Senator Anderson: Senate Constitutional Amendment No. 38—To propose to the people of the State of California amending the Constitution of the State of California, by amending Article VII thereof, relating to the pardoning power.

Senate Constitutional Amendment referred to Committee on Judiciary.

By Senator Reily: Senate Constitutional Amendment No. 39—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section to be

numbered 21, to Article XX thereof, relative to the number of hours of labor or employment in a calendar day.

Senate Constitutional Amendment referred to Committee on Labor, Capital and Immigration.

By Senator Anderson: Senate Bill No. 888—An Act to provide for the classification of supervisors in counties of the fifteenth class where they are not now classified, so that all of them shall not go out of office at the same time.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 889—An Act entitled an Act to amend Section 948 of the Code of Civil Procedure, relating to undertakings on appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 890—An Act to provide for the change of name of high school districts, and the manner of making such change.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 891—An Act making an appropriation for the State Conference of Charities and Corrections.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 892—An Act to authorize the State Board of Charities and Corrections to send its secretary and any of its members as delegate to the National Conference of Charities and Corrections and to the National Prison Congress of the United States, and to visit the charitable and correctional institutions of other States, and to pay the necessary expenses thereof.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 893—An Act appropriating \$40,000 for carrying out an appropriation of an Act provided March 18, 1905, entitled "An Act providing for the establishment and maintenance of a pathological laboratory for the investigation of tree and plant diseases and pests, and branch agricultural experiment stations, and making an appropriation therefor."

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 894—An Act to provide for a Board of Pardons, and prescribing the powers and duties thereof.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 895—An Act to amend Section 626 of the Penal Code of the State of California, relating to the closed season for the quail, duck, etc.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Willis (by request of Code Commission): Senate Bill No. 896—An Act to add three new sections to the Code of Civil Procedure, to be known as Sections 941a, 941b, 941c of said Code, respectively, providing a new and alternative method by which appeals may be taken from judgments, orders, or decrees of the Superior Court of the State of California to the Supreme Court or District Courts of Appeal thereof.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 897—An Act to add a new chapter to Title VII of Part III of the Political Code, to be known as Chapter XIVa, relating to a fireman's relief, health, and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 898—An Act to add a new chapter to Title VII of Part III of the Political Code, to be known as Chapter XIV^b, relating to a police relief, health, and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 899—An Act to add a new article to Chapter I of Title VIII of Part III of the Political Code, to be known as Article II^a, relating to the sale of lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 900—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Leavitt: Senate Bill No. 901—An Act to amend Section 2757 of the Civil Code.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Senator Anthony: Senate Bill No. 902—An Act to amend Section 3627 of an Act entitled "An Act to establish a Political Code," by omitting therefrom the provision that "Every contract by which a debtor is obliged to pay any tax or assessment on money loaned, or on any mortgage, deed of trust, or any other lien, shall, as to any interest specified therein and as to such tax or assessment, be null and void."

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Lukens: Senate Bill No. 903—An Act to add a new section to the Civil Code, to be numbered 580, relating to banking corporations.

Bill read first time, and referred to Committee on Banking.

RUSH ORDER TO PRINTER.

The President, pursuant to the fact that this is the fiftieth legislative day of the session, and that the introduction of bills hereafter shall not be in order, ordered the Secretary to issue rush orders for printing all bills this day introduced.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That the Press Mailing Clerk is hereby instructed to send out copies of the Senate File and Histories only on Monday of each week.

Resolution read and adopted.

MOTION.

On motion of Senator Willis, the following report was ordered printed in the Journal:

SUPPLEMENTAL REPORT ON CODIFIED COUNTY GOVERNMENT BILL.

SACRAMENTO, February 25, 1907.

To the Senate Judiciary Committee.

GENTLEMEN: Your Sub-Committee on Code Revision Bills hereby files its supplemental report with reference to Senate Bill No. 811, the codified county government bill, as follows: The title comprises the Act of April 1, 1897, entitled "An Act to establish a uniform system of county and township governments" (Stats. 1897, 452), hereafter in notes to this title referred to as the "Act of 1897," together with all Acts to date amendatory or supplementary thereto.

All changes therein, and additions thereto, have been noted. All sections of said Act of 1897, except Sections 11, 12, 13, 232, 233, and 234 have been inserted. Sections 11 and 12 omitted, as they properly form part of Chapter II in the preceding title to which they have been added in another bill heretofore introduced in the Senate at this session. Section 13 has been omitted because it has been declared unconstitutional by the Supreme Court (*Ex parte Anderson*, 134 Cal., 53). Sections 232, 233, and 234 are excluded as unnecessary.

Sections 4007, 4020, 4220, and 4221 are respectively Sections 4007, 4107, 4273, and 4271 of the present Political Code carried into this title under the former numbers. Sections 4000 to 4347, both inclusive, now in Title II, Part IV of the Political Code, are repealed, as the subject matters therein contained are fully covered by the said title as now reported.

By the insertion of the County Government Act into this Code, its reenactment at almost every session of the Legislature will be avoided, as amendments may be made after the passage of this Act by mere amendment of the respective sections of the Political Code herein contained.

The provisions that all Acts or parts of Acts inconsistent therewith are hereby repealed, generally found in them, leave in their train portions of former Acts in force. The Supreme Court on the 23d of June, 1899, for instance, in the case of *Paris vs. Post*, 125 Cal., 210, decided "that Section 191 of the County Government Act of 1893, being a later expression of legislative will than Section 2641 of the Political Code, with which it is inconsistent, must prevail," and yet since the date that the Act of 1897 went into operation it was the Act governing the several counties, notwithstanding the County Government Act of 1893. For an interesting discussion on the effect of such repealing clauses as "All Acts and parts of Acts in conflict herewith are hereby repealed," in connection with County Government Acts, see also *Freeman vs. Marshall*, 137 Cal., 159, 163. How many more provisions of the various County Government Acts which have been heretofore enacted will be brought up as occasions arise in litigation, it is impossible to say. In this state of affairs, it is recommended that after this revision of the title shall have been in force long enough not to affect incumbents holding under the old Acts, all County Government Acts enacted in other form be expressly repealed.

This bill is not new legislation, but is a codification to date of such former legislation on the subject as is still in force, and the Fee Bill Act of 1896, and a few other statutes which, it is thought, properly come within the scope of county government, have also been codified herein.

Sec. 4000. Every county is a body corporate and politic, and as such has the powers specified in this title, and such other powers as are necessarily implied from those expressed.

This section is drawn from Section 1 of the County Government Act of 1897 (Stats. 1897, 452), and present Section 4000 of the Political Code.

Sec. 4001. Is a copy of Section 2 of County Government Act of 1897.

Sec. 4002. Is a copy of Section 3 of Act of 1897.

Sec. 4003. Is a copy of Section 4 of Act of 1897.

Sec. 4004. Is a copy of Section 5 of Act of 1897.

Sec. 4005. Is a copy of Section 6 of Act of 1897.

Sec. 4005a. Is a copy of Section 7 of Act of 1897.

Sec. 4005b. Is a copy of Section 8 of Act of 1897.

Sec. 4005c. This article contains Section 10 of Act of 1897, as amended in 1901 (Stats. 1901, 685).

Sec. 4006. Here follows Section 157 of Act of 1897, as amended in 1901.

Sec. 4006a. This is substantially Section 231 of Act of 1897. July 1, 1907, substituted for "the passage of this Act," etc. The other change in said section made on authority of *Kumler vs. Board of Supervisors*, 103 Cal., 394.

Sec. 4007. A copy of present Section 4007 of the Political Code.

Sec. 4013. This is a portion of Section 55 of Act of 1897. Original basis of section present Section 4103 of the Political Code.

Sec. 4014. This section is substituted for the first portion of Section 56 of the County Government Act of 1897, the amendment thereof being made in accordance with the Act of March 3, 1905 (Stats. 1905, 50). Present Section 4004 Political Code original basis of section.

Sec. 4015. This is a portion of Section 56 of Act of 1897 (Stats. 1897, 474; amended 1903, 29).

Sec. 4016. This is a portion of Section 56 of Act of 1897 (Stats. 1897, 474; amended 1903, 29).

Sec. 4017. This is a portion of Section 55 of Act of 1897 (Stats. 1897, 473; amended 1905, 722). This subject is referred to in present Section 4105 of the Political Code.

Sec. 4018. This is a portion of Section 55 of Act of 1897 (Stats. 1897, 473; amended 1905, 722). The subject thereof is treated in present Section 4106 of the Political Code.

Sec. 4019. This is the concluding portion of Section 55 of Act of 1897 (Stats. 1897, 463; amended 1905, 722), and present Section 4008 of the Political Code.

Sec. 4020. Is a copy of Section 4107 of the Political Code.

Sec. 4021. Is a copy of Section 58 of Act of 1897, except the Commissioner's note says: This is Section 53 of Act of 1897. The words "and city justices of the peace" omitted, as Act of March 3, 1905 (Stats. 1905, 50), provides for their election. "July, 1907," substituted for "January, 1893."

Sec. 4022. Is a copy of Section 66 of Act of 1897, which superseded the present Section 4122 of the Political Code.

Sec. 4023. This is Section 54 of Act of 1897 (Stats. 1897, 475; amended 1905, 721), which superseded present Sections 4101 and 4102 of the Political Code. The phrases "or over" and "or other division" added to make section more definite.

Sec. 4024. This is Section 59 of Act of 1897, 473, which superseded present Section 4112 and 4113 of the Political Code, amended to conform to Political Code 1115 (Stats. 1905, 241), and Political Code 1116 (Stats. 1899, 62).

Sec. 4025. This is Section 34 of Act of 1897 (1897, 468), which superseded present Section 4064 of the Political Code.

Sec. 4026. This is Section 35 of Act of 1897 (1897, 469), which superseded present Section 4065 of the Political Code.

Sec. 4027. This is substantially Section 14 of Act of 1897, which superseded present Section 4022 of the Political Code (Stats. 1897, 453, 455).

Sec. 4028. This is Section 15 of Act of 1897, which superseded present Section 4023 of the Political Code (Stats. 1897, 455).

Sec. 4029. This is Section 16 of Act of 1897 (Stats. 1897, 455).

Sec. 4030. This is Section 17 of Act of 1897, which superseded present Section 4026 of the Political Code.

Sec. 4031. This is Section 18 of Act of 1897.

Sec. 4032. This is a portion of Section 19 of Act of 1897, which superseded present Section 4029 of the Political Code.

Sec. 4033. This is a portion of Section 24 of Act of 1897, which superseded present Section 4035 of the Political Code.

Sec. 4034. This is Section 22 of Act of 1897, which superseded present Sections 4032 and 4033 of the Political Code.

Sec. 4035. This is Section 23 of Act of 1897, which superseded present Section 4034 of the Political Code.

Sec. 4036. This is Section 27 of Act of 1897, which superseded present Section 4047 of the Political Code.

Sec. 4037. This is the remainder of Section 19 of Act of 1897.

Sec. 4038. This is Section 20 of Act of 1897. See present Section 4030 Political Code.

Sec. 4039. This is Section 21 of Act of 1897, which superseded old Section 4030 of the Political Code.

Sec. 4040. This is a portion of Section 24 of Act of 1897.

Sec. 4041. Is copied from Section 25 of the County Government Act of 1897.

1. In Subd. 5 the word "almshouses" is substituted for the words "poor houses."

2. In Subd. 6 "almshouse" is substituted for "poor house."

3. Sec. 12½ is omitted, because the subject is covered by Section 4055.

4. Subdivision 13 is omitted, because covered in another section, and Section 25½, which was added in 1903 (Stats. 1903, 160), which should have been a subdivision of this section, is inserted in place of the old Subdivision 13.

5. Subd. 20 is omitted as being embodied in Section 4225, under Article III of Chapter IX, entitled "Health Officers."

6. Subd. 21 is omitted, and the subject is contained in Section 4048.

7. Subd. 22 is omitted, and the subject is covered by Section 4049.

Owing to the omission of Subdivisions 20, 21, and 22, as above set forth, the succeeding sections have been renumbered, Subdivision 25 being Subdivision 22, and being amended to conform to the present Section 3366 of the Political Code (Stats. 1901, 635), by which it has been repealed by implication (*Ex parte Pierrmann*, 134 Cal. 143).

Except as stated above, the foregoing is Section 25 of the Act of 1897. It superseded old Section 4046 of the Political Code.

Sec. 4042. Is a copy of Section 52, Act of 1897.

Sec. 4043. Is a copy of the Act of April 1, 1897 (Stats. 1897, 404).

Sec. 4044. This is a copy of Section 141, Act of 1897.

Sec. 4045. Is a copy of Section 225, Act of 1897.

Sec. 4046. This is taken from the Act of April 1, 1876 (Stats. 1875-6, 803).

Sec. 4047. This section is drawn from the Act of March 27, 1897 (Stats. 1897, 191).

Sec. 4048. This was all of Subdivision 21 of Section 25, Act of 1897, except the last clause thereof, which portion was declared unconstitutional by the Supreme Court (Tan

Harlingen vs. Doyle, 134 Cal. 53). Subdivision 21 superseded old Section 4047 of the Political Code.

Sec. 4049. This is Subdivision 22 of Section 25 of the Act of 1897.

Sec. 4050. This is Section 48 of the Act of 1897, which superseded Section 4081 of the Political Code.

Sec. 4051. This is Section 50 of the Act of 1897.

Sec. 4052. Section 51 of the Act of 1897, which superseded old Section 4084 of the Political Code.

Sec. 4052a. This section is drawn from the Act of April 3, 1880 (Stats. 1880, 20), and the Act of February 10, 1881 (Stats. 1881, 2).

Secs. 4053-4054. These sections are taken from the Act of April 23, 1880 (Stats. 1880, 133).

Sec. 4055. This is taken substantially from the Act of February 25, 1897 (Stats. 1897, 28), Subdivision 12½ of Section 25 of the Act of 1897 omitted, as it is fully covered by this section.

Sec. 4056. This is Section 66a, as added to Act of 1897 in 1905 (Stats. 1905, 476).

Sec. 4056a. This is Section 25½, as added to Act of 1897 in 1905 (Stats. 1905, 722).

Sec. 4057. This is Section 26 of the Act of 1897.

Sec. 4058. Is a copy of Section 28, Act of 1897, which superseded old Section 4067 of the Political Code.

Sec. 4066. Is a copy of Section 29, Act of 1897.

Sec. 4067. Is a copy of Section 30, Act of 1897.

Sec. 4068. Is a copy of Section 31, Act of 1897.

Sec. 4069. This is Section 32 of the Act of 1897. Sections 4047 and 4048 of the Political Code treated on the subject-matter of this section.

Sec. 4070. This is Section 33 of the Act of 1897. Section 4069 of the Political Code contains like provisions.

Sec. 4071. This is Section 36 of the Act of 1897, which superseded old Section 4070 of the Political Code.

Sec. 4072. This is Section 37 of the Act of 1897.

Sec. 4073. This is Section 38 of the Act of 1897.

Sec. 4074. This is Section 39 of the Act of 1897. Like provisions found in Section 4071 of the Political Code.

Sec. 4075. This is Section 40 of the Act of 1897. Also in part Section 4072 of the Political Code.

Sec. 4076. This is Section 41 of the Act of 1897, and is part of Section 4073 of the Political Code.

Sec. 4077. This is Section 42 of the Act of 1897, also of Section 4074 of the Political Code.

Sec. 4078. This is Section 43 of the Act of 1897, and also of portion of Sections 4074 and 4075 of the Political Code.

Sec. 4079. This is Section 49 of the Act of 1897, which took place of Section 4082.

Sec. 4081. This is Section 44 of the Act of 1897. See Section 4076 of the Political Code.

Secs. 4085, 4086, 4087. These sections are new, and are reported to make title complete.

Sec. 4088. This is Subdivision 13 of Section 25 of the Act of 1897. It embraces the subject-matter of old Sections 4048 to 4052, inclusive, of the Political Code, as amended.

Sec. 4090. This section is inserted at this place to provide for some competent authority to act when the board of supervisors is not in session.

Sec. 4091. This is Section 109 of the Act of 1897. See Section 4215, Political Code.

Sec. 4092. This is Section 110 of the Act of 1897. See Section 4216, Political Code.

Sec. 4093. This is Section 111 of the Act of 1897. See Section 4217, Political Code.

Sec. 4094. This is Section 112 of the Act of 1897. See Section 4218, Political Code.

Sec. 4095. This is Section 113 of the Act of 1897. See Section 4219, Political Code.

Sec. 4096. This is Section 114 of the Act of 1897. See Section 4220, Political Code.

Sec. 4097. This is Section 115 of the Act of 1897, and part of Section 4221, Political Code. See latter section.

Sec. 4098. This is Section 116 of the Act of 1897 and Section 4222 of the Political Code. See latter section.

Sec. 4099. This is Section 117 of the Act of 1897 and Section 4223 of the Political Code.

Sec. 4100. This is Section 118 of the Act of 1897 and Section 4224 of the Political Code.

Sec. 4101. This is Section 67 of the Act of 1897. See Section 4144 of the Political Code.

Sec. 4102. This is Section 68 of the Act of 1897. See Section 4145, Political Code.

Sec. 4103. This is Section 69 of the Act of 1897. See Section 4146, Political Code.

Sec. 4104. This is Section 70 of the Act of 1897. See Section 4147, Political Code.

Sec. 4105. This is Section 71 of the Act of 1897. See Section 4148, Political Code.

Sec. 4106. This is Section 72 of the Act of 1897. See Section 4149, Political Code.

Sec. 4107. This is Section 73 of the Act of 1897. See Section 4150, Political Code.

Sec. 4108. This is Section 74 of the Act of 1897. See Section 4151, Political Code.

Sec. 4109. This is Section 75 of the Act of 1897. See Section 4152, Political Code.

Sec. 4110. This is Section 76 of the Act of 1897. See Section 4153, Political Code.

Sec. 4111. This is Section 77 of the Act of 1897. See Section 4154, Political Code.

Sec. 4112. This is Section 78 of the Act of 1897. See Section 4155, Political Code.

Sec. 4113. This is Section 79 of the Act of 1897. See Section 4156, Political Code. The reference to sections is changed in conformity with the article.

Sec. 4114. This is Section 80 of the Act of 1897. See Section 4157, Political Code. The reference to sections is changed in conformity with this title.

- Sec. 4115. This is Section 81 of the Act of 1897. See Sections 4158 and 4159, Political Code.
 Sec. 4116. This is Section 82 of the Act of 1897. See Section 4160, Political Code.
 Sec. 4117. This is Section 83 of the Act of 1897. See Section 4161, Political Code.
 Sec. 4118. This is Section 84 of the Act of 1897. See Section 4162, Political Code.
 Sec. 4119. This is Section 85 of the Act of 1897. See Section 4163, Political Code.
 Sec. 4120. This is Section 86 of the Act of 1897. See Section 4164, Political Code.
 Sec. 4121. This is Section 87 of the Act of 1897. See Section 4165, Political Code.
 Sec. 4122. See note to Section 4052.
 Sec. 4125. This is Section 148 of the Act of 1897.
 Sec. 4126. This is Section 149 of the Act of 1897.
 Sec. 4127. This section is new.
 Sec. 4130. This is Section 119 of the Act of 1897. See Section 4130, Political Code.
 Sec. 4131. This is Section 120 of the Act of 1897. See Section 4235, Political Code.
 Subdivision 12 is new and reads as follows:
 12. Notices and documents affecting mining locations, and
 Sec. 4132. This is Section 121 of the Act of 1897. See Section 4226, Political Code.
 Subdivisions 24, 25, and 26 are new, and are designed to meet the requirements of existing law. "Name of owner" inserted in Subdivision 16.
 Sec. 4133. This is Section 122 of the Act of 1897. See Section 4237, Political Code.
 Sec. 4134. This is Section 123 of the Act of 1897. See Section 4238, Political Code.
 Sec. 4135. This is Section 124 of the Act of 1897. See Section 4239, Political Code.
 Sec. 4136. This is Section 125 of the Act of 1897. See old Section 4240, Political Code.
 Sec. 4137. This is Section 126 of the Act of 1897. See old Section 4241, Political Code.
 Sec. 4138. This is Section 127 of the Act of 1897. See old Section 4242, Political Code.
 Sec. 4139. This is Section 128 of the Act of 1897. See old Section 4243, Political Code.
 Sec. 4140. This is Section 129 of the Act of 1897. See old Section 4244, Political Code.
 Sec. 4141. This is Section 130 of the Act of 1897. See old Section 4245, Political Code.
 Sec. 4142. This is Section 131 of the Act of 1897. See old Section 4246, Political Code.
 Sec. 4142a. Old Section 4247, Political Code, as added 1905, page 8.
 Sec. 4142b. Old Section 4248, Political Code, as added 1906, page 75.
 Sec. 4143. This is Section 142 of the Act of 1897.
 Sec. 4144. This is Section 143 of the Act of 1897. See old Section 4286, Political Code.
 Sec. 4145. This is Section 144 of the Act of 1897.
 Sec. 4146. This is Section 145 of the Act of 1897. See old Sections 4287 and 4288, Political Code.
 Sec. 4147. This is Section 146 of the Act of 1897. See old Section 4289, Political Code.
 Sec. 4148. This is Section 147 of the Act of 1897. See old Section 4290, Political Code.
 Secs. 4149 and 4149a. These sections codify Section 55, added to Act of 1897 in 1905 (Stats. 1905, 722) and Section 152½ added in 1905 (Stats. 1905, 723).
 Sec. 4150. Section 4134 of the Political Code defines duties of a judge of the superior court. The section as reported is deemed sufficient for the purpose of this title.
 Sec. 4151. This is Section 9 of the Act of 1897. The reference has been corrected to conform to the provisions of this title.
 Sec. 4152. This section is introduced here to complete chapter on judiciary.
 Sec. 4153. This is Section 132 of the Act of 1897. See Section 4256, Political Code.
 Sec. 4154. This is Section 133 of the Act of 1897. See Section 4257, Political Code.
 Sec. 4155. This is Section 134 of the Act of 1897. See Section 4258, Political Code.
 Sec. 4156. This is substantially the Act of March 15, 1899 (Stats. 1899, 193), which became a law under constitutional provision without the Governor's approval.
 Sec. 4157. This is Section 89 of the Act of 1897. See Section 4176, Political Code.
 Sec. 4158. This is Section 90 of the Act of 1897. See Section 4177, Political Code.
 Sec. 4159. This is Section 91 of the Act of 1897. See Section 4178, Political Code.
 Sec. 4160. This is Section 92 of the Act of 1897. See Section 4179, Political Code.
 Sec. 4161. This is Section 93 of the Act of 1897. See Section 4180, Political Code.
 Sec. 4162. This is Section 94 of the Act of 1897. See old Section 4181, Political Code.
 Sec. 4163. This is Section 95 of the Act of 1897. See old Section 4182, Political Code.
 Sec. 4164. This is Section 96 of the Act of 1897. See old Section 4183, Political Code.
 Sec. 4165. This is Section 97 of the Act of 1897. See old Section 4184, Political Code.
 Sec. 4166. This is Section 98 of the Act of 1897. See old Section 4185, Political Code.
 Sec. 4167. This is Section 99 of the Act of 1897. See old Section 4186, Political Code.
 Sec. 4168. This is Section 100 of the Act of 1897. See old Section 4187, Political Code.
 Sec. 4169. This is Section 101 of the Act of 1897. See old Section 4188, Political Code.
 Sec. 4170. This is Section 102 of the Act of 1897. See old Section 4189, Political Code.
 Sec. 4171. This is Section 103 of the Act of 1897. See old Section 4190, Political Code.
 Sec. 4172. This is Section 104 of the Act of 1897. See old Section 4191, Political Code.
 Sec. 4173. This is Section 105 of the Act of 1897. See old Section 4192, Political Code.
 Sec. 4174. This is Section 106 of the Act of 1897. See old Section 4193, Political Code.
 Sec. 4175. This and the succeeding section are taken from the Act of March 15, 1899 (Stats. 1899, 200).
 Sec. 4178. This is section 107 of the Act of 1897. See old Section 4204, Political Code.
 Subdivision 5 has been inserted.
 Sec. 4179. This is Section 108 of the Act of 1897. See old Section 4205, Political Code.
 Sec. 4180. This section is new and is introduced here to complete the chapter on judiciary.
 Sec. 4181. This is Section 151 of the Act of 1897. See Section 4303, Political Code.

- Sec. 4183. This is Section 152 of the Act of 1897.
- Sec. 4184. This section is taken from the Act of March 30, 1872 (Stats. 1871 2, 796).
- Sec. 4185. This is Section 155 of the Act of 1897. See old Section 4316, Political Code.
- Sec. 4186. This is Section 224 of the Act of 1897.
- Sec. 4187. This is Section 153 of the Act of 1897. See Section 3214, Political Code.
- Sec. 4188. This is Section 151 of the Act of 1897. See old Section 4315, Political Code.
- The numbers have been changed to correspond to the provisions of this title.
- Sec. 4190. This and the succeeding twelve sections are drawn from the Act of March 31, 1891 (Stats. 1891, 430), as amended in 1895 (Stats. 1895, 46).
- Sec. 4191 to Sec. 4203, inclusive of the codification, represent Sections 2 to 14, inclusive, of the said Act of 1891, as amended in 1895 (Stats. 1895, 96).
- Sec. 4204. This section is taken from Act of March 13, 1895 (Stats. 1895, 46).
- Sec. 4208. Commissioner's Note: This is Section 150 of the Act of 1897. See old Section 4302, Political Code.
- Sec. 4209. This section is introduced to complete chapter on education.
- Sec. 4210. This section is reported to complete the chapter.
- Sec. 4214. This is Section 135 of the Act of 1897. See old Section 4268, Political Code.
- Sec. 4215. This is Section 156 of the Act of 1897. See old Section 4269, Political Code.
- Sec. 4216. This is Section 137 of the Act of 1897. See old Section 4270, Political Code.
- Sec. 4217. This is Section 138 of the Act of 1897. See old Sections 4274 and 4275, Political Code.
- Sec. 4218. This is Section 139 of the Act of 1897.
- Sec. 4219. This is Section 140 of the Act of 1897.
- Sec. 4220. This is old Section 4273 of the Political Code.
- Sec. 4221. This is old Section 4271 of the Political Code.
- Sec. 4222. This section is reported to complete the chapter on public works.
- Sec. 4223. This article is reported to complete chapter on health.
- Sec. 4224. This section is reported to complete chapter on health.
- Sec. 4225. This is Subdivision 20 of Section 25 of the Act of 1897, amended by inserting after the words "health officer," in the first line of the section, the words, "who shall be deemed an employé and not a county officer," and to conform the section to the decision of the District Court of Appeal in *Valle vs. Shaffer*, 1 Cal. (App. 183).
- Sec. 4226. Section 214½, as added in 1901 (Stats. 1901, 681).
- Sec. 4230. San Francisco County. This is Section 158 of the Act of 1897. The second proviso is omitted because superseded by Chapter VI of the San Francisco charter, which provides salary and allowances for the sheriff, in "full compensation for all official services required of him by law."
- Sec. 4231. Los Angeles County. This is Section 159 of the Act of 1897, as amended in 1905 (Stats. 1905, 511).
- Sec. 4232. Alameda County. This is Section 160 of the Act of 1897, as amended in 1905 (Stats. 1905, 746).
- Sec. 4233. Santa Clara County. This is Section 161 of the Act of 1897, as amended in 1903 (Stats. 1093, 168).
- Sec. 4234. Sacramento County. This is Section 162 of the Act of 1897, as amended in 1905 (Stats. 1905, 477) and by adding Subdivision 19, for the office of County Detective, as provided in this bill which has just (February 4, 1907) passed the Assembly.
- Sec. 4235. Sonoma County. This is Section 163 of the Act of 1897, as amended in 1905 (Stats. 1905, 504).
- Sec. 4236. Fresno County. This is Section 164 of the Act of 1897, as amended in 1905 (Stats. 1905, 435).
- Sec. 4237. San Joaquin County. This is Section 165 of the Act of 1897, as amended in 1905 (Stats. 1905, 507).
- Sec. 4238. San Diego County. This is Section 166 of the Act of 1897, as amended in 1905 (Stats. 1905, 401).
- Sec. 4239. San Bernardino County. This is Section 167 of the Act of 1897, as amended in 1905 (Stats. 1905, 424).
- Sec. 4240. Humboldt County. This is Section 168 of the Act of 1897, as amended in 1905 (Stats. 1905, 524).
- Sec. 4241. Solano County. This is Section 169 of the Act of 1897, as amended in 1905 (Stats. 1905, 676).
- Sec. 4242. Santa Cruz County. This is Section 170 of the Act of 1897, as amended in 1905 (Stats. 1905, 547).
- Sec. 4243. Mendocino County. This is Section 171 of the Act of 1897, as amended in 1905 (Stats. 1905, 670).
- Sec. 4244. Orange County. This is Section 172 of the Act of 1897, as amended in 1905 (Stats. 1905, 430).
- Sec. 4245. Monterey County. This is Section 173 of the Act of 1897, as amended in 1905 (Stats. 1905, 485).
- Sec. 4246. Santa Barbara County. This is Section 174 of the Act of 1897, as amended in 1905 (Stats. 1905, 313).
- Sec. 4247. Tulare County. This is Section 175 of the Act of 1897, as amended in 1905 (Stats. 1905, 482).
- Sec. 4248. Contra Costa County. This is Section 176 of the Act of 1897, as amended in 1905 (Stats. 1905, 352).
- Sec. 4249. Riverside County. This is Section 177 of the Act of 1897, as amended in 1905 (Stats. 1905, 301).

- Sec. 4250. Nevada County. This is Section 178 of the Act of 1897, as amended in 1905 (Stats. 1905, 361).
- Sec. 4251. Shasta County. This is Section 179 of the Act of 1897, as amended in 1901 (Stats. 1901, 741).
- Sec. 4252. Butte County. This is Section 180 of the Act of 1897, as amended in 1905 (Stats. 1905, 318).
- Sec. 4253. Siskiyou County. This is Section 181 of the Act of 1897, as amended in 1901 (Stats. 1901, 746.)
- Sec. 4254. San Luis Obispo County. This is Section 182 of the Act of 1897, as amended in 1905 (Stats. 1905, 383).
- Sec. 4255. Kern County. This is Section 183 of the Act of 1897, as amended in 1905 (Stats. 1905, 385).
- Sec. 4256. Napa County. This is Section 184 of the Act of 1897, as amended in 1905 (Stats. 1905, 391).
- Sec. 4257. Placer County. This is Section 185 of the Act of 1897, as amended in 1905 (Stats. 1905, 371).
- Sec. 4258. Marin County. This is Section 186 of the Act of 1897, as amended in 1905 (Stats. 1905, 299).
- Sec. 4259. Ventura County. This is Section 187 of the Act of 1897, as amended in 1905 (Stats. 1905, 310).
- Sec. 4260. Yolo County. This is Section 188 of the Act of 1897, as amended in 1901 (Stats. 1901, 757).
- Sec. 4261. San Mateo County. This is Section 189 of the Act of 1897, as amended in 1905 (Stats. 1905, 358).
- Sec. 4262. Calaveras County. This is Section 190 of the Act of 1897, as amended in 1905 (Stats. 1905, 376).
- Sec. 4263. Tuolumne County. This is Section 191 of the Act of 1897, as amended in 1905. (Stats. 1905, 335).
- Sec. 4264. Amador County. This is Section 192 of the Act of 1897, as amended in 1903 (Stats. 1903, 200).
- Sec. 4265. Tehama County. This is Section 193 of the Act of 1897, as amended in 1905 (Stats. 1905, 385.)
- Sec. 4266. Kings County. This is Section 194 of the Act of 1897, as amended in 1905 (Stats. 1905, 308).
- Sec. 4267. Stanislaus County. This is Section 195 of the Act of 1897, Subdivision 16 omitted, as amended in 1905 (Stats. 1905, 366).
- Sec. 4268. Merced County. This is Section 196 of the Act of 1897, as amended in 1905 (Stats. 1905, 338).
- Sec. 4269. El Dorado County. This is Section 197 of the Act of 1897, as amended in 1905 (Stats. 1905, 544).
- Sec. 4270. Yuba County. This is Section 198 of the Act of 1897, as amended in 1905 (Stats. 1905, 441).
- Sec. 4271. Colusa County. This is Section 199 of the Act of 1897, as amended in 1901 (Stats. 1901, 779).
- Sec. 4272. San Benito County. This is Section 200 of the Act of 1897, as amended in 1905 (Stats. 1905, 363).
- Sec. 4273. Madera County. This is Section 201 of the Act of 1897, as amended in 1905 (Stats. 1905, 356).
- Sec. 4274. Lake County. This is Section 202 of the Act of 1897, as amended in 1901 (Stats. 1901, 782).
- Sec. 4275. Sutter County. This is Section 203 of the Act of 1897, Subdivision 17 omitted, amended in 1905 (Stats. 1905, 552).
- Sec. 4276. Glenn County. This is Section 204 of the Act of 1897, as amended in 1901 (Stats. 1901, 784).
- Sec. 4277. Modoc County. This is Section 205 of the Act of 1897, as amended in 1905 (Stats. 1905, 333).
- Sec. 4278. Mariposa County. This is Section 206 of the Act of 1897, as amended in 1905 (Stats. 1905, 373).
- Sec. 4279. Plumas County. This is Section 207 of the Act of 1897, as amended in 1905 (Stats. 1905, 325).
- Sec. 4280. Lassen County. This is Section 208 of the Act of 1897, as amended in 1905 (Stats. 1905, 320).
- Sec. 4281. Trinity County. This is Section 209 of the Act of 1897, as amended in 1901 (Stats. 1901, 790).
- Sec. 4282. Inyo County. This is Section 210 of the Act of 1897, as amended in 1905 (Stats. 1905, 439).
- Sec. 4283. Sierra County. This is Section 211 of the Act of 1897, as amended in 1905 (Stats. 1905, 523).
- Sec. 4284. Del Norte County. This is Section 212 of the Act of 1897.
- Sec. 4285. Mono County. This is Section 213 of the Act of 1897.
- Sec. 4286. Alpine County. This is Section 214 of the Act of 1897.
- Sec. 4288. This is Section 220 of the Act of 1897. The word "title" substituted for "Act."
- Sec. 4289. This is Section 221 of the Act of 1897. The word "title" substituted for "Act."

Sec. 4290. This is Section 215 of the Act of 1897, as amended in 1905 (Stats. 1905, 582) Portion of section omitted, because of unconstitutionality of statute attempted to be continued in force, as declared in *Knight vs. Martin*, 128 Cal., 245, 246.

Sec. 4291. This is Section 156 of the Act of 1897.

Sec. 4292. This is Section 216 of the Act of 1897.

Sec. 4293. This is Section 217 of the Act of 1897.

Sec. 4294. This is Section 218 of the Act of 1897.

Sec. 4295. This is Section 222 of the Act of 1897.

Sec. 4296. This is Section 223 of the Act of 1897.

Sec. 4297. This is Section 227 of the Act of 1897.

Sec. 4300. This section is taken from what is known as the "Fee Bill of 1895" (Stats. 1895, 267) omitting portion of Subdivision 1, declared unconstitutional in *Fabbio vs. Pfister*, 117 Cal., 83, omitting portion of Subdivisions 4 and 5, declared unconstitutional in *Dwyer vs. Parker*, 115 Cal., 547; *Kiernan vs. Swan*, 131 Cal., 410, and *Reid vs. Grozinger*, 115 Cal., 551.

Sec. 4302. This section is drawn from the Act of March 10, 1887 (Stats. 1887, 81), and Act of March 3, 1897 (Stats. 1897, 55).

Sec. 4305. This is Section 219 of the Act of 1897.

Sec. 4307. This is Section 228 of the Act of 1897 and old Section 4344, Pol. C., as amended in Stat. 1880, page 104.

Sec. 4308. This is Section 229 of the Act of 1897.

Sec. 4309. This is Section 230 of the Act of 1897.

Sec. 4312. This is Section 61 of the Act of 1897. See old Section 4116, Political Code, as amended in Stats. 1905, page 246.

Sec. 4313. This is Section 64 of the Act of 1897. See old Section 4120, Political Code.

Sec. 4314. This is Section 63 of the Act of 1897. See old Section 4118, Political Code.

Sec. 4315. This is Section 60 of the Act of 1897. See old Section 4114, Political Code.

Sec. 4316. This is Section 65 of the Act of 1897. See old Section 4121, Political Code.

Sec. 4317. This is Section 62 of the Act of 1897. See old Section 4117, Political Code.

Sec. 4318. This is Section 57 of the Act of 1897.

Sec. 4319. This is Section 88 of the Act of 1897. See old Section 4175, Political Code.

Sec. 4320. This is Section 226 of the Act of 1897.

Sec. 4321. This section is drawn from Act of February 16, 1897 (Stats. 1897, 56).

Sec. 4322. This is Section 45 of the Act of 1897. See old Sections 4071 and 4077, Political Code.

Sec. 4323. This is Section 46 of the Act of 1897. See old Section 4078, Political Code.

Sec. 4324. This is Section 47 of the Act of 1897. See old Section 4079, Political Code.

Sec. 4325. This is Section 53 of the Act of 1897. See old Section 4086, Political Code.

TABULATION OF NUMBERS OF SECTIONS OF PRESENT BILL CORRESPONDING TO THOSE OF THE OLD COUNTY GOVERNMENT ACT.

County Government Section.	Codification Section.	County Government Section.	Codification Section.
1	4000	27	4036
2	4001	28	4065
3	4002	29	4066
4	4003	30	4067
5	4004	31	4068
6	4005	32	4069
7	4005a	33	4070
8	4005b	33½	
9	4151	34	4025
10	4005c	35	4026
11	not inserted	36	4071
12	not inserted	37	4072
13	not inserted	38	4073
14	4027	39	4074
15	4028	40	4075
16	4029	41	4076
17	4030	42	4077
18	4031	43	4078
19	4032, 4037	44	4081
20	4038	45	4322
21	4039	46	4323
22	4034	47	4324
23	4035	48	4050
24	4033, 4040	49	4079
25	4041, 4048	50	4051
	4225, 4088	51	4052
	4049, 4055	52	4042
25½	4056a	53	4325
26	4057	54	4023

TABULATION OF NUMBERS OF SECTIONS OF PRESENT BILL CORRESPONDING TO THOSE OF THE
OLD COUNTY GOVERNMENT ACT—CONTINUED.

County Government Section.	Codification Section.	County Government Section.	Codification Section.
55	{ 4018, 4017	119	4130
	{ 4013, 4019	120	4131
55½	4149	121	4132
56	{ 4014, 4015	122	4133
	4016	123	4134
57	4318	124	4135
58	4021	125	4136
59	4024	126	4137
60	4315	127	4138
61	4312	128	4139
62	4317	129	4140
63	4314	130	4141
64	4313	131	4142
65	4316	132	4153
66	4022	133	4154
66a	4056	134	4155
67	4101	135	4214
68	4102	136	
69	4103	137	4216
70	4104	138	4217
71	4105	139	4218
72	4106	140	4219
73	4107	141	4044
74	4108	142	4143
75	4109	143	4144
76	4110	144	4145
77	4111	145	4146
78	4112	146	4147
79	4113	147	4148
80	4114	148	4125
81	4115	149	4126
82	4116	150	4208
83	4117	151	4181
84	4118	152	4183
85	4119	152½	4149a
86	4120	153	4187
87	4121	154	4188
88	4319	155	4185
89	4157	156	4291
90	4158		4215
91	4159	157	4006
92	4160	158	4230
93	4161	159	4231
94	4162	160	4232
95	4163	161	4233
96	4164	162	4234
97	4165	163	4235
98	4166	164	4236
99	4167	165	4237
100	4168	166	4238
101	4169	167	4239
102	4170	168	4240
103	4171	169	4241
104	4172	170	4242
105	4173	171	4243
106	4174	172	4244
107	4178	173	4245
108	4179	174	4246
109	4091	175	4247
110	4092	176	4248
111	4093	177	4249
112	4094	178	4250
113	4095	179	4251
114	4096	180	4252
115	4097	181	4253
116	4098	182	4254
117	4099	183	4255
118	4100	184	4256

TABULATION OF NUMBERS OF SECTIONS OF PRESENT BILL CORRESPONDING TO THOSE OF THE
OLD COUNTY GOVERNMENT ACT—CONTINUED.

County Government Section.	Codification Section.	County Government Section.	Codification Section.
185.....	4257	211.....	4283
186.....	4258	212.....	4284
187.....	4259	213.....	4285
188.....	4260	214.....	4286
189.....	4261	214½.....	4226
190.....	4262	215.....	4290
191.....	4263	216.....	4292
192.....	4264	217.....	4293
193.....	4265	218.....	4294
194.....	4266	219.....	4305
195.....	4267	220.....	4288
196.....	4268	221.....	4289
197.....	4269	222.....	4295
198.....	4270	223.....	4296
199.....	4271	224.....	4186
200.....	4272	225.....	4045
201.....	4273	226.....	4320
202.....	4274	227.....	4297
203.....	4275	228.....	4307
204.....	4276	229.....	4308
205.....	4277	230.....	4309
206.....	4278	231.....	4606a
207.....	4279	232.....	not inserted
208.....	4280	233.....	not inserted
209.....	4281	234.....	not inserted
210.....	4282		

Respectfully submitted.

WILLIS,
Chairman Sub-Committee.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator McKee asked for and was granted unanimous consent to have Senate Bill No. 785 taken up for the purpose of amendment.

Senate Bill No. 785—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 19, 1903, and March 20, 1905, by amending Section 162 thereof, relating to the fees and the salaries of county and township officers in counties of the fifth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McKee moved to refer to Senator Carter as a special committee of one, to amend as follows:

By striking out of Section 3, page 2, line 50, the word "four" and insert in lieu thereof the word: "five."

Also: By inserting on page 3, Section 5, line 75, after the word "thousand" the words "four thousand."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 785, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTER, Special Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

Senator Carter asked for and was granted unanimous consent to have Senate Bill No. 643 taken up for consideration.

Senate Bill No. 643—An Act to provide for and regulate the deposit of public moneys in banks and banking corporations, and providing a penalty for the illegal deposit and use thereof.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 643 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Broughton, Caminetti, Carter, Greenwell, Keane, Leavitt, Lukens, Mattos, McCartney, McKee, Miller Muenster, Nelson, Reilly, Rush, Sanford, Savage, Walker, Weed, Wilks, Wolfe, and Wright—26.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator McCartney asked for and was granted unanimous consent to have Senate Bill No. 711 taken up for the purpose of amendment.

Senate Bill No. 711—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations and providing for the extension of the terms of existence of corporations.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Cartwright as a special committee of one, to amend as follows:

By striking out of Section 1, lines 24, 25, and 26, all after the period following the word "cases," and insert in lieu thereof the following: "In no event shall such extension be construed to prolong or extend the duration of any franchise or privilege heretofore granted to any corporation or joint stock company by special legislative act, or by the municipal authorities of any county, city, city and county, town, or other political subdivision of this State, beyond the term fixed by the provision of the Act, ordinance, or resolution conferring such franchise or privilege, or beyond the term for the maximum period of existence of such corporation or joint stock company fixed by laws in force and governing the formation and organization thereof at the time such corporation or joint stock company was formed or organized."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 711, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTWRIGHT, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senator Savage asked for and was granted unanimous consent to have Senate Bill No. 407 taken up for the purpose of amendment.

Senate Bill No. 407—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Read third time on a previous day.

During the consideration of the bill, the following amendments were submitted by committee:

On page 1, title, strike out all of title and insert in lieu thereof: "An Act to add a new section to the Code of Civil Procedure, to be known as Section 280b, relating to graduates of the University of Southern California College of Law being admitted to practice without examination."

Amendment adopted.

Also:

On page 1, Section 1, strike out all of Section 1, and insert in lieu thereof the following:
SECTION 1. A new section, to be known as Section 280b, is hereby added to the Code of Civil Procedure, to read as follows:

280b. The diploma of the students of the University of Southern California College of Law shall entitle the students to whom it is issued to a license to practice in all the courts of this State, without undergoing the examination required by Section 276 of this Code."

Amendment adopted.

Bill ordered to print, reëngrossment, and on file for passage.

RUSH ORDER TO PRINTER.

On motion of Senator Savage, the Secretary was directed to issue a rush order for printing Senate Bill No. 407.

SPECIAL ORDER SET.

Senator Savage moved that the consideration of Senate Bill No. 407 be made a special order for Wednesday, February 27, 1907, at eleven o'clock and thirty minutes A. M.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON COUNTY GOVERNMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 843—An Act to amend Sections 6 and 7 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, so as to provide for the payment of services of county auditor, county tax collector, and county treasurer—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CARTER, Chairman.

Senate Bill No. 843 ordered on file for second reading.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the Acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the report of Committee on Free Conference on Senate amendment to Assembly Constitutional Amendment No. 3, the same was taken up for consideration.

REPORT OF COMMITTEE ON FREE CONFERENCE.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your Committee on Free Conference concerning Assembly Constitutional Amendment No. 3—relative to direct nomination of candidates for public office—report that we have met a like committee of the Assembly, consisting of Assemblymen Held, Johnson of Sacramento, and Stetson, and we report that the Free Conference Committee agreed upon and recommend that Assembly Constitutional Amendment No. 3, relating to direct primaries, as amended by the Senate February 7, 1907, be amended by striking out the word "also," on line 3 (Section 2½) of the proposed Constitutional amendment, and inserting in lieu thereof the following: "the Legislature shall enact," and when so amended that said constitutional amendment be adopted.

WRIGHT,
LEAVITT,
WALKER,

Senate Committee on Free Conference.

Senator Leavitt moved that the report be adopted.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Reilly, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—37.

NOES—Senator Savage—1.

CONSIDERATION OF DAILY SPECIAL FILE—THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relative to the duties of the Text-Book Committee.

On motion of Senator Anderson, Assembly Bill No. 543 was temporarily passed on file, to retain its place.

Assembly Bill No. 264—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California.

On motion of Senator Muentner, Assembly Bill No. 264 was temporarily passed on file, to retain its place.

Assembly Bill No. 123—An Act to amend Sections 3, 9, 10, 12, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities, and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

On motion of Senator Lynch, Assembly Bill No. 123 was temporarily passed on file, to retain its place.

Assembly Bill No. 242—An Act to amend Section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 242 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Cartwright, Curtin, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey,

Mattos, McCartney, McKee, Muentner, Nelson, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That the Secretary of the Senate be instructed to prepare a Special Urgency File of Senate or Assembly Bills, upon which each Senator shall be entitled to place one bill; said file to be considered at 3:30 and 8:00 p. m. of each day, beginning February 27, 1907; no bill shall be placed upon said urgency file except bills on third reading. When said special file shall have been disposed of, the Secretary of the Senate is hereby instructed to make another such file, and so on, to be considered in the same manner.

Resolution read and adopted.

SENATOR BELSHAW IN THE CHAIR.

At three o'clock and thirty-five minutes p. m. Senator Belshaw, of the Ninth District, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 14, 15, 17, 20, 22, 35, 47, 56, 57, 60, and 61, by repealing Section 18, and by adding a new section, to be known as Section 55a—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

WILLIS, Chairman.

Assembly Bill No. 266 ordered on Assembly special file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 531—An Act to provide for the improvement of the public highways and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

MATTOS, Chairman.

Senate Bill No. 531 ordered on file for second reading.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 838—An Act defining the character of imitation butter and imitation cheese, providing for the prevention of deception in the manufacture and sale of butter or cheese, to secure its enforcement, defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses, providing that the State Veterinarian shall be ex officio State Dairy Commissioner, and shall also perform, in addition to his duties as fixed by law, the duties of State Dairy Commissioner, designating and describing the duties of such State Dairy Commissioner, providing that no action can be maintained to recover on account of any sale or contract made in violation hereof, providing for the issuance and service of search warrants, when necessary for the

seizure of substances designed to be used contrary to the provisions hereof, and repealing an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897.

Also: Assembly Bill No. 390—An Act to provide for experimental work in tobacco culture in the state of California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass, and be referred to Committee on Finance.

RUSH, Chairman.

Senate Bill No. 838 referred to Committee on Finance.

Assembly Bill No. 390 referred to Committee on Finance.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws to whom was referred Senate Bill No. 858—An Act to add a new section to the Political Code to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WALKER, Chairman.

Senate Bill No. 858 ordered on file for second reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 811, the same was taken up for consideration.

Senate Bill No. 811—An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments.

During the second reading of the bill, the following amendments were offered by Senator Carter:

Amend by inserting in Section 1, page 265, line 27 of Section 4312 of the body of the bill, after the word "deputy" and before the word "he," the following: "provided by this title and paid by the county at the same time and in the same manner that his principal is paid."

Amendment adopted.

Also:

Amend by striking out Section 1, page 265, line 28 of Section 4312 of the body of the bill the word "two," and inserting the word "one."

Amendment adopted.

Also:

Amend by inserting in Section 1, page 70, between lines 27 and 28 of Section 4178 of the body of the bill, the following:

5. Keep as one of the records of his office a volume labeled, "Bond and Surety Companies," each page of which must be divided into six columns appropriate to enter therein:

(1) The name of corporations engaged in this State in the business of making, guaranteeing, or becoming a surety upon bonds or undertakings required or authorized by law;

(2) The name of the State, territory, or country under whose laws such corporation is organized;

(3) The date of certificate of authorization to such corporation to do business in this State;

(4) The date of surrender, revocation, cancellation, annulment, or suspension of such certificate;

(5) The date of the new authority to do business in this State;

(6) And one blank column;

And must enter in said volume the names of such corporations alphabetically arranged and any facts concerning such corporation as are certified to such county clerk by the Insurance Commissioner of this State.

And by renumbering the present Subdivision 5 to read 6.

Amendment adopted.

Also:

Amend by striking out of Section 1, page 109, line 6 of Section 4234 of the body of the bill, the word "two," and inserting the word "three."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 110, line 44 of Section 4234 of the body of the bill, the word "three," and inserting the word "four."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 110, line 69 of Section 4234 of the body of the bill, the period after the word "annum," and inserting a semicolon ";]" and the following words: "provided, that in counties of this class there shall be, and there is hereby allowed, one deputy, who shall be appointed by the treasurer of said county and whose salary is hereby fixed at twelve hundred dollars per annum."

Amendment adopted.

Also:

Amend by inserting in Section 1, page 114, after line 226 of Section 4234, a new subdivision as follows:

20. In counties of this class there may be a county analyst, to be appointed by the board of supervisors, who shall receive a salary of not less than fifty dollars per month, to be paid at the same time and in the same manner as other county officers are paid. He shall furnish his own laboratory. He shall perform such services as may be required by the district attorney, coroner, or by ordinances of the board of supervisors. He shall have been a resident of the county for at least two years, and shall be a graduate of a recognized university or technical school and shall have had at least three years' experience in forensic and analytical chemistry.

Amendment adopted.

Also:

Amend by inserting in Section 1, page 185, line 30 of Section 4256 of the body of the bill, at the end of said line, after the word "annum," the following: "Counties of this class the district attorney may appoint a stenographer for service in his office, which office of stenographer to the district attorney is hereby created, and said stenographer shall receive as compensation for his services the sum of six hundred dollars per annum to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officers are paid."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 180, line 36, of Section 4254 of the body of the bill, all after the word "each" on said line 36, and the whole of lines 37 to 40, inclusive, and insert the following: "Member of the board of supervisors one thousand dollars per annum, and his necessary expenses when attending to the business of the county, and twenty-five cents per mile in going from his residence to the county seat in attending upon all regular meetings of the board of supervisors. For serving as road commissioner two hundred dollars per annum. Each supervisor shall be allowed his actual traveling expenses while supervising the roads of his districts, not to exceed fifteen dollars in any one month."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 239, line 18, of Section 4280, of the body of the bill, the period after the word "collector," and insert the following: A semicolon ";]" and the following: "provided, that in counties of this class there shall be, and is hereby allowed to the tax collector a clerk, who shall be appointed by the tax collector, and paid the salary of fifty dollars per month, said salary to be paid by said county in monthly installments at the time and in the same manner, and out of the same fund as the salary of the tax collector is paid. This section shall take effect immediately in so far as it relates to the salary of said clerk."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 239, line 5, of Section 4274, of the body of the bill, the words "thirteen," and inserting the following: "eighteen."

Amendment adopted.

Also:

Amend by adding in Section 1, page 46, after Section 4099 of the body of the bill, a new section in the body of the bill to be known as Section 4099a, to read as follows:

4099a. It shall be and is hereby made the duty of every county auditor in the State of California to keep all the books and necessary accounts with reference to payments made by the county of which he is auditor minor orphans and half-orphans and abandoned children, and to prepare the necessary data and make out all claims against the State for such payments, and the board of supervisors may allow the auditor a reasonable compensation for performing the extra duty herein provided.

Amendment adopted.

Also:

Amend by striking out Section 1, page 153, lines 25 to 32, inclusive, of Section 4246 of the body of the bill, the whole of present subdivision 4 contained in said lines, and inserting the following:

"4. The auditor, twenty-five hundred dollars per annum."

Amendment adopted.

Also:

Amend by striking out in Section 1, page 154, line 63 of Section 4246 of the body of the bill, the period after the word "work," and inserting the following: "; provided, that whenever the surveyor is directed by the assessor to plat, trace, or otherwise prepare maps, plats or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 117, in lines 83 and 84 of Section 4235 of the body of the bill the following: "and shall procure necessary data therefor."

Amendment adopted.

Also:

Amend Section 1, page 117, line 85 of Section 4235 of the body of the bill by inserting after the word "assessor" the following: " provided further, that all property ownership books, data, and transcript records required for making such maps, plats, or block books shall be procured at the expense of the county in such manner and by such persons as the board of supervisors may direct and furnished to the surveyor; and "

Amendment adopted.

Also:

Amend by striking out of Section 1, page 256, line 89 of Section 4300 of the body of the bill, the word "two," and inserting the word "three."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 117, lines 91 and 92, the whole of Subdivision 13 of Section 4235 of the body of the bill, being the whole of said lines 91 and 92, and insert the following:

13. Justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases.

In townships having a population of sixteen thousand or more, one hundred and twenty-five dollars per month;

In townships having a population of over nine thousand and less than sixteen thousand, sixty dollars per month;

In townships having a population of five thousand and less than nine thousand, forty dollars per month;

In townships having a population of two thousand and less than five thousand, fifteen dollars per month;

In townships having a population of fifteen hundred and less than two thousand, ten dollars per month;

In townships having a population of less than fifteen hundred, five dollars per month.

In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions. Each justice of the peace must pay into the county treasury once a month all fines collected by him; and provided further, that for the purposes of this Act the population of the several townships shall be ascertained by multiplying by five the number of registered voters as shown upon the great register of the county for the general election of nineteen hundred and six.

Amendment adopted.

Also:

Amend by striking out of Section 1, page 117, lines 93 and 94, the whole of Subdivision 14 of Section 4235 of the body of the bill, being the whole of said lines 93 and 94, and inserting the following:

14. In townships having a population of sixteen thousand or over, constables shall receive as compensation, in lieu of all fees in criminal cases, the sum of one hundred dollars per month;

In townships having a population of nine thousand and less than sixteen thousand, the sum of sixty dollars per month;

In townships having a population of five thousand and less than nine thousand, the sum of forty dollars per month;

In townships having a population of two thousand and less than five thousand, fifteen dollars per month;

In townships having a population of fifteen hundred, and less than two thousand, ten dollars per month;

In townships having a population of less than fifteen hundred, five dollars per month; *provided*, that in addition to the fees and salaries herein allowed, each constable shall receive for traveling expenses outside of his own township, for the service of a warrant of arrest or other process in a criminal case, the sum of five cents per mile for each mile actually and necessarily traveled; *and provided further*, that such salaries for services in criminal cases shall be paid at the same time and in the same manner as the salaries of county officers; *and provided further*, that in addition to the salaries provided for herein, constables in all townships shall receive for their own use the fees which are now or may hereafter be allowed by law in civil cases; *and provided further*, that for the purpose of this Act the calculation of the population of the several townships shall be ascertained by multiplying by five the number of registered voters as shown upon the great register of the county for the general election of nineteen hundred and six.

Amendment adopted.

Also:

Amend by striking out of Section 1, on page 117, Section 4252 of the body of the bill, the whole of Subdivision 13 and insert in lieu thereof the following:

13. In counties of this class the township officers shall receive the following compensation, to wit:

In townships having a population of twenty five hundred or more, each justice of the peace shall receive a salary of one hundred and twenty-five dollars per month, and each constable a salary of ninety dollars per month.

In townships having a population of two thousand or more, and less than two thousand five hundred, each justice of the peace shall receive a salary of twenty dollars per month, and each constable a salary of twenty dollars per month;

In townships having a population of twelve hundred and thirty or more, and less than two thousand, each justice of the peace shall receive a salary of fifty dollars per month, and each constable a salary of seventy dollars per month;

In townships having a population of one thousand or more, and less than twelve hundred and thirty, each justice of the peace shall receive a salary of twenty-five dollars per month, and each constable a salary of twenty dollars per month;

In townships having a population of five hundred or more, and less than one thousand, each justice of the peace shall receive a salary of five dollars per month, and each constable a salary of five dollars per month;

In townships having a population of four hundred, or more, and less than five hundred, each justice of the peace shall receive a salary of seven dollars and fifty cents per month, and each constable a salary of ten dollars per month;

In townships having a population of less than four hundred, each justice of the peace shall receive a salary of five dollars per month, and each constable a salary of five dollars per month;

The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that each constable shall be allowed and paid the actual expense of transporting prisoners, after conviction, to the county jail, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury.

Said justices of the peace and constables may receive and retain for their own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions.

The salaries of township officers as herein provided for shall be paid in the same manner, at the same time, and out of the same funds that county officers are paid.

And renumber Subdivisions 15 and 16 to read 14 and 15, respectively.

Amendment adopted.

Also, offered by Senator Willis:

Amend by striking out of Section 1, page 74, line 3 of Section 4192 of the body of the bill, the word "hereinafter," and inserting the following: "in this article."

Amendment adopted.

Also:

Amend by inserting in Section 1, page 26, between lines 275 and 276 of Section 4041 of the body of the bill the following:

38. To appropriate a sum not exceeding two cents per one hundred dollars of the assessed valuation of their county in any one year, in addition to any sums which may be chargeable to the county for the repayment of money expended by the State for protection against fire in such county, for the purpose of protecting forest, brush and grass lands therein, against fire or other injury, and of aiding the State and Federal authorities in forestry work.

And renumber present Subdivision 38 to read 39.

Amendment adopted.

Also:

Amend by inserting in Section 1, page 211, line 31 of Section 4266 of the body of the bill, after the word "the" and before the word "general," the following: "last."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 228, line 73 of Section 4272 of the body of the bill, the words "of the Political Code," and inserting the following: a period after the word "seventy."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 148, lines 18 and 19, of Section 4244 of the body of the bill, the whole of Subdivision 7, consisting of said lines 18 and 19, and by renumbering the remaining subdivisions of the section accordingly.

Amendment adopted.

Also:

Amend by striking out of Section 1, page 130, lines 54 and 55 of Section 4239 of the body of the bill, the words "not to exceed six months in any one year."

Amendment adopted.

Also:

Amend by inserting in Section 1, page 27, at the end of line 14 of Section 4043 of the body of the bill, after the word "general," the following: "or."

Amendment adopted.

Also:

Amend by inserting in Section 1, page 242, at the end of line 11 of Section 4282 of the body of the bill, after the word "annum," the following: "From and after the enactment of this title he may appoint such copyists as are necessary to properly perform the duties of this office, at a compensation of six cents per folio for all notices of location of mining claims copied, and the auditor shall draw his warrant monthly in favor of such copyists so employed, verifying the number of folios copied by him, to which verified statement shall be attached a certificate of the recorder that it is correct; *provided*, that whenever such copyist is appointed a notice of such appointment must be immediately filed with the auditor before he can draw any warrant in favor of such copyist."

Amendment adopted.

SPECIAL ORDER SET.

Senator Carter moved that the further consideration of Senate Bill No 811, now up for second reading, be postponed and made a special order for Tuesday, February 26, 1907, at eleven o'clock and thirty minutes A. M.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Savage (by request of City Council and City Attorney of Los Angeles): Senate Bill No. 904—An Act to empower the boards of

supervisors, boards of trustees, common councils, or other governing or legislative bodies of counties, cities and counties, cities and towns, to permit the holders of street railroad and interurban railway franchises therein to operate freight cars, and to transport freight, and to provide for a compensation for such permission.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Black: Senate Bill No. 905—An Act to amend an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term, 'boulevard,' by providing for the issuance of bonds for the construction thereof."

Bill read first time, and referred to Committee on Judiciary.

By Senator Lukens: Senate Bill No. 906—An Act to amend the Political Code of the State of California by adding divers new sections thereto, providing for the improvement of the rivers, lakes, and streams of the State of California, or any part of them, and prescribing the manner of locating boating claims upon them or any part of them.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 907—An Act to amend Section 852 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 908—An Act to repeal Section 145 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Anthony: Senate Concurrent Resolution No. 15—Relative to creating a special legislative committee to inspect sites for State rifle ranges, and to report thereon at the next session of the Legislature.

Senate Concurrent Resolution referred to Committee on Military Affairs.

By Senator Caminetti: Senate Bill No. 909—An Act relating to high schools and providing for their support by the State of California.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 910—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for co-operation in certain investigations by such board with the Interstate Commerce Commission.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 911—An Act to require the State Board of Railroad Commissioners to investigate and ascertain the fair value of the property of every railroad or other transportation company doing business in the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Welch (by request): Senate Bill No. 912—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Willis (by request of Code Commission): Senate Bill No. 913—An Act to amend Section 386 of the Civil Code, relating to succession of the property of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

By Senator Leavitt: Senate Bill No. 914—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1203a, relating to liens.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 915—An Act to amend an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing a compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 916—An Act to amend Section 469 of the Code of Civil Procedure of the State of California, relating to material variances.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 917—An Act to amend Section 1194 of the Code of Civil Procedure of the State of California, relating to liens and to the docketing of the deficiency.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caminetti: Senate Bill No. 918—An Act to regulate the use of highways in the State of California; any violations of the provisions of the same a misdemeanor.

Bill read first time, and referred to Committee on Roads and Highways.

COMMUNICATION—(OUT OF ORDER).

The following communication was presented by Senator Anthony, and ordered printed in the Journal:

At a meeting of the Dolores Street Improvement Club held on the twenty-second day of February, 1907, the following resolution was unanimously passed:

"WHEREAS, A bill has been introduced in the State Senate proposing the issuance of \$1,000,000 in bonds, for the purpose of acquiring sixty-four blocks of tide lands in the vicinity of Islais Creek, the same to be dredged so as to make a land-locked harbor to accommodate the increasing shipping of this city; and

WHEREAS, We believe that the prosperity of the whole city and State will be greatly benefited by such purpose without any additional burdens being imposed upon the taxpayers; therefore, be it

Resolved, That the Dolores Street Improvement Club earnestly recommends to the State Legislature the passage of such measure for the improvement of the harbor facilities of San Francisco, believing that a benefit will thereby accrue to the whole State of California."

A. S. PERLEY, President.

SECOND READING OF BILLS.

On motion of Senator Welch, the second-reading file was taken up for consideration.

Senate Bill No. 510—An Act to add a new section to the Civil Code, to be known as Section 2758, to compel insurance companies to pay the full amount of the loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulation in such policies to the contrary.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 511—An Act to add a new section to the Civil Code, to be known as Section 2759, relating to fire insurance companies.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 242—An Act to amend Title V. of Part IV, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding two new sections thereto, to be numbered 4463 and 4464, requiring persons, firms, associations, or corporations in this State engaged in the business of loaning money, receiving deposits, banking, or insurance in any form, to publish certain reports, and prescribing a penalty for failure or neglect to do so.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 812—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bond; and defining the duties of State officers in relation thereto; making an appropriation of \$1,000 for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 813—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin and extending to Islais Creek, in the City and County of San Francisco, and extending their jurisdiction over the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 819—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 826—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of the central ward building, to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same," approved March 25, 1903, and to change and redirect the manner of expenditure thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 831—An Act to provide for the survey, location, plans and estimates of costs of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 822—An Act to provide for the payment of attorneys' fees in justices' courts and other inferior courts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 237—An Act to amend Section 1200 of the Code of Civil Procedure, relating to mechanics' liens.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 751—An Act to amend Section 4178 of the Political Code, relating to the duties of the county clerk.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 815—An Act amendatory of and supplemental to an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to authorize and direct the county judges of the several counties of the State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,'" approved March 2, 1867, approved March 30, 1868, approved March 12, 1885.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 760—An Act to add a new section to the Political Code, to be numbered 759, relating to the appointment and employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said Code.

During second reading of bill, the following amendments were submitted by the committee:

On page 1, in title, strike out all of title, and insert in lieu thereof the following:

"An Act to amend Section 758 of the Political Code, and to add a new section thereto, to be numbered 759, relating to the appointment and employment of a phonographic reporter by each of the District Courts of Appeal, and prescribing his duties and compensation."

Amendment adopted.

Also:

On page 1, Section 1, line 6, strike out the word "correctly" after the word "to," and insert the word "correctly" in same line, after the words "the same."

Amendment adopted.

Also:

On page 1, Section 1, lines 11 and 12, strike out all of lines 11 and 12, and insert in lieu thereof the following:

Sec. 2. Section 758 of the Political Code is hereby amended to read as follows:

"758. Each of the three District Courts of Appeal may employ and appoint the following officers of their respective courts, whose salaries shall be as follows: One clerk, at twenty-four hundred dollars per annum; one deputy clerk, at eighteen hundred dollars per annum; one phonographic reporter, as provided in Section 759, and one bailiff, at twelve hundred dollars per annum."

Amendment adopted.

Also:

On page 1, Section 1, line last, strike out the figure "2" after the word "Sec." and insert in lieu thereof the figure "3."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 808—An Act to increase the number of judges of the Superior Court of the County of Tulare, and to provide for the appointment of an additional judge.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 805—An Act to amend Section 1662 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 790—An Act to add a new section to the Political Code, to be numbered 1671a, and relating to the issue of bonds for the support of county high schools.

Bill read second time, considered engrossed, and ordered on file for third reading.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 352—An Act to amend Section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of State hospitals.

Assembly Bill No. 352 temporarily passed on file.

Assembly Bill No. 656—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 437a, relating to the pleadings in actions upon contracts of insurance wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 623 - An Act making an appropriation of \$250 for the purchase of a certain spring of water near the James Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.

During second reading of bill, the following amendment was submitted by committee:

"Strike out the word "James" in the title of the printed bill, and also the word "James" in line 5, page 1 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 674—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duties of such board; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903, as amended by Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same, approved March 22, 1905.

During second reading of bill, the following amendment was submitted by committee:

Strike out Section 3, on page 3, of the printed bill, and insert in lieu thereof Section 3, as follows:

Sec. 3. Section 13 of the said bill is hereby amended to read as follows:

Section 13. The offices of chief probation officer, probation officer, and assistant probation officer are hereby created. The appointments of chief probation officer, probation officer, and assistant probation officer to serve hereunder in any county, or city and county, shall be made by the judge of the Superior Court or by a majority of the judges thereof, if there be more than one. The term of office of chief probation officers, pro-

bation officers, and assistant probation officers shall be during the pleasure of the Superior Court, and they may at any time be removed by the judge or judges appointing them, in their discretion.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 398—An Act to prevent the adulteration of paints, oils, varnishes, and pigments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 354—An Act to amend Section 597*b* of the Penal Code, relating to cruelty to animals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 99—An Act to repeal Section 1036 of the Code of Civil Procedure, relating to requiring security of costs in actions and special proceedings by plaintiffs who reside out of the State of California, and by foreign corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 661—An Act to amend Section 2959 of the Civil Code by providing for recording mortgages of personal property by persons who do not reside in this State.

During second reading of bill, the following amendments were submitted by the committee:

On page 1, Section 1, line 3, strike out the word "Section."

Amendment adopted.

Also:

On page 1, Section 1, line 5, strike out the words "mortgager" before the word "resides," and also after the word "the," in same line, and insert in lieu thereof in both places the word "mortgagor."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 459—An Act amending Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Subvision 3, line 23, strike out the word "therein."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 181—An Act to amend Sections 1328 and 1329 of the Code of Civil Procedure, both relating to the contesting of wills after probate.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 8, strike out the word "of" at end of line, and insert in lieu thereof the following: "to."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 272—An Act to amend Sections 1518, 1522, 1524, 1537, 1543, 1544, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, all relating to the sale of the property of deceased persons.

During second reading of bill, the following amendment was submitted by committee:

On page 5, Section 9, strike out the lines 1 to 7 inclusive.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 767—An Act to amend the Penal Code of California by adding thereto a new section, to be numbered 462, relating to burglary with explosives, and the punishment thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 178—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure and to add a new section thereto, to be numbered 1350a, all relating to letters testamentary and of administration with the will annexed.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 180—An Act to amend Sections 1371, 1379, and 1383 of the Code of Civil Procedure, all relating to letters of administration.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 182—An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 183—An Act to amend Section 1300 of the Code of Civil Procedure, relating to proceedings for the probate of wills.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 186—An Act to amend Sections 1228, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 188—An Act to repeal Chapter III of Title IV of Part III of the Code of Civil Procedure, and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said Code, relating to liens for salaries and wages.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 191—An Act to amend Section 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 192—An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 193—An Act to amend Sections 1431 and 1432 of the Code of Civil Procedure, both relating to transfers of administrations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 195—An Act to amend Section 1445 of the Code of Civil Procedure, relating to the inventory and appraisement of the estates of decedents.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 189—An Act to amend Sections 1166 and 1167 of the Code of Civil Procedure and to repeal Section 1175 thereof, all relating to summary proceedings for obtaining possession of real property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 194—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 198—An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 199—An Act to amend Sections 1466 and 1468 of the Code of Civil Procedure, both relating to provisions for the support of the families of deceased persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 200—An Act to add a new section to the Code of Civil Procedure, to be numbered 1471, relating to the setting apart of homesteads, and of other property exempt from execution, belonging to estates of decedents.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 197—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collection of deposits made by deceased persons in savings banks.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 187—An Act to amend Sections 1209 and 1210 of the Code of Civil Procedure, both relating to contempts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 202—An Act to amend Section 1497, 1498, 1502, 1503, 1504, and 1505 of the Code of Civil Procedure, to repeal Section 1509 thereof, and to add a new section thereto, to be numbered 1501a, all relating to claims against the estates of decedents.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 274—An Act to amend Section 1591 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1592, both relating to the management of the estates of deceased persons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 384—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said code, or any title, chapter, article, or section thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 605—An Act to add a new section to the Political Code, to be known as Section 35 thereof, relating to the conveying to the United States of State lands covered by navigable waters.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 606—An Act to repeal Article XIII of Chapter III of Part III of the Political Code, relating to State Geologist.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 609—An Act to amend Section 364 of the Political Code, relating to the Board of Examiners.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 610—An Act to repeal Section 367 of the Political Code, relating to State prisons.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 612—An Act to repeal Section 349 of the Political Code, relating to State Printer.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 668—An Act to amend Section 2349 of the Political Code and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 705—An Act to repeal Section 312 of the Civil Code, as approved March 21, 1905, and to amend Section 312 of said Code, as approved March 22, 1905, both relating to elections by stockholders or members in corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 706—An Act to repeal Section 421 of the Civil Code, as approved March 3, 1905, relating to the investment of the capital and accumulations of corporations organized for the transaction of business in any kind of insurance.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 757—An Act to amend Section 323 of the Civil Code, relating to the contents of certificates of stock of corporations for profit.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 758—An Act to amend Section 290 of the Civil Code, relating to the contents of articles of incorporation of corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 604—An Act to repeal Section 11 of the Political Code, relating to holidays.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 474—An Act to amend Sections 2787, 2789, and 2802 of the Political Code, relating to the construction of toll roads.

Bill read second time, and ordered on file for third reading.

SECOND READING OF CODE BILLS.

Senate Bill No. 318—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

During second reading of bill, the following amendment was submitted by committee:

On page 4, Section 6, line 3, strike out the figures "521," and insert in lieu thereof the following: "531."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 206—An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 214—An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 327—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 358—An Act to amend Section 1467 of the Penal Code of California, relating to the taking, hearing, and determination of appeals to the Superior Court in criminal actions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 356—An Act to amend Section 687 of the Penal Code of California, relating to prosecutions for the same offense after prior convictions or acquittals in criminal actions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 326—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 329—An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 796—An Act to amend Section 2349 of the Political Code, and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

Bill read second time, considered engrossed, and ordered on file for third reading.

MOTION TO ADJOURN LOST.

At four o'clock P. M., Senator Leavitt moved that the Senate do now adjourn.

The roll was called, and the motion lost by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Broughton, Greenwell, Hartman, Leavitt, Lynch, Reilly, Weed, Wolfe, and Wright—13.

NOES—Senators Boynton, Caminetti, Carter, Curtin, Keane, Kennedy, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rolley, Rush, Sanford, Savage, Walker, Welch, and Willis—20.

THIRD READING OF BILLS.

On motion of Senator Carter, the third-reading file was taken up for consideration.

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 2 of Article IV thereof, relating to sessions of the Legislature and the limitation of pay of members thereof in extraordinary sessions.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 28 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 1 of Article IV thereof, relating to the legislative power and to certain reservations thereof by the people.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 25 was temporarily passed on file, to retain its place.

Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 148 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Lynch, Markey, Mattos, McCartney, Muentner, Nelson, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—Senator Curtin—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 457—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

On motion of Senator Welch, Senate Bill No. 457 was temporarily passed on file, to retain its place.

Senate Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to counties of the fifty-first class.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 583 passed by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Hartman, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Curtin moved that Senate Bill No. 428—An Act to provide for the transfer of certain moneys from the county treasury to municipal corporations formed within such counties—be withdrawn and stricken from the file, and Senate Bill No. 778 be substituted therefor.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 778—An Act to provide for drainage by irrigation districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 778 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to Article II of the Constitution of California, by amending Section 2 $\frac{1}{2}$ thereof, relating to primary elections, so as to permit the direct or other nomination of candidates for public office without conventions.

On motion of Senator Belshaw, Senate Constitutional Amendment No. 19 was temporarily passed on file, to retain its place.

Senate Bill No. 464—An Act to amend the Political Code of the State of California, by adding eight new sections thereto, to be numbered 338, 338a, 338b, 339, 339a, 339b, 340, 340a, under a new article to be numbered thirteen (XIII), to be added to Chapter Two (2), Title One (1), Part Three (3) of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

On motion of Senator Sanford, Senate Bill No. 464 was temporarily passed on file, to retain its place.

Senate Bill No. 462—An Act amending an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, for municipal improvements, and regulating the acquisition, construction, or completion thereof," approved February 25, 1901, by amending Sections 2, 5, and 9 thereof.

On motion of Senator Carter, Senate Bill No. 462 was temporarily passed on file, to retain its place.

Senate Bill No. 442—An Act to amend an Act entitled "An Act to establish the fees of the county, township, and other officers, and of jurors and witnesses, in this State," approved March 28, 1895, by adding thereto a new section, to be numbered 5.

On motion of Senator Carter, Senate Bill No. 442 was temporarily passed on file, to retain its place.

Senate Bill No. 489—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3 $\frac{1}{2}$, providing for a petition of remonstrance and written objection, hearings thereon, and the determination thereof by the city council.

On motion of Senator Keane, Senate Bill No. 489 was temporarily passed on file, to retain its place.

Senate Bill No. 490—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893.

On motion of Senator Keane, Senate Bill No. 490 was temporarily passed on file, to retain its place.

Senate Bill No. 589—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof."

On motion of Senator Leavitt, Senate Bill No. 589 was temporarily passed on file, to retain its place.

Senate Bill No. 578—An Act to create a reclamation district to be called Reclamation District No. 774, and providing for the management and control thereof and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 578 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Lynch, McCartney, McKee, Muenier, Reily, Rolley, Rush, Savage, Walker, Weed, and Wright—23.

NOES—Senators Boynton, Markey, and Nelson—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 347—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March, 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of said commission, and by amending Section 9 thereof, relating to the tenure of said commission.

On motion of Senator Rolley, Senate Bill No. 347 was temporarily passed on file, to retain its place.

Senate Bill No. 175—An Act to add a new section to the Civil Code, to be numbered 617, relating to cemetery corporations.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and the vote announced, as follows:

AYES—Senators Anderson, Black, Markey, McCartney, Wolfe, and Wright—6.

NOES—Senators Anthony, Bell, Belshaw, Boynton, Caminetti, Keane, Kennedy, Mattos, Reily, Rush, Savage, Walker, Welch, and Willis—14.

Bill ordered to unfinished business.

ADJOURNMENT.

At four o'clock and twenty-five minutes P. M., it appearing from the above roll call that no quorum was present, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, February 26, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

APPROVAL OF THE JOURNAL.

The Journals of Monday, February 18, 1907; Tuesday, February 19, 1907; Wednesday, February 20, 1907; Thursday, February 21, 1907; Friday, February 22, 1907, and Saturday, February 23, 1907, having been corrected, were read and approved.

READING OF JOURNAL.

During the reading of the Journal of Monday, February 25, 1907, the further reading was dispensed with, on motion of Senator Belshaw.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 32, the same was taken up for consideration.

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 23 of Article IV thereof, relating to the compensation of the members of the Legislature, limiting the expense of the employés of the Senate and Assembly.

During consideration of the constitutional amendment, the following amendments were submitted by Senator Caminetti:

Insert after the word "for," line 2, in Section 23a, page 1, Senate Constitutional Amendment No. 32, the word "officers."

Amendment adopted.

Also:

Strike out the word "or," line 3, Section 23a, page 1, and insert the word "and."

Amendment adopted.

Also:

Insert after the word "any," line 7, Section 23a, "officer, employé, or,"

Amendment adopted.

Senate Constitutional Amendment ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Wolfe, the Secretary was directed to issue a rush order for printing Senate Constitutional Amendment No. 32, as amended, the same to retain its place on file.

SPECIAL ORDER SET.

Senator Wolfe moved that the consideration of Senate Constitutional Amendment No. 32 be made a special order for Wednesday, February 27, 1907, immediately after the reading of the Journal.

Motion carried.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Wolfe, the hour of recess was extended thirty minutes.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 16, the same was taken up for consideration.

Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employes of the Senate and Assembly.

The following committee amendments, pending since February 21, 1907, were taken up for consideration:

On page 1, in title, line 3, strike out the words "and 23."

Amendment refused adoption.

Also:

On page 1, in title, line 5, strike out the words "and limiting the expense of employes of the Senate and Assembly," and insert in lieu thereof the following: "and repeal Section 23, Article IV of the Constitution."

Amendment refused adoption.

Also:

On page 2, Section 2, line 1, strike out the words "Sec. 23."

Amendment refused adoption.

Also:

On page 2, Section 2, lines 11 to 17, strike out the words on line 11, "the legislature," down to and including the words "appointed," on line 17.

Amendment refused adoption.

Also:

On page 2, insert at the end of bill, the words, "Section 23 of Article IV of the Constitution is hereby repealed."

Amendment refused adoption.

Also, offered by Senator Curtin:

Amend by striking out of Section 28, line 13, the word "at," and insert in lieu thereof the following: "for the first sixty consecutive days thereof nor exceed two hundred dollars per day for each day thereafter during."

Amendment refused adoption.

During consideration of the constitutional amendment, the following amendment was offered by Senator Willis:

Amend Senate Constitutional Amendment No. 16 by inserting in line 12, page 2, the word "officers," after word "for."

Amendment adopted.

Also:

In line 16, page 2, insert word "officers," after word "any"; line 12, change "or" to "and."

Amendment adopted.

Senate Constitutional Amendment ordered to print, as amended.

RUSH ORDER TO PRINTER.

On motion of Senator Willis, the Secretary was directed to issue a rush order for printing Senate Constitutional Amendment No. 16, as amended, the same to retain its place on file.

SPECIAL ORDER SET.

Senator Willis moved that the consideration of Senate Constitutional Amendment No. 16 be made a special order for Wednesday, February 27, 1907, immediately after the consideration of Senate Constitutional Amendment No. 32.

Motion carried.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set on February 19, 1907, for this day, being the consideration of Senate Bill No. 811—An Act to repeal Title II of Part IV of the Political Code and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments—the same was taken up and, on motion of Senator Willis, further consideration postponed and made a special order for this day, at three o'clock and thirty minutes P. M.

BILL RECALLED FROM ENGROSSMENT AND RE-REFERRED TO COMMITTEE.

On motion of Senator Belshaw, Committee Substitute for Senate Bill No. 600—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert on taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers and making an appropriation therefor," approved March 20, 1905—was recalled from engrossment and referred to Committee on Finance.

COMMUNICATIONS.

The following communications were presented by the President, and ordered printed in the Journal:

NATIONAL BOARD OF TRADE.
SECRETARY'S OFFICE, THE BOURSE, ROOM 258,
PHILADELPHIA, February 21, 1907.

SIR: I have the honor of transmitting herewith certified copy of a preamble and resolutions adopted at the thirty seventh annual meeting of the National Board of Trade, held in Washington, D. C., January 15, 16, and 17, 1907.

You are respectfully requested to present same to your legislative body.

Very truly,

J. P. TUCKER, Secretary.

HOUSE JOINT MEMORIAL NO. 2.

WHEREAS, There is a general demand by the people of the United States and of the State of Oregon for the election of United States Senators by the direct vote of the people:

Therefore, be it Resolved, By the House of Representatives of the State of Oregon, the Senate concurring, that it is the sense of the people of this State that United States Senators should be elected by the direct vote of the people, and that the Congress of the United States is hereby memorialized to propose an amendment to the Constitution of the United States, providing for the election of United States Senators by the direct vote of the people, and to submit the same to conventions in the several states of the United States, called for the purpose, for ratification.

Be it further Resolved, That a copy of this memorial be sent to the Senate and House of Representatives of the United States, in Congress assembled, and to the legislatures of the several states of the Union by the Secretary of State.

Adopted by the House, January 28, 1907.

FRANK DAVEY,
Speaker of the House.

Concurred in by the Senate, February 4, 1907.

E. W. HAINES,
President of the Senate.

(Endorsed):
House Joint Memorial No. 2.

W. LAIR THOMPSON,
Chief Clerk.

Filed February 5, 1907.

F. W. BENSON,
Secretary of State.

UNITED STATES OF AMERICA, STATE OF OREGON.
OFFICE OF THE SECRETARY OF STATE.

I, F. W. BENSON, Secretary of the State of Oregon, and Custodian of the Seal of said State, do hereby certify: that the annexed page contains a full, true and complete copy of House Joint Memorial No. 2, adopted by the House of Representatives of the State of Oregon, January 28, 1907, and concurred in by the Senate of the State of Oregon February 4, 1907, original of which memorial was filed in this office February 5, 1907.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the Capitol at Salem, Oregon, this 5th day of February, A. D. 1907.

[SEAL]

F. W. BENSON, Secretary of State.

STATE OF OREGON, OFFICE OF THE SECRETARY OF STATE,
SALEM, February 14, 1907.

SIR: I have the honor to inclose herewith a copy of House Joint Memorial No. 2, adopted by the House of Representatives of the Twenty-fourth Legislative Assembly of the State of Oregon, January 28, 1907, and concurred in by the Senate, February 4, 1907, relating to the election of United States Senators by the direct vote of the people, which kindly transmit to the Legislative Assembly of your State, as therein provided.

Very respectfully,

F. W. BENSON, Secretary of State.

The Honorable Secretary of State, Sacramento, California.

NATIONAL BOARD OF TRADE,
SECRETARY'S OFFICE, THE BOURSE, ROOM 258,
PHILADELPHIA, February 11, 1907.

Extracts from the minutes of the thirty-seventh annual meeting of the National Board of Trade, held at Washington, D. C., January 15, 16, 17, 1907:

PURE FOOD LAWS.

WHEREAS, The conflicting food and drug laws of the respective states have seriously hampered interstate commerce in food and drug products and increased the labor and expense of conducting business; and

WHEREAS, The commercial interests of the country would be greatly subserved if the

food and drug laws of the respective states were made uniform and in conformity with the Federal food and drug law;

Resolved, That the National Board of Trade respectfully recommends to the legislatures of the respective states such modifications of their food and drug laws as will cause the definition of "adulteration" and "misbranding" to conform to such definitions in the Federal law.

Resolved, further, That in cases of dispute between importers and the United States Department of Agriculture, importers be accorded the right of appeal as provided for under Sections 14 and 15 of the Customs Administration Act of June 10, 1890.

Resolved, further, That a copy of this preamble and resolution be mailed to the President of the Senate and Speaker of the House of Representatives of each State of the Union.

[True copy.]

FRANK D. LA LANNE, President.
W. R. TUCKER, Secretary.

CONCONULLY, WASH., February 13, 1907.

To the Honorable President of the Senate and Speaker of the Assembly of the State of California:

GENTLEMEN: The Conconully (Washington) Commercial Club requests that you have placed on file the enclosed memorial, which has been introduced in the Washington Legislature. The Legislature of your State is asked to pass a similar memorial.

Yours most respectfully,

CONCONULLY COMMERCIAL CLUB.

WASHINGTON LEGISLATURE, TENTH REGULAR SESSION.

MEMORIAL NO. —

To His Excellency, Theodore Roosevelt, President of the United States of America; to the Honorable Senate and House of Representatives of the United States; and to the Honorable Secretary of Agriculture:

We, your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled (tenth regular session), most respectfully represent and pray as follows:

WHEREAS, The people of the State of Washington, in common with the people of the other States of the Union, are free and liberty-loving; and

WHEREAS, Arbitrary power and despotism are abhorrent to them; and

WHEREAS, The Honorable Secretary of Agriculture of the United States of America has usurped the powers, duties and functions of the law-making power of the government of the United States of America in issuing an arbitrary edict, or ukase, promulgated as a criminal code for the government of Federal Forest Reserves; and

WHEREAS, Said Secretary of Agriculture, in pursuance of his assumed and usurped autocratic power, has caused to be arrested, prosecuted, humiliated and disgraced a citizen of the State of Washington for an alleged violation of one of the provisions of said one-man made criminal code (see *United States vs Matthews*, 146 Fed. Rep. 306); and

WHEREAS, Said Secretary now threatens to criminally prosecute all citizens alleged to have violated his said criminal code; and

WHEREAS, The Congress of the United States has no constitutional power to delegate to any one man the making of criminal laws; and

WHEREAS, The Congress of the United States passed an Act entitled "An Act to provide for the entry of agricultural land within forest reserves," approved June 11, 1906 (34 Stat. 233); and

WHEREAS, Said Act, while beneficial to a limited extent, the same is wholly inadequate to accomplish the purposes for which it was enacted. Under said Act, a prospective homesteader (who is generally a man of limited means), coming from the East to the West to make settlement upon lands within the forest reserve, is not permitted to select for himself non-mineral land, such as to him is satisfactory for a permanent home, but is subjected to long delays, lasting months or years, before he can make his settlement, during which time there is an element of uncertainty as to whether or not he will ever be able to select the homestead desired by him; and as to whether or not a given piece of land is suitable for a homestead must be determined by some subordinate of the Agricultural Department, who, perhaps, is wholly ignorant of the local needs and necessities. Such intending homesteader is subject to the mere caprice, whim or lack of knowledge of such inspector as to the adaptability of the land for agricultural purposes; and said prospective settler, rather than be subjected to endless "rules and regulations," intolerable "red tape," and persistent petty exactions and pestering by departmental officers and underlings, is compelled to migrate to Canada in search of a home of his own for himself and family; and

WHEREAS, Boards of trade, commercial bodies, "booster" clubs and railway companies have distributed millions of pages of literature to induce settlers to acquire homes of their own on the public lands of the United States under the homestead laws; and

WHEREAS, In response to said advertising, tens of thousands of families have deserted their homes in the East, and now find themselves in a new country among strangers, with limited means, and are confronted with the fact that hundreds of thousands of

acres of public land suitable to be taken for homesteads have recently been withdrawn from settlement as forest reserves; and

WHEREAS, Now the serious question arises, "What shall such citizens and their families do?" and

WHEREAS, It is a gross injustice to make wholesale withdrawals of public lands from homestead settlement under the guise of "temporary withdrawals," with no regard as to whether or not such lands embrace timber or prairie lands, or lands necessary for forest reserve purposes; and

WHEREAS, Large portions of such lands so withdrawn are essentially agricultural lands; and

WHEREAS, The making of forest reserves out of lands less than 4500 feet in altitude above sea level retards and prevents the settlement and prosperity of the West, by reason of the facts, among other things, that home builders in the forest reserve will be isolated, without hope of near school or church privileges; without reasonable expectation of the making of suitable roads or the keeping of them in proper repair without extortionate individual expense and running the gauntlet of "red tape"; and

WHEREAS, For like reasons, to a large extent, there is a confiscation of the property of those who have heretofore acquired rights or titles to lands now within the forest reserve, it being a matter of common knowledge that the denser the population in a given community, the higher is the price of land; and conversely, the more isolated, the less valuable; and anything retarding or preventing settlement correspondingly decreases the value of the land; and

WHEREAS, There are large numbers of settlers who, for years, have resided upon unsurveyed lands who now find themselves within the boundaries of forest reserves, who, if from sickness or other unavoidable casualty are compelled to leave their homestead claims, will virtually lose the results of years of toil and their improvements, for the reason that when they quit their premises before making final proof, their lands will revert to the forest reserve; and in most instances no purchaser of the improvements can be found who is willing to become entangled in the meshes of forest reserve regulations; and

WHEREAS, Under the laws of this State, the possessor of land must surround it with a lawful fence, in order to recover damages to crops by cattle; therefore, the farmer or stock man living within or adjacent to a forest reserve, in order to protect his crops and pasturage from forest reserve cattle, must be to the expense of erecting and maintaining a lawful fence, while a forest reserve is not fenced, and is not proposed to be fenced; and the owner of outside cattle must, at his peril, fence or herd his cattle from out the forest reserve, or pay such price from year to year as shall suit the varying caprice of forest officers; and

WHEREAS, The making of forest reserves necessitates new and untried procedure, with consequent uncertainties and delays, in order for the settler on unsurveyed land therein to secure the survey of his land, before which he can not acquire title; and

WHEREAS, In 1866 Congress passed an Act, a portion of which now exists as Section 2477 of the United States Revised Statutes, which grants a free right-of-way across the public lands for the construction of highways, and which enables citizens and local state authorities to speedily construct roads as the necessities of new and quickly growing communities require, (see *Okanogan County vs. Cheetham*, 37 Wash. 682); and

WHEREAS, Said section does not apply to forest reserves; and

WHEREAS, Communities existing on opposite sides of a forest reserve are subject to intolerable delays in attempting to satisfy the requirements of far-distant officers of the government, in order to obtain a public highway between such communities and across such forest reserve, thereby retarding the development and prosperity of the country thus victimized; and

WHEREAS, It often happens that part of a homesteader's claim, by such indiscriminate withdrawals for forest reserves, is placed partly within and partly without the forest reserve, thereby harassing him with two sets of land laws, a variety of "regulations," and the usual governmental delays; and

WHEREAS, If such lands were in private ownership, they would be subjected to state and local taxation, and thereby contribute to the support of government in new states and new communities, where public revenues are generally inadequate to meet present needs; and the present makeshift provided by Congress as an offset for the loss of such just revenues from taxation being wholly inadequate and uncertain for the object intended hereby; and

WHEREAS, It has been the wise policy of the government for more than half a century to grant free water rights upon the public lands; and

WHEREAS, Very recently it has been determined to hamper the acquisition of water rights and rights-of-way within forest reserves, to the great detriment of the general public; and

WHEREAS, As great protection against the ravages of forest fires can be given outside of forest reserves as within them; and

WHEREAS, The Congress of the United States, in pursuance of a wise and liberal policy, in 1875 (18 Stat. 482), passed an Act granting to railroad companies generally rights-of-way across the public domain, with the right to take from adjacent land, material, earth, stone, and timber necessary for the construction of such railroads, etc., which Act has aided materially in the upbuilding of the West; and

WHEREAS, The Act of Congress of March 3, 1899 (30 Stat. 1233), granting rights-of-way for railroads across forest reserves does not grant the right to such railroad companies to

take material, earth, stone or timber necessary for the construction of such railroads; and WHEREAS, The making of a forest reserve segregates the land therein contained from the category of public land; and therefore said Act of March 3, 1875 (18 Stat. 482) does not apply thereto; and

WHEREAS, The needs of the people require the speedy building of electric railways; and

WHEREAS, The great source of water power for the operation of such railways, and the providing of electric lights and power for cities and towns, and for the operation of mines, is situated within the limits of forest reserves; and

WHEREAS, The present federal restrictions tend materially to defeat the accomplishment of these benign purposes, on account of such forest reserves; and

WHEREAS, The stock industry is impeded and discouraged by the creation of forest reserves, among other things, by the imposition of a pasturage tax and the uncertainty from year to year as to the amount of such tax, and the arbitrary and petty exactions inflicted by forest officers, high and low; and

WHEREAS, It is the avowed purpose of the forestry service to make the same self-supporting without any appropriation from Congress therefor and to recruit and organize an army of forestry officers, who must be supported and maintained from the income of the reserve, which means that the communities adjacent to such a forest reserve must pay the bill; and

WHEREAS, More than \$700,000 were wrested from such communities for such purposes during the last year, as against \$60,000 the year before; and

WHEREAS, It is now proposed to increase such exactions in like ratio from year to year; and

WHEREAS, Many hundreds of thousands of acres of land have been placed in forest reserves in a single county in this State, namely, Okanogan County, against the unanimous protest of the citizens of that county, as far as the recent temporary withdrawals are concerned; and

WHEREAS, The people of a local community can best be trusted to decide what is for their best interests and those of their children and their children's children;

THEREFORE, We most earnestly and respectfully protest against the making of said temporary withdrawals permanent, and ask that they be immediately set aside and that the lands therein described be at once restored to the public domain.

The Secretary of State is hereby directed to immediately transmit a certified copy of this memorial to His Excellency the President of the United States of America, to the President of the Senate and to the Speaker of the House of Representatives of the United States, to the Honorable Secretary of Agriculture, and to each of the Senators and Representatives in Congress from this State.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON INSURANCE AND INSURANCE LAWS.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 426—An Act to repeal Article XVI, of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and Sections 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LEAVITT, Chairman.

Senate Bill No. 426 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 802—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.

Also: Senate Bill No. 323—An Act to amend Sections 602 and 615 of the Code of Civil Procedure, both relating to jury trials.

Also: Assembly Bill No. 190—An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections.

Also: Assembly Bill No. 184—An Act to repeal Title VIII, of Part III of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said Code, relating to escheated estates.

Also: Assembly Bill No. 196—An Act to amend Section 1452 of the Code of Civil Procedure, relating to the possession of the property of deceased persons.

Also: Assembly Bill No. 275—An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.

Also: Assembly Bill No. 276—An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators.

Also: Assembly Bill No. 277—An Act to amend Sections 1622 and 1636 of the Code of Civil Procedure, and to repeal Sections 1623, 1624, and 1625 thereof, all relating to accounts of executors and administrators and the settlement of such accounts.

Also: Assembly Bill No. 279—An Act to amend Sections 1658, 1660, 1661, 1665, and 1668, and to repeal Section 1663 of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Also: Assembly Bill No. 288—An Act to amend Section 2012 of the Code of Civil Procedure, relating to affidavits.

Also: Assembly Bill No. 291—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Also: Assembly Bill No. 427—An Act to amend Section 954 of the Code of Civil Procedure, relating to the dismissal of appeals.

Also: Assembly Bill No. 273—An Act to amend Sections 1582, 1583, 1584, 1587, and 1589 of the Code of Civil Procedure, all relating to actions by or against executors or administrators.

Also: Assembly Bill No. 278—An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

Also: Assembly Bill No. 280—An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of the estates of deceased persons.

Also: Assembly Bill No. 282—An Act to repeal Sections 1733 and 1734, and to amend Section 1737 of the Code of Civil Procedure, all relating to public administrators.

Also: Assembly Bill No. 283—An Act to amend Sections 1750, 1753, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807, and 1809 of the Code of Civil Procedure, to repeal Sections 1752 and 1774 thereof, and to add a new section thereto, to be numbered 1760, all relating to guardians.

Also: Assembly Bill No. 284—An Act to repeal Title XIII of Part III of the Code of Civil Procedure and to substitute a new Title XIII to take the place thereof in said Code, relating to estates of missing persons.

Also: Assembly Bill No. 289—An Act to amend Sections 2043 and 2054 of the Code of Civil Procedure, both relating to the examination of witnesses.

Also: Assembly Bill No. 290—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.

Also: Assembly Bill No. 759—An Act to amend Sections 227, 228, and 229 of the Political Code, and to repeal Section 230 thereof, relating to the election of members of the Legislature.

Also: Assembly Bill No. 782—An Act to amend Section 1499 of the Code of Civil Procedure of the State of California, relating to claims against the estates of deceased persons.

Also: Assembly Bill No. 816—An Act to amend Section 1232 of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.

Also: Assembly Bill No. 817—An Act to amend Section 3198 of the Political Code, relating to the recording of trademarks.

Also: Assembly Bill No. 818—An Act to amend Section 1279 of the Code of Civil Procedure, relating to the filing in the office of the Secretary of State of a certified copy of a decree of court changing the name of a person or corporation.

Also: Assembly Bill No. 819—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Also: Assembly Bill No. 607—An Act to add two new sections to the Political Code, to be known as Sections 444 and 461, both relating to the General Fund.

Also: Assembly Bill No. 608—An Act to add a new section to the Political Code, to be known as Section 453a thereof, relating to donations to the State.

Also: Assembly Bill No. 611—An Act to amend Section 501 of the Political Code, relating to fees to be collected by the Register of the State Land Office.

Also: Assembly Bill No. 613—An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 69—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Also: Senate Bill No. 360—An Act to amend Section 1476 of the Penal Code, relating to the issuance of writs of habeas corpus and admission to bail, pending the determination thereof.

Also: Senate Bill No. 212—An Act to amend Sections 832, 836, 845, 848, 855, 859, 866, 867, 887, 892, 893, 895, 905, and 906 of the Code of Civil Procedure, and to repeal Section 837 thereof, all relating to civil actions in justices' courts.

Also: Senate Bill No. 328—An Act to amend Sections 646, 658, 659, 660, 661, and to renumber and amend Section 663½ of the Code of Civil Procedure, all relating to new trials.

Also: Senate Bill No. 316—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, and 449 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Also: Senate Bill No. 319—An Act to amend Sections 539, 553, 554, and 555 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Also: Senate Bill No. 322—An Act to amend Sections 581 and 585 of the Code of Civil Procedure, to repeal Section 582 thereof, as approved March 11, 1872, and to add two new sections thereto, to be numbered 582 and 583, all relating to judgments.

Also: Senate Bill No. 814—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Also: Senate Bill No. 402—An Act to amend Sections 90, 91, 92, 128, and 131, and to add certain new sections, to be known as and numbered Sections 108 and 128a, all of and to the Civil Code of the State of California, relating to divorce, the kinds thereof, and the grounds therefor.

Also: Senate Bill No. 845—An Act to amend Section 3680 of the Political Code of the State of California, relating to sale of land for taxes.

Also: Assembly Bill No. 19—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 1247, relating to the transcription of testimony taken at the trial of a criminal case.

Also: Senate Bill No. 855—An Act to amend Section 3495 of the Political Code of the State of California, relating to the public lands.

Also: Senate Bill No. 664—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered Section 1271a, relating to the subject of escheated estates.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

Also: Senate Bill No. 420—An Act to amend Section 1102 of the Code of Civil Procedure, relating to writs of prohibition—have had the same under consideration, and respectfully report the same back, and recommend that author be permitted to withdraw same.

LUKENS, Chairman.

Senate Bills Nos. 802, 323, 360, 212, 328, 316, 319, 322, 814, 402, 845, 855, and 664 ordered on file for second reading.

Assembly Bills Nos. 190, 184, 196, 275, 276, 277, 279, 288, 291, 427, 273, 278, 280, 282, 283, 284, 289, 290, 759, 782, 815, 817, 818, 819, 607, 608, 611, 613, 69, and 19 ordered on Assembly special file for second reading.

WITHDRAWAL OF BILL.

Senator Willis asked for and was granted unanimous consent to withdraw Senate Bill No. 420.

Senate Bill No. 420 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 343—An Act to amend an Act, approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions," by amending Sections 2 and 12, making provisions for enforcing the above Act, as amended, by appropriating money therefor—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Assembly Bill No. 640—An Act to add a new section to the Political Code, to be numbered Section 2295a, and relating to supplying the State Library with State publications for exchange purposes.

Also: Assembly Bill No. 777—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Judiciary.

Also: Assembly Bill No. 144—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego, and making an appropriation therefor.

Also: Assembly Bill No. 271—An Act to amend Section 2158 of the Political Code of the State of California, relating to the contingent fund at State hospitals.

Also: Assembly Bill No. 478—An Act making an appropriation to pay the claim of Frank Higgins for legal services rendered and expenses incurred by him as special counsel for the State of California from July 10 to October 21, 1905, in the matter of the extradition of Geo. D. Collins from British Columbia (the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law).

Also: Assembly Bill No. 486—An Act to appropriate money for the general improvement and completion of survey of the Lake Tahoe wagon road, and for the construction of restraining walls, culverts, bridges, and milestones thereon.

Also: Assembly Bill No. 626—An Act appropriating money for the purchase of books for the library of the Whittier State School.

Also: Assembly Bill No. 847—An Act to provide for the completion of a water tower at the Mendocino State Hospital, and to make an appropriation therefor.

Also: Assembly Bill No. 850—An Act to provide for the furnishing and equipment of a cottage for female patients to be erected on the premises of the Mendocino State Hospital, and making an appropriation therefor.

Also: Committee Substitute for Senate Bill No. 600—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.

Also: Senate Bill No. 270—An Act authorizing the regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 293—An Act appropriating money to the Auditing Board to the Commissioner of Public Works to be expended by and under the direction of said board for the purpose of purchasing and operating necessary dredges and machinery to be used in deepening and rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Also: Senate Bill No. 720—An Act to amend Section 7 of an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, relating to the age of the children referred to therein.

Also: Senate Bill No. 851—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, and amended March 6, 1889.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 82—An Act to encourage the propagation of striped bass in the State of California, and making an appropriation of \$10,000 therefor.

Also: Senate Bill No. 109—An Act to appropriate the sum of \$10,000 to pay the claim of Harve O. Waterman, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Also: Senate Bill No. 134—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.

Also: Senate Bill No. 152—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River, in Tuolumne County, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 502—An Act to appropriate \$20,000 out of any money in the State Treasury, not otherwise appropriated, to permanently drain Lake Earl, in Del Norte County.

Also: Senate Bill No. 806—An Act to pay the claim of John E. Toler, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that the committee substitutes for same do pass.

Also: Senate Bill No. 3—An Act making an appropriation for searching for beneficial insects.

Also: Senate Bill No. 266—An Act to provide for the investigation of the nature of the diseases known as pear blight and walnut blight, and to prevent, eradicate, and procure a cure for the same; and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations; making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Senate Bill No. 278—An Act making an appropriation for searching for beneficial insects.

Also: Senate Bill No. 412—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State Laboratory of Plant Pathology, and the appointment of a State Plant Pathologist for this purpose, and making an appropriation therefor.

Also: Senate Bill No. 524—An Act appropriating \$40,000 for carrying out the purposes of an Act approved March 18, 1905, and entitled "An Act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests, and branch agricultural experiment stations, and making an appropriation therefor."

Have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute for same be adopted.

Also Senate Bill No. 136—An Act to provide for making repairs and for additional equipment at the State Normal School of San Diego and making an appropriation therefor, have had the same under consideration and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

BELSHAW, Chairman.

Senate Bills Nos. 343, 600, 270, 293, 720, 851, 82, 109, 134, 152, 502, 806, 3, 266, 278, 412, and 524 ordered on file for second reading.

Assembly Bills Nos. 640 and 777 referred to Committee on Judiciary.

Assembly Bills Nos. 144, 271, 478, 486, 626, 847, and 850 ordered on Assembly special file for second reading.

WITHDRAWAL OF BILL.

Senator Wright asked for and was granted unanimous consent to withdraw Senate Bill No. 136.

Senate Bill No. 136 withdrawn and ordered stricken from file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 800—An Act to amend Section 1770 of the Political Code, relating to duties of county boards of education.

Also Assembly Bill No. 669—An Act to provide for the change of name of high school districts and union high school districts, and the manner of making such change.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also Assembly Bill No. 390—An Act to amend Section 1817 of the Political Code, relating to county and city and county school tax.

Also Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to text books, and providing for free use of text books.

Also Senate Joint Resolution No. 4—Relative to the issuance of currency by the United States on school bonds on the same terms as bank notes are issued to National banks.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

ANDERSON, Chairman.

Assembly Bills Nos. 800, 659, and 799 ordered on Assembly special file for second reading.

Assembly Constitutional Amendment No. 5 ordered on Assembly special file.

Senate Joint Resolution No. 4 ordered on file.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 109—An Act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction thereon of thence of sidewalks, sewers, manholes, bridges, culverts, gutters, tunnels, curbing, and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district and for the establishment of such districts, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SAVAGE, Chairman.

Assembly Bill No. 409 ordered on Assembly special file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 844—An Act to repeal Title XVI of Part IV of Division First of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called building and loan associations, and other similar corporations and associations, and prescribing penalties for the violation thereof.

Also: Assembly Bill No. 662—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602a, relating to corporations sole.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BROUGHTON, Chairman.

Assembly Bills Nos. 844 and 662 ordered on Assembly special file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 844—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

WELCH, Chairman.

Senate Bill No. 844 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 726—An Act to secure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California; to provide for the creation of a board of five members, who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

McKEE, Chairman.

Senate Bill No. 726 ordered on file for second reading.

RECESS.

At one o'clock P. M., on motion of Senator Wolfe, the President declared the Senate at recess until two o'clock and thirty minutes P. M.

RECONVENED.

At two o'clock and thirty minutes P. M. the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

CONSIDERATION OF DAILY SPECIAL FILE—THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relative to duties of the text-book committee.

Read third time on a previous day.

Amendments, pending since February 20, 1907, withdrawn by Senator Wright.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Anderson moved to refer to Senator Wright, as a special committee of one, to amend Assembly Bill No. 543 as follows:

Strike out of Section 1874, line 2a, page 1, the word "and," and insert in lieu thereof the following: "or."

Also: Strike out of Section 1874, line 2b, page 1, the word "adopted," and insert in lieu thereof the following: "adopting."

Also: Strike out of Section 1874, all of lines 124, 125, 126, and all in line 127 down to the word "known," and inserting the following: "7. The appropriation heretofore made."

Also: Strike out of Section 1874, line 131, the words "in this Act," and inserting in lieu thereof the following: "by law."

Also: In Section 1874, line 143, insert the following: "8" before the sentence beginning with "It."

Also: Amend Section 1874, line 158, by inserting the following: "excepting that of the salary of the secretary of the State Text-Book Committee," after the word "fund."

Also: Amend Section 1874, line 164, by striking out the figure "8," and inserting the figure "9."

Also: Amend Section 1874, line 176, by striking out the figure "9," and inserting the figures "10."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 543, with instructions to amend, respectfully reports the same back, amended as per instructions.

WRIGHT, Special Committee.

Amendment adopted.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

Assembly Bill No. 264—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 264 refused final passage by the following vote:

AYES—Senator Muentner—1.

NOES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Caminetti, Carter, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, Miller, Price, Rambo, Rolley, Sanford, Savage, Willis, Wolfe, and Wright—25.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 123—An Act to amend Sections 3, 9, 10, 12, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 123 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos,

McCartney, McKee, Nelson, Rambo, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 1—Amending Constitution relative to rights of suffrage.

On motion of Senator Wright, Assembly Constitutional Amendment No. 1 was temporarily passed on file, to retain its place.

Assembly Constitutional Amendment No. 7—Relative to county and township offices.

During the consideration of the constitutional amendment, the following amendment was offered by Senator Belshaw:

Amend by striking out of Section 5, line 13, the words "and petit jurors," and inserting the following: "and trial jurors in all courts."

Amendment adopted.

Also, offered by Senator Caminetti:

Strike out period at end of line 16, page 1, and insert "and mileage."

Amendment adopted.

Assembly Constitutional Amendment ordered to print as amended.

Assembly Bill No. 449—An Act to grant permission to the "Sacramento Society of California Pioneers" to erect a memorial building on the grounds of the Sutter's Fort Park, in Sacramento City.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 449 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Caminetti, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, Miller, Nelson, Price, Sanford, Savage, Welch, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 73—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 19, 1885," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 73 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Caminetti, Carter, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, McCartney, Miller, Muenster, Nelson, Rambo, Rolley, Rush, Sanford, Savage, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 148—An Act to amend Section 3627 of the Political Code of the State of California, relating to the assessments of property for taxation.

On motion of Senator McCartney, Assembly Bill No. 148 was temporarily passed on file, to retain its place.

Assembly Bill No. 67—An Act authorizing the regents of the University of California to hold farmers' institutes, and making appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 67 finally passed by the following vote.

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Caminetti, Carter, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, Muentner, Price, Rambo, Rolley, Sanford, Savage, Weed, Willis, Wolfe, and Wright—26.

NOES—Senator McCartney—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 235—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 235 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Caminetti, Greenwell, Kennedy, Leavitt, Lukens, Lynch, Mattos, Muentner, Nelson, Price, Rolley, Sanford, Savage, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 294—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 294 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Muentner, Nelson, Price, Rambo, Rolley, Rush, Sanford, Savage, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 295—An Act to provide for repairing the plumbing, installing new bathtubs and toilets, and laying a cement flooring, and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 295 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lukens, Markey, Mattos, McKee, Muentner, Nelson, Rolley, Rush, Sanford, Savage, Weed, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 237—An Act to amend an Act entitled "An Act to create a fireman's relief, health, life insurance and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 237 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Caminetti, Keane, Kennedy, Leavitt, Lukens, Markey, Mattos, Miller, Muenter, Nelson, Rolley, Rush, Sanford, Savage, Weed, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 370—An Act to amend Section 601 of the Code of Civil Procedure, relating to challenges in civil cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 370 refused final passage by the following vote:

AYES—Senators Anthony, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lukens, Markey, McKee, Nelson, Rolley, Sanford, Savage, Weed, and Willis—15.

NOES—Senators Anderson, Bates, Belshaw, Carter, Mattos, Miller, and Wright—7.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 103—An Act to amend Section 33½ of "An Act to establish a uniform system of county and township government."

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Rambo as a special committee of one, to amend as follows:

By inserting in Section 1, page 1, line 2, after word "government," the following: "as approved April 1, 1897, and the Act amendatory thereof approved March 20, 1905."

Also: Amend by striking out the period after the word "government" at the end of line 3 of the title of the bill, and inserting thereafter a comma and the words: "as approved April 1, 1897, and the Act amendatory thereof, approved March 20, 1905."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 103, with instructions to amend, respectfully reports the same back, amended as per instructions.

RAMBO, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

Assembly Bill No. 512—An Act regulating the hours of labor of women, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator McKee, Assembly Bill No. 512 was referred to Committee on Judiciary, to retain its place on file.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 12—An Act appropriating money for advertising and exploiting the State Fair.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 12 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 296—An Act to provide for laying a cement sidewalk on California Street, along the property of the Stockton State Hospital, in the City of Stockton, to appropriate money therefor, and to authorize the expenditure of the same.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Muentner moved a call of the Senate.

Motion carried.

Time, four o'clock P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Lukens, and Lynch—16.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and five minutes P. M., during the roll call, further proceedings under the call of the Senate were dispensed with, on motion of Senator Muentner.

The roll was called.

Whereupon the President pro tem. announced that Assembly Bill No. 296 was finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, McCartney, Miller, Muentner, Nelson, Price, Rambo, Rush, Sanford, Walker, Willis, and Wright—24.

NOES—Senators Belshaw, Carter, Curtin, Leavitt, Lukens, Lynch, Mattos, Rolley, Savage, Weed, Welch, and Wolfe—12.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 811, the same was taken up for consideration.

Senate Bill No. 811—An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code, in place thereof, relating to the establishment of a uniform system of county and township governments.

During the second reading of the bill, the following amendments were offered by Senator Carter:

Amend by striking out of Section 1, pages 128 and 129, lines 87 to 122, inclusive, of Section 4238 of the body of the bill, being the whole of Subdivisions 16, 17, and 18 of said section of the body of the bill.

Amendment adopted.

Also:

Amend by striking out of Section 1, page 127, lines 46 to 50, inclusive, of Section 4238, of the body of the bill, being the whole of Subdivision 11 of said section of the body of the bill, and inserting in lieu thereof the following:

11. The coroner, seventy-five dollars per month, and in addition thereto the board of supervisors shall allow the coroner his actual traveling expenses in the performance of his official duties within the county when called away from the county seat.

Amendment adopted.

Also:

Amend by striking out of Section 1, page 26, the whole of lines 15 to 31, inclusive, of Section 4238 of the body of the bill, being the whole of Subdivision 3 of said section of the body of the bill, and insert in lieu thereof the following:

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists, who shall be appointed by the recorder of said county and shall be paid as follows: One chief deputy at a salary of one hundred and fifty dollars per month, two deputies at a salary of seventy-five dollars per month each, and as many copyists as may be required, who shall receive as compensation the sum of five cents per folio for recording any instrument or notice except maps or plats, and for copies of any records or papers, five cents per folio. The salaries of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the county recorder is paid.

Amendment adopted.

Also:

Amend by striking out of Section 1, on page 118, commencing with line 4 of Section 4236 of the body of the bill; strike out all the remainder of said page, all of pages 119, 120, 121, and down to and including line 171 on page 122, and insert as follows:

1. The county clerk, twenty-four hundred dollars per annum. He shall have two deputies at a salary of fifteen hundred dollars per annum each; and two deputies at a salary of twelve hundred dollars per annum each; and two deputies at a salary of nine hundred dollars per annum each.

2. The sheriff, six thousand dollars per annum and all fees for services of processes issued without his county. He shall have an under-sheriff, whose annual salary shall be fifteen hundred dollars, and seven deputies, whose annual salary shall be twelve hundred dollars each per annum.

3. The recorder, twenty-one hundred dollars per annum. He shall have one deputy, whose annual salary shall be fifteen hundred dollars; and two deputies, whose annual salary shall be twelve hundred dollars each per annum; and one deputy, whose annual salary shall be nine hundred dollars per annum. He shall have such copyists as are necessary to perform the duties of the office, at a compensation of six cents per folio.

4. The auditor, twenty-one hundred dollars per annum; and one deputy at an annual salary of fifteen hundred dollars; and one deputy at an annual salary of twelve hundred dollars.

5. The treasurer, twenty-five hundred dollars per annum. He shall have a deputy at a salary of fifteen hundred dollars per annum.

6. The tax collector, two thousand dollars per annum. He shall have one deputy who shall receive fifteen hundred dollars per annum; and three deputies at an annual salary of twelve hundred dollars each per annum. He shall be allowed such fees in addition to his salary as are now allowed by law for the collection of license taxes.

7. The assessor shall receive four thousand dollars per annum for all services rendered as assessor. He shall have one deputy at an annual salary of fifteen hundred dollars; and he shall have not exceeding twenty deputies for three months in each year, whose per diem shall be four dollars each when actually employed, and six deputies for four months at a per diem of four dollars when actually employed. He shall have four

copyists for a period of four months each at fifty dollars per month each during such time. All sums collected by the assessor or his deputies, either as personal property taxes, or the fees allowed by law for the making of the military roll, shall be paid into the county treasury monthly as collected, with a statement of account of such collections.

8. The district attorney, three thousand dollars per annum. He shall have one deputy at a salary of fifteen hundred dollars per annum; and one deputy at a salary of twelve hundred dollars per annum. He shall also have a detective at a salary of one hundred dollars per month.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, twenty-four hundred dollars per annum. He shall have one deputy at an annual salary of twelve hundred dollars. The superintendent shall also be allowed actual traveling expenses when visiting the schools of his county.

12. The surveyor, two thousand dollars per annum in full compensation for all services as county surveyor, as road viewer or inspector, and his actual expenses when at work in the field. He shall have one deputy at an annual salary of twelve hundred dollars per annum.

13. Justices of the peace, the fees allowed by law.

13(a). The registered population of the several judicial townships of this county is hereby determined to be the registered vote as shown by the great register of the county in the office of the county clerk, January 1, 1907. The salaries of the constables in the several townships shall be determined by the registered voting population as shown by said register at the general election of the preceding even numbered year, and are as follows, to wit:

Judicial Township No. 1	366
Judicial Township No. 2	694
Judicial Township No. 3	5,796
Judicial Township No. 4	947
Judicial Township No. 5	1,043
Judicial Township No. 6	727
Judicial Township No. 7	919
Judicial Township No. 8	606
Judicial Township No. 9	353
Judicial Township No. 10	560
Judicial Township No. 11	93
Judicial Township No. 12	62
Judicial Township No. 13	437

The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid in the month of December bi-annually.

(b) For the purpose of regulating the compensation of the constables, townships of this class of counties are hereby classified according to the registered voting population as shown by the great register of the county. Townships having a registered voting population of five thousand and more shall belong to and be known as townships of the first class; townships having a like population of one thousand and less than five thousand shall belong to and be known as townships of the second class; townships having a like population of eight hundred and less than one thousand shall belong to and be known as townships of the third class; townships having a like population of five hundred and less than eight hundred shall belong to and be known as townships of the fourth class; townships having a like population of two hundred and fifty and less than five hundred shall belong to and be known as townships of the fifth class; townships having a like population of two hundred and fifty and less shall belong to and be known as townships of the sixth class.

14. Constables shall receive the following monthly salaries, to be paid each month as the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases, to wit:

In townships of the first class one hundred and twenty-five dollars.

In townships of the second class one hundred dollars.

In townships of the third class one hundred dollars.

In townships of the fourth class seventy-five dollars.

In townships of the fifth class sixty dollars.

In townships of the sixth class twenty dollars.

In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases; and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; provided further, that, where any constable is required to go out of his own county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage in going and returning outside of his own county at the rate of five cents per mile.

15. The supervisors shall receive each the sum of eighteen hundred dollars per annum, payable monthly in installments of one hundred and fifty dollars per month, in full compensation for all services rendered, either as supervisors or road overseers.

16. The salaries of all county and township officers shall be payable in installments monthly on the first day of each month.

Amendment adopted.

Also, offered by Senator Willis:

Amend by striking out of Section 1, pages 45 and 46, the whole of lines 1 to 12, inclusive, of Section 4099 of the body of the bill, and on line 13 of said section, on page 46, strike out the words "of the financial condition of the county."

Amendment adopted.

Also:

Amend by striking out of Section 4300, line 3, the figure "1" and inserting "4300a."

Amendment adopted.

Also:

By striking out the figure "2," on line 78, and inserting "4300b."

Amendment adopted.

Also:

By striking out the figure "3," in line 121, and inserting "4300c."

Amendment adopted.

Also:

By striking out the figure "4," in line 157, and inserting "4300d."

Amendment adopted.

Also:

By striking out the figure "5," in line 212, and inserting "4300e."

Amendment adopted.

Also:

By striking out all of lines 262, 263, and 264, and inserting the following: "4300f. Jurors' fees, except as in this title otherwise provided, shall be as follows."

Amendment adopted.

Also:

By striking out line 272 and inserting "4300g. Witness fees, except as in this title otherwise provided, shall be as follows."

Amendment adopted.

Also:

By striking out the figure "7," in line 290, and inserting "4300h."

Amendment adopted.

Also:

By striking out the figure "8," in line 302, and inserting "4300i."

Amendment adopted.

Also:

By striking out the figure "9," in line 305, and inserting "4300j."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 29, the whole of lines 1 to 5, inclusive, of Section 4049 of the body of the bill, being the whole of said section of the body of the bill, and inserting the following: "4049. Within ten days after each session of the board, it shall cause to be published a fair statement of all its proceedings."

Amendment adopted.

Also, offered by Senator Caminetti:

Amend by striking out of Section 1, pages 253 to 257, inclusive, lines 1 to 156, inclusive, of Section 4300 of the body of the bill, and inserting in lieu thereof the following:

4300. The following county, township, and other officers shall charge and collect the following fees:

1. *County Clerk.*

On the commencement of any action or proceeding in the Superior Court, except probate proceedings, or on an appeal thereto, to be paid by the party commencing such action or proceeding, or taking such appeal, five dollars.

For each paper or instrument thereafter filed, except as otherwise herein provided, ten cents.

For each paper or instrument thereafter filed and recorded, except as otherwise herein provided, fifteen cents per folio.

On the filing of a petition for letters of administration, testamentary, or guardianship, five dollars, to be paid by the petitioner.

For each paper or instrument thereafter filed, except as otherwise herein provided, ten cents.

For each paper or instrument thereafter filed and recorded, except as otherwise herein provided, fifteen cents per folio.

On filing the petition to contest any will or codicil, three dollars.

On the appearance of any defendant, or any number of defendants, answering jointly, to be paid upon filing the first paper in the action by him or them, two dollars.

On placing any action, excepting a probate proceeding or default case, on the calendar for trial or hearing, to be paid by the party at whose request such action or proceeding is so placed, two dollars.

For every additional defendant appearing separately, one dollar.

The foregoing fees shall be in full for all services rendered by such clerk in the cause, to and including the making up of the judgment roll.

On the filing of any notice of motion to move for a new trial of any civil action or proceeding, the party filing same shall pay to the clerk, in full for all services to be rendered in connection with said motion, except as hereinafter in this section provided, two dollars.

For issuing an execution or order of sale in any action, one dollar.

In all proceedings begun or acts performed prior to this section becoming a law, such fees and charges as were provided by law at the time such proceedings were begun or acts performed.

The clerk shall also charge and collect the following fees and compensation not above provided for:

For any copy of any record, proceeding, or paper on file in the office of the clerk relating to any civil action pending in said court, when such copy is made by him, per folio, ten cents.

For each certificate of the clerk, under the seal of the court, twenty-five cents.

For filing each claim in probate or insolvency proceedings, fifteen cents.

No fees shall be allowed or charged by the clerk for services rendered in any criminal case.

For services rendered by the clerk, not in connection with civil actions or proceedings in court, he shall charge and collect, for the benefit of the county, the following fees:

For issuing marriage licenses, one half to be paid to the county recorder, two dollars.

For filing and indexing articles of incorporation, three dollars.

For filing and indexing certificates of co-partnership, one dollar.

For filing and indexing all papers to be kept by him, other than papers filed in actions or proceedings in court and official bonds and certificates of appointment, each, twenty-five cents.

For issuing any license required by law, other than marriage licenses, one dollar.

For examining and certifying to a copy of any paper, record or proceedings prepared by another and presented for his certificate, fifty cents, and two cents per folio for comparing the said copy with the original.

For making satisfaction of or credit on judgment, twenty-five cents.

For receiving and filing remittitur from Supreme Court, fifty cents.

For administering each oath, without certificate, except in a pending action or proceeding, twenty-five cents.

For taking any affidavit, except in criminal cases, twenty-five cents.

For taking and approving each undertaking, and the justification thereof, except in criminal cases, fifty cents.

For searching records or files, for each year, one dollar.

For taking acknowledgment of any deed or other instrument, including the certificate, fifty cents.

For filing notices of appeal, and appeal bonds, each, twenty-five cents.

2. Sheriff.

For serving any process, writ, order, or paper, except as in this subdivision provided, required by law to be served by the sheriff, one dollar.

For serving a writ of attachment, execution, or order for the delivery of personal property, one dollar.

For taking any bond or undertaking, fifty cents.

For serving an attachment or execution on any ship, boat, or vessel, three dollars.

For keeping and caring for property under attachment or execution, such sum as the court may fix; *provided*, that no greater sum than three dollars per day shall be allowed to a keeper when necessarily employed.

For a copy of any writ, process, or paper actually made by him, when required or demanded according to law, per folio, twenty cents; *provided*, that when correct copies are furnished to him for use, ten cents per folio shall be charged for such copies.

For advertising sale of property and posting notice, exclusive of cost of publication, or furnishing notice for publication, each, one dollar.

For publication of notice in newspaper, the reasonable cost of publication, subject to the approval of the court.

For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupant, three dollars.

For subpoenaing witness, including copy of subpoena, each, forty cents.

For summoning trial jury of twelve or less, three dollars; for each additional juror, twenty-five cents.

For traveling in the service of any paper required by law to be served, for each mile actually and necessarily traveled, one way only, fifteen cents, when such travel can be made by rail; in other cases, twenty-five cents. No constructive mileage to be allowed.

For collecting money on execution, with or without levy, one per cent on the first thousand dollars or less, and one half of one per cent on all sums over one thousand dollars.

For executing and delivering sheriff's deed, two dollars and fifty cents.

For executing and delivering certificate of sale, one dollar.

For transporting prisoners to the county jail, the actual cost of such transportation.

For executing and delivering any other instrument, twenty cents per folio.

3. Recorder.

For recording every instrument, paper, or notice required by law to be recorded, per folio, fifteen cents.

For indexing every instrument, paper, or notice, for each name, fifteen cents.

For filing every instrument for record, and making the necessary entries thereon, twenty-five cents.

For each certificate under seal, twenty-five cents.

For every entry of discharge, credit, or release on the margin of record, and indexing same, fifty cents.

For searching the records of his office, for each year, one dollar.

For abstract of title, for each conveyance or incumbance, fifty cents.

For recording each map or plat, where the same is copied in a book of record, for each course, twenty cents.

For recording each map or plat, where the same is not copied in a book of record, one dollar.

For figures or letters on maps or plats, per folio, twenty cents; *provided*, that the fees for recording any map shall not exceed seventy-five dollars.

For taking acknowledgment of any instrument, fifty cents.

For recording marriage license, and certificate, to be paid by the county clerk, one dollar.

For recording transcript and all services in estray cases, one dollar.

For recording each mark or brand, fifty cents.

For administering each oath or affirmation, and certifying the same, twenty-five cents.

For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents.

The clerk, sheriff and recorder shall account for all fees in this section provided for, and the clerk, sheriff and recorder, unless otherwise provided by law, shall pay the same to the county treasurer on the first Monday of each month following their collection, as provided in this section.

MOTION.

On motion of Senator Mattos, the amendment offered by Senator Caminetti was ordered printed in the Journal as pending.

SPECIAL ORDER SET.

Senator Carter moved that the further consideration of Senate Bill No. 811, now up for second reading, be postponed and made a special

order for Wednesday, February 27, 1907, at three o'clock and thirty minutes P. M.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 26, 1907

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 820—An Act to repeal Sections 7 and 8 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to changing boundaries of and consolidation of municipal corporations.

Also: Senate Bill No. 807—An Act to amend Section 34 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to the expenses of making the assessment for work authorized by this Act.

Also: Senate Bill No. 575—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Also: Senate Bill No. 666—An Act to amend Section 20 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Also: Senate Bill No. 732—An Act to amend an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and dialects in criminal proceedings in cities, cities and counties, of one hundred thousand inhabitants," and to make said Act applicable to the counties of the second class of this State.

Also: Senate Bill No. 798—An Act to provide for suitable toilet rooms in certain foundries, and providing a penalty for a violation of this Act.

Also: Senate Bill No. 457—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Also: Senate Bill No. 195—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and as amended June 13, 1906, by amending Section 2 thereof, relating to a license tax upon corporations.

Also: Senate Bill No. 441—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Also: Committee Substitute for Senate Bills Nos. 238, 685, and 710—An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation.

Also: Senate Bill No. 639—An Act to amend Section 2644 of the Political Code of the State of California, relating to the allowing of claims by the board of supervisors.

Also: Senate Bill No. 829—An Act to add a new section to the Political Code, to be numbered Section 1361, and to amend Section 1367 of the Political Code, in relation to primary elections.

Also: Senate Bill No. 600—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert on taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.

And report that the same have been correctly engrossed.

BELL, for Chairman.

Senate Bills Nos. 820, 807, 575, 666, 732, 798, 457, 195, 441, 639, 829, 600 ordered on file for third reading.

Committee Substitute for Senate Bills Nos. 238, 665, and 710 ordered on file for third reading.

SENATOR CURTIN IN THE CHAIR.

At four o'clock and ten minutes P. M., Senator Curtin, of the Twelfth District, in the chair.

REPORTS OF SPECIAL COMMITTEES—(OUT OF ORDER).

The following reports of special committees were received and read:

ON WASHINGTON'S BIRTHDAY EXERCISES.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your Committee on Washington's Birthday Exercises, appointed pursuant to the following resolution:

Resolved by the Assembly, the Senate concurring, That the Senate and Assembly meet in joint session at an hour and place to be selected by the committee as hereinafter provided, on February 22d for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

Resolved, That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate to arrange a program of exercises, and to provide a place and fix the time of said joint meeting, said committees to be appointed by the Speaker and President of the Senate, respectively, and any expenses incurred to be paid equally by the Assembly and Senate out of their contingent funds.

Beg leave to report that exercises were conducted in the Assembly Chamber, on the evening of February 22d, and a program carried out which has already appeared in the Journal of this Senate, a joint session of the Senate and Assembly having been held on that occasion. Expenses were incurred as follows, to wit:

Printing	\$30 00
Music	60 00
Postage	4 30
Decorations	2 80
Clerk	25 00

Total expense incurred\$122 10

One half of which is payable out of the Contingent Fund of the Senate, and the remaining half out of the Contingent Fund of the Assembly.

Respectfully submitted,

BELSHAW,
SAVAGE,
CARTWRIGHT,
Committee of Senate.

Resolved, That the Controller be, and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate, and the State Treasurer is hereby authorized to pay the same, for the sum of \$61.05, in favor of J. Steppacher, the same being for the payment of bills attached.

Report and resolution read and referred to Committee on Contingent Expenses.

ON FISHERIES.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your Special Committee appointed to visit the public institutions of this State under resolution of January 29, 1907, respectfully report that the committee visited the fisheries at Sisson and made a thorough and careful inspection of same; that their actual expenses in so doing amounted to one hundred and fifteen dollars and twenty-five cents.

Resolved, That the sum of \$115.25 be and the same is hereby ordered paid out of the Contingent Fund of the Senate to Sergeant-at-Arms J. L. Martin, to pay the expense of each member, and the Controller is hereby directed to draw his warrant for the same and the Treasurer directed to pay the same.

LYNCH, Chairman.

Report and resolution read, and referred to Committee on Contingent Expenses.

REPORT OF JOINT COMMITTEE.

The following report of joint committee was received and read:

ON MEMORIAL RESOLUTIONS FOR THE LATE HON. JOHN J. BURKE.

We, your Joint Committee, appointed to draw up resolutions of respect to the memory of the late John Joseph Burke, beg leave to report as follows:

WHEREAS, In the course of divine destiny, the hand of death has claimed from among us an honored and beloved member, John Joseph Burke, and

WHEREAS, As a mark of respect to his memory, and in accordance with the wishes of our hearts to express the deep feeling of bereavement in our loss, we desire to make record thereof; now, therefore, be it

Resolved, That in the untimely demise of John Joseph Burke, the Legislature of California lost from its number a member of unimpeachable integrity, possessed of ability

of high order, tireless energy, and unselfish and high ideals. He had a genial wit, a solicitude for the rights of others, and a most lovable and kind disposition. His was a hand ever ready to assist where assistance was needed; his, a heart ready with sympathy, reaching beyond the lines of creed or party. Standing, as he did, at the threshold of a career, brilliant with promise, honored by attainment in the past, he was a type and symbol of the glory of a free land where no prince gives knighthood, but going forth with the accolade of a good mother, a man's deeds and manners confirm in him the only nobility we recognize, the nobility of personal worth. In thus feebly expressing the sentiment of our hearts, and handing down a record thereof for the years that are to come, we extend to the bereaved family of the deceased, our deep and sincere sympathy in their loss, and commend to ourselves and the generation of which he made one, the sweetness and genuine worth of his all too brief career; and be it further

Resolved, That a copy of this resolution be recorded in the Journal of this House, and a copy thereof be engrossed and sent to the family of the deceased.

J. P. TRANSUE.
JOHN W. STETSON.
FRANK R. DEVLIN.
C. P. CUTTEN.
W. L. MCGUIRE.
J. CLEM BATES.
E. I. WOLFE.
GUS. HARTMAN.
HENRY W. LYNCH.
H. S. G. MCCARTNEY.

Report and resolution unanimously adopted by rising vote.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of a motion to reconsider the vote whereby Assembly Bill No. 558—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books by the several counties or cities and counties of the State, was refused passage—the same was taken up for consideration, and on motion of Senator Caminetti, the further consideration postponed and made a special order for Wednesday, February 27, 1907, at eleven o'clock and thirty minutes A. M.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of a motion to reconsider the vote whereby Senate Bill No. 45—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator—was refused passage, the same was taken up for consideration, and on motion of Senator Sanford the further consideration postponed and made a special order for Wednesday, February 27, 1907, at eleven o'clock A. M.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of a motion to reconsider the vote whereby Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the rights of suffrage—was refused adoption, the same was taken up for consideration, and, on motion of Senator Wright, the further consideration postponed and made a special order for Wednesday, February 27, 1907, at eleven o'clock A. M.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Willis:

Resolved, That Section 2 of Article IV of the Constitution and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Willis be and he is hereby permitted to introduce Senate bills, to be numbered 919, 920, 921, 922, 923, 924, 925, 926, 927, and 928, and a Senate Constitutional Amendment, to be numbered No. 40.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bills, etc., were introduced:

By Senator Muentner: Senate Bill No. 919—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, relating to eminent domain and the purposes for which it may be exercised.

Bill read first time, and referred to Committee on Judiciary.

By Senator Willis (by request of Code Commission): Senate Bill No. 920—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter 1a, relating to the California Home for the Care and Training of Feeble-Minded Children.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 921—An Act to add a new article to Chapter III of Title I of Part III of the Political Code, to be known as Article XIV thereof, relating to the State Mining Bureau and the State Mineralogist, who shall perform the duties of his office of the control, direction, and supervision of the board of trustees of said bureau.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 922—An Act to repeal Article XIV of Chapter III of Title I of Part III of the Political Code, relating to sealers of weights and measures.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 923—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter 1b, relating to the Industrial Home of Mechanical Trades for the Adult Blind.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 924—An Act to add a new article to Chapter I of Title III of Part III of the Political Code, to be known as Article VII, relating to education.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 925—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter 11a, relating to the support and maintenance of orphans, half orphans, and abandoned children.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 926—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter IVa, relating to the State Commission of Horticulture, prescribing the powers, duties, compensation of the State Commissioner of Horticulture, and providing methods, means and penalties for the enforcement of such powers and duties.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 927—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter IVb, relating to the promotion of the horticultural interests of the State, by providing for county boards of horticulture.

Bill read first time, and referred to Committee on Judiciary.

Also (by request of Code Commission): Senate Bill No. 928—An Act to add an article to Chapter II of Title VI of Part III of the Political Code, to be known as Article X, relating to the Department of Highways, defining its duties and powers, and providing for the appointment and compensation of the officers and employes thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator McCartney: Senate Constitutional Amendment No. 40—Relating to the consolidation of cities.

Senate Constitutional Amendment referred to Committee on Municipal Corporations.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 716—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Also: Assembly Bill No. 846—An Act to provide for furnishing a cottage for male patients at the Mendocino State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 915—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

Also: Assembly Bill No. 557—An Act to amend section one hundred and seventy (170) of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Also: Assembly Bill No. 700—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered Section 1271a, relating to the subject of escheated estates.

Also: Assembly Bill No. 616—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof."

Also: Assembly Bill No. 702—An Act to promote the safety of employes and travelers upon railroads by limiting the number of hours of service of employes thereon, and to provide a penalty for the violation thereof.

Also: Assembly Bill No. 860—An Act to amend Section 590 of the Penal Code, and to add a new section to said Code, to be numbered Section 590a, relating to the removal, injury, destruction, breaking, or defacing of mile boards, posts, or stones, or guide posts on or near highways, to the punishment thereof, and to the disposition of fines collected therefor.

Also: Assembly Bill No. 869—An Act to amend Section 1154 of the Code of Civil Procedure, relating to commitment for contempt in civil actions.

Also: Assembly Bill No. 677—An Act to amend Section 249 of the Penal Code, relating to punishment of libel.

Also: Assembly Bill No. 891—An Act to add a new section to the Political Code, to be numbered Section 1671a, relating to the issue of bonds for the support of county high schools.

Also: Assembly Bill No. 261—An Act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

Also: Assembly Bill No. 765—An Act to amend Section 20 of an Act entitled "An Act to provide for the work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Also: Assembly Bill No. 779—An Act to provide for the purchase of a portrait of ex-Governor George C. Pardee by the State Board of Examiners, and to appropriate money therefor.

Also: Assembly Bill No. 825—An Act making an appropriation to pay for printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, schools, and other State institutions for the remainder of the fifty-eighth fiscal year.

Also: Assembly Bill No. 696—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Also: Assembly Bill No. 954—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," by adding a new section thereto, to be numbered Section 94, providing for the disposition of money raised by the sale of bonds under said Act whenever it appears to be impracticable to use said money for the purpose for which said bonds were voted.

Also: Assembly Bill No. 697—An Act transferring money from the General Fund to the Adult Blind Fund to meet a deficiency in said Adult Blind Fund caused by expenditures for unusual and urgent repairs to the buildings of the Home for the Adult Blind in Oakland, and directing the State Controller and State Treasurer to make such transfer.

Also: Assembly Bill No. 748—An Act making an appropriation of \$2,000, to be applied to the cost of grading, curbing with wood, macadamizing, and concrete guttering Hearst Avenue in Berkeley, along the northerly boundary of the grounds of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.

Also: Assembly Bill No. 578—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of such commission, and by amending Section 9 thereof, relating to the tenure of such commission.

Also: Assembly Bill No. 867—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 6 of said Act, and by adding a new section thereto, to be known as Section 6a, the latter relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by "An Act to provide for the establishment and quieting of titles to real estate in case of the loss or destruction of public records," approved June 16, 1906.

Also: Assembly Bill No. 582—An Act to provide for the protection and preservation of public highways from damage by storm and flood waters, and from the filling up and changes in the channels of rivers or streams, and to authorize the expenditure of public moneys for the purpose thereof, and preventing such changing of channels and injury to roads and highways, and also repealing the Act of April 1, 1897, providing for the protection and preservation of public highways from damage by storm waters and floods, etc., and all other Acts in conflict herewith.

Also: Assembly Bill No. 484—An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries, and provide for the expense of the establishment and maintenance thereof.

Also: Assembly Bill No. 893—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written-up passbook, or bank-book, or statements of his deposit account within a certain time, or be concluded thereby.

Also: Assembly Bill No. 831—An Act fixing the price, terms, and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment for offenses under the same.

Also: Assembly Bill No. 552—An Act providing for the disposition of actions and proceedings in which the proceedings upon the trial thereof have been lost or destroyed by conflagration or other public calamity.

Also: Assembly Bill No. 304—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1675, relating to the issuance of diplomas to the graduates of the high schools of the State entitling the holders thereof to enter the University of California.

Also: Assembly Bill No. 156—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes, the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposition of the bonds thereof, and the determination of their validity, and making

provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1901.

Also: Assembly Bill No. 855—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Also: Assembly Bill No. 812—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, the Act or Acts supplemental or amendatory thereof, or the Act or Acts of which said Act is supplemental or amendatory; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said Act or Acts.

Also: Assembly Bill No. 894—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349½, relating to books or records of any bank, banker, trust company, or savings and loan society that have been lost or destroyed by conflagration, earthquake, or other public calamity, and prescribing a time within which certain actions shall be commenced.

Also: Assembly Bill No. 531—An Act to regulate the traffic in food, drugs, medicines, and beverages, and to prevent the fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions.

Also: Assembly Bill No. 934—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Also: Senate Bill No. 382—An Act to amend the Political Code by adding thereto three new sections, to be numbered 759, 760, and 761, relating to fees of clerks of District Courts of Appeal, the disposition thereof and settlement therefor by said clerks, and creating a library fund in said District Courts of Appeal.

Also: Senate Bill No. 126—An Act concerning trespassing animals upon private lands and the recovery of damages resulting therefrom.

Also: Senate Bill No. 124—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of the municipalities of the sixth class.

Also: Senate Bill No. 384—An Act to convert, transfer, and return to the General Fund of the State treasury, all unexpended moneys heretofore appropriated for the care, management, or improvement, or for any other purpose, with reference to the "Yosemite Valley and Mariposa Big Tree Grove," or any money which may be or hereafter come into the "Yosemite Valley and Mariposa Big Tree Grove."

Also: Senate Bill No. 385—An Act to repeal an Act entitled "An Act to provide for the management of the 'Yosemite Valley and Mariposa Big Tree Grove,'" approved April 15, 1880, and all Acts amendatory thereof or supplementary thereto.

Also: Senate Bill No. 386—An Act to repeal Sections 357, 3584, 3585, and 3586 of the Political Code, relating to the "Yosemite Valley and the Mariposa Big Tree Grove."

Also: Senate Bill No. 236—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Also: Senate Bill No. 5—An Act making an appropriation to be used under the provisions of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, approved March 16, 1889.

Also: Senate Bill No. 275—An Act to appropriate money to protect the banks of the Eel River from erosion by means of jetty work and riprap along the banks thereof.

Also: Senate Bill No. 119—An Act to amend the Penal Code of California by adding four new sections thereto, to be numbered Section 597a, Section 597b, Section 597c, and Section 597d, relating to docking of horses' tails, and providing a punishment therefor.

Also: Senate Bill No. 224—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Also: Senate Bill No. 225—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Also: Senate Bill No. 226—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Also: Passed as a case of urgency, Senate Bill No. 848—An Act making an appropriation to pay the expenses of legislative printing for the thirty-seventh session.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 716, 677, 261, 765, 867, 893, and 894 read first time, and ordered on Assembly special file without reference to committee.

Assembly Bills Nos. 846, 779, 825, 697, and 748 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 915, 700, 860, 869, 578, 552, and 304 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 557 read first time, and referred to Committee on County Government.

Assembly Bills Nos. 616 and 954 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 702 read first time, and referred to Committee on Labor, Capital and Immigration.

Assembly Bill No. 891 read first time, and referred to Committee on Education.

Assembly Bill No. 696 read first time, and referred to Committee on Military Affairs.

Assembly Bill No. 582 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 484 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 831 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bills Nos. 156, 855, and 531 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 812 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 934 read first time, and referred to Committee on Elections and Election Laws.

Senate Bills Nos. 382, 126, 124, 384, 385, 386, 236, 5, 275, 119, 224, 225, 226, and 848 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and passed as amended Senate Bill No. 29—An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor—and respectfully ask your honorable body to concur in said amendments.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 29?"

At the end of page 2 of the printed bill add the following:

Seventh. In the case of confectionery: If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor, or compound, or narcotic drug.

Also: Before the word "reduce," in line 22, page 2 of the printed bill, insert the word "injuriously," and before the word "lower," in line 22, page 2 of the printed bill, insert the word "injuriously."

Also: At the end of line 17, Section 1, page 2 of the printed bill, strike out the period (.), and insert in lieu thereof the following: "; provided, that no article of food shall be deemed adulterated, mislabeled, or misbranded within the provisions of this Act, when prepared for export beyond the jurisdiction of the United States and prepared or packed according to specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if such foods shall be in fact sold, or kept or offered for sale for domestic uses and consumption, then this proviso shall not exempt said article from the operation of any provisions of this Act."

The roll was called, and the above Assembly amendments to Senate Bill No. 29 concurred in by the following vote:

* AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Markey, Mattos, McCartney

McKee, Miller, Muentner, Nelson, Price, Rambo, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—31.
 NOES—None.

Senate Bill No. 29 ordered to enrollment.

BILLS RECALLED FROM COMMITTEE AND ORDERED ON FILE.

On motion of Senator Anthony, Senate Bill No. 733—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, and 2112, all of the Political Code of the State of California, relating to the National Guard—was recalled from Committee on Finance and ordered on file.

On motion of Senator Willis, Assembly Bill No. 801—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company—was recalled from Committee on Judiciary and ordered on file.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Willis asked for and was granted unanimous consent to have Assembly Bill No. 758 taken up for the purpose of amendment.

Assembly Bill No. 758—An Act to amend Section 290 of the Civil Code, relating to the contents of articles of incorporation of corporations.
 Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Price as a special committee of one to amend as follows:

By striking out of Section 1, page 2, line 53, the word "sufficient," and inserting in lieu thereof the following: "succinct."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 758, with instructions to amend, respectfully reports the same back, amended as per instructions.

PRICE, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

Senator Willis asked for, and was granted, unanimous consent to have Senate Bill No. 783 taken up for the purpose of amendment.

Senate Bill No. 783—An Act to add three new sections to the Code of Civil Procedure of the State of California, to be known as numbers 953a, 953b, and 953c, relating to a new and alternative method for the preparation of records to be used on appeals, judgments, orders, or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Price, as a special committee of one, to amend as follows:

By striking out of Section 3, page 1, line 4, the words "on all," and inserting in lieu thereof the following: "Where, on."

Also: By striking out of Section 3, page 3, lines 6 and 7, the words "under the provisions of section nine hundred fifty-three c of this Code," and inserting in lieu thereof the following: "the appellant elects to avail himself of the provisions of the three preceding sections."

Also: By striking out of Section 3, page 3, line 10, the word "from," and inserting in lieu thereof the following: "to"

Also: By striking out of Section 3, page 3, line 14, the word "may," and inserting in lieu thereof the following: "must."

Also: By inserting in Section 3, page 3, line 15, between the word "or" and the word "supplement" the following: "in a."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 783, with instructions to amend, respectfully reports the same back, amended as per instructions.

PRICE, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senator Sanford asked for and was granted unanimous consent to have Assembly Bill No. 591 taken up for the purpose of amendment.

Assembly Bill No. 591—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905.

During second reading of bill, the following amendments were offered by Senator Sanford:

Amend Section 2, by adding after the end of line 29 the following: "Petition shall be heard in the order of filing."

Amendment adopted.

Also:

Amend by striking out of Section 5, lines 5 and 6, the words "and may change or alter the boundaries of said district to conform to the needs of the district."

Amendment adopted.

Also:

Amend by striking out of Section 5, line 7, the word "may" and insert the word "must"; strike out in line 7, the words "in its discretion."

Amendment adopted.

Also:

Amend Section 5, line 7, by adding after the word "district" the following: "As petitioned for."

Amendment adopted.

Also:

Amend Section 8, line 34, by adding after the word "and" the following: "upon approval by a majority of the electors."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senator Belshaw asked for and was granted unanimous consent to have Senate Bill No. 840 taken up for the purpose of amendment.

Senate Bill No. 840--An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of California, 1850-1907, inclusive.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 3, line 3, strike out the period after the word "office," and insert in lieu thereof a semicolon, and after said semicolon, when inserted, insert the following: "*provided, however,* that the State Board of Examiners shall have the authority to invite bids of outside printing houses for the publication of said index, and in case any bid so obtained is less than the cost of said printing as estimated by the office of the State Superintendent of Printing, said printing may be awarded to said outside printing house making a lower bid than said cost as so estimated; *and provided further,* that said Board of Examiners shall have authority to reject all bids of said outside printing houses."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senator Carter asked for and was granted unanimous consent to have Senate Bill No. 800 taken up for the purpose of amendment.

Senate Bill No. 800—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Carter moved to refer to Senator McKee, as a special committee of one, to amend as follows:

Insert in line 61, page 3 of the printed bill, after the word "thousand," the word "dollars."

Also: Strike out of line 154, page 5 of the printed bill, the word "seventy," and insert in lieu thereof the word "seventy-five."

Also: Strike out the period following the figures "1907," in line 186, page 6 of the printed bill, and insert in lieu thereof a semicolon. Also, strike out the capital "A" in the word "and" following, and insert a small "a."

Also: Strike out the comma following the word "year," in line 192, page 6 of the printed bill, and insert in lieu thereof a period. Also, strike out the small letter "t" in the word following, and insert in lieu thereof a capital letter "T."

Also: Insert after the word "month," in line 300, page 9 of the printed bill, a period. Also, strike out the small letter "s" from the word following, and insert in lieu thereof a capital letter "S."

Also: Strike out the comma following the word "shall," in line 301, page 9 of the printed bill.

Also: Strike out the word "and," in line 304, page 9 of the printed bill.

Also: Insert a comma after the word "deputy," in line 305, page 9 of the printed bill.

Also: Strike out the word "and," in line 325, page 10 of the printed bill.

Also: Strike out the word "and," in line 419, page 12 of the printed bill.

Also: Insert after the word "attorney," in line 217, page 7 of the printed bill, a comma and the following: "*provided,* that nothing herein contained shall be construed as limiting the provisions of Section 4344 of the Political Code, or Section 228 of the County Government Act."

Also: Strike out of line 128, page 5 of the printed bill, the words "three dollars and fifty cents," and insert in lieu thereof the following: "four dollars."

Also: Strike out of line 178, page 6 of the printed bill, the words "three dollars and fifty cents," and insert in lieu thereof the following: "four dollars."

Also: Strike out of line 181, page 6 of the printed bill, the words "three dollars and fifty cents," and insert in lieu thereof the following: "four dollars."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 800, with instructions to amend, respectfully reports the same back, amended as per instructions.

McKEE, Special Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

INTRODUCTION OF CONCURRENT RESOLUTIONS—(OUT OF ORDER).

The following Senate Concurrent Resolutions were introduced:

By Senator Rolley: Senate Concurrent Resolution No. 17—Relative to the consent of the Legislature to the absence of His Excellency, Hon. James N. Gillett, Governor of the State of California, for more than sixty (60) days.

Senate Concurrent Resolution ordered on file without reference to committee.

By Senator Rolley: Senate Concurrent Resolution No. 18—Relative to the consent of the Legislature to the absence of Hon. Warren R. Porter, Lieutenant-Governor of the State of California, for more than sixty (60) days.

Senate Concurrent Resolution ordered on file without reference to committee.

COMMUNICATION—(OUT OF ORDER).

The following telegram was read by the acting President, and ordered printed in the Journal:

SAN FRANCISCO, February 20, 1907.

Hon. Edward I. Wolfe, President pro tem. Senate, Sacramento.

Carmen's Union, Division No. 205, extend their heartfelt thanks to the Senators thirty-seventh session for the passage of Senate Bill No. 547, in the interest of the street-car men.

J. H. BOWLING, Secretary-Treasurer.

WILLIAM C. LEFFINGWELL, President pro tem.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Assembly Bill No. 258—An Act to authorize the State Board of Charities and Corrections to send its secretary and any of its members as delegates to the National Conference of Charities and Corrections, and to the National Prison Congress of the United States, and to visit the charitable and correctional institutions of other States, and to pay the necessary expenses thereof.

Also: Assembly Bill No. 420—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes, and for the supervision of all societies or organizations engaged in such work, and known as children's home finding societies.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LYNCH, Chairman.

Assembly Bills Nos. 258 and 420 ordered on Assembly special file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 177—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known and designated as Section 995, relating to the sale and transfer of hops, and the amount to be deducted as tare—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUKENS, Chairman.

Assembly Bill No. 177 ordered on Assembly special file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, February 26, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

Resolved. That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate, and the State Treasurer is hereby authorized to pay the same, for the sum of \$61.05, in favor of J. Steppacher, the same being for the payment of bills attached.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Miller, Muentner, Nelson, Price, Rolley, Rush, Sanford, Walker, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

ADJOURNMENT.

At five o'clock P. M., on motion of Senator Leavitt, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Wednesday, February 27, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVE OF ABSENCE.

Senator Irish was, on his own motion, granted leave of absence for this day.

READING OF JOURNAL.

During the reading of the Journal of Tuesday, February 26, 1907, the further reading was dispensed with, on motion of Senator Mattos.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 32, the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT No. 32.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, to be numbered Section 23a, of Article IV thereof, relating to limitation of the expense of employes of the Senate and Assembly.

The Legislature of the State of California, at its regular session, commencing on the seventh day of January, nineteen hundred and seven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that a new section be added to the Constitution of the State of California, to be numbered Section 23a, of Article IV thereof, to read as follows:

Section 23a. The Legislature may also provide for the employment of help; but in no case shall the total expense for officers, employes and attachés exceed the sum of five hundred dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session, nor shall the pay of any officer, employé or attaché be increased after he is elected or appointed.

Senate Constitutional Amendment read.

The question being on the adoption of the constitutional amendment.
The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, ten o'clock and twenty-five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At ten o'clock and thirty-seven minutes A. M. Senator Welch moved that further proceedings under the call of the Senate be dispensed with.

Motion lost.

At ten o'clock and forty minutes A. M., Senator Sanford was brought to the bar of the Senate, and, on motion of Senator Leavitt, was excused for absence from the Senate Chamber.

At ten o'clock and forty-two minutes A. M. Senator Welch moved that further proceedings under the call of the Senate be dispensed with.

Motion lost.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and forty-five minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe. The roll was called.

Whereupon the President announced that Senate Constitutional Amendment No. 32 was refused adoption by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Hartman, Keane, Leavitt, Lukens, Mattos, McCartney, McKee, Rambo, Reily, Rolley, Walker, Weed, Willis, and Wright—24.

NOES—Senators Carter, Curtin, Greenwell, Kennedy, Lynch, Markey, Miller, Muentner, Nelson, Price, Rush, Sanford, Savage, Welch, and Wolfe—15.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 32 was this day refused adoption.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employes of the Senate and Assembly—the same was taken up for consideration, and, on motion of Senator Lukens, the further consideration of Senate Constitutional Amendment No. 16 was postponed and made a special order for Thursday, February 28, 1907, immediately after the consideration of the motion to be made by Senator Wolfe to reconsider the vote whereby Senate Constitutional Amendment No. 32 was this day refused adoption.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 108—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California.

Also: Senate Bill No. 723—An Act to amend Section 324 of the Civil Code, relating to the transfer of stock in corporations.

Also: Senate Bill No. 702—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3571½, relating to the public lands of this State.

Also: Senate Bill No. 151—An Act providing for the disposition of actions and proceedings in which the proceedings upon the trial thereof have been lost or destroyed by conflagration or other public calamity.

Also: Senate Bill No. 731—An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries, and provide for the expense of the establishment and maintenance thereof.

Also: Senate Bill No. 561—An Act to validate the organization and incorporation of municipal corporations.

Also: Senate Bill No. 603—An Act to add a new section to the Penal Code of the State of California, to be known as Section 310, relating to selling of cigarettes, cigarette tobacco, and cigarette papers.

Also: Senate Bill No. 444—An Act to amend Section 634 of the Penal Code of the State of California, relating to the protection and preservation of fish.

Also: Senate Bill No. 737—An Act providing for the appointment of a highway commission in any county in the State, declaring the powers and duties of such commission, and providing for the laying out, construction, straightening, improvement, and repair of main public highways, providing for the acceptance of donations, and for voting, issuing and selling county bonds to pay for such work and improvements, and authorizing cities and towns to improve the portions of such public highways within their corporate limits, and to issue and sell bonds therefor.

Also: Senate Bill No. 518—An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of said gardener.

Also: Senate Bill No. 786—An Act to provide for the construction and maintenance of a fire boat for the protection of shipping, and appropriating money therefor.

Also: Senate Bill No. 824—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches, a misdemeanor.

Also: Senate Bill No. 784—An Act to amend the Civil Code by adding a new title thereto, to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1425, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, 1426q, and 1426r, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working rights of way, easement and drainage of mines within the State of California," approved March 11, 1891.

Also: Senate Bill No. 510—An Act to add a new section to the Civil Code, to be known as Section 2758, to compel insurance companies to pay the full amount of the loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulation in such policies to the contrary.

Also: Senate Bill No. 511—An Act to add a new section to the Civil Code, to be known as Section 2759, relating to fire insurance companies.

Also: Senate Bill No. 242—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding two new sections thereto, to be numbered 4463 and 4464, requiring persons, firms, associations, or corporations in this State engaged in the business of loaning money, receiving deposits, banking, or insurance in any form, to publish certain reports, and prescribing a penalty for failure or neglect to do so.

Also: Senate Bill No. 812—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bond; and defining the duties of State officers in relation thereto; making an appropriation of \$1,000 for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 813—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin and extending to Islais Creek, in the City and County of San Francisco, and extending their jurisdiction over the same.

Also: Senate Bill No. 819—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid.

Also: Senate Bill No. 826—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of the central ward building, to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same," approved March 25, 1903, and to change and redirect the manner of expenditure thereof.

Also: Senate Bill No. 831—An Act to provide for the survey, location, plans, and estimates of costs of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.

Also: Senate Bill No. 822—An Act to provide for the payment of attorneys' fees in justices' courts and other inferior courts.

Also: Senate Bill No. 237—An Act to amend Section 1200 of the Code of Civil Procedure, relating to mechanics' liens.

Also: Senate Bill No. 751—An Act to amend Section 4178 of the Political Code, relating to the duties of the county clerks.

Also: Senate Bill No. 815—An Act amendatory of and supplemental to an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,'" approved March 2, 1867, approved March 30, 1868 approved March 12, 1885.

Also: Senate Bill No. 808—An Act to increase the number of judges of the Superior Court of the County of Tulare, and to provide for the appointment of an additional judge.

Also: Senate Bill No. 805—An Act to amend Section 1662 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Also: Senate Bill No. 790—An Act to add a new section to the Political Code, to be numbered 1671a, and relating to the issue of bonds for the support of county high schools.

Also: Senate Bill No. 206—An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.

Also: Senate Bill No. 214—An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property.

Also: Senate Bill No. 327—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions.

Also: Senate Bill No. 358—An Act to amend Section 1467 of the Penal Code of California, relating to the taking, hearing, and determination of appeals to the Superior Court in criminal actions.

Also: Senate Bill No. 356—An Act to amend Section 687 of the Penal Code of California, relating to prosecutions for the same offense after prior convictions or acquittals in criminal actions.

Also: Senate Bill No. 326—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees.

Also: Senate Bill No. 329—An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

Also: Senate Bill No. 796—An Act to amend Section 2349 of the Political Code, and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

Also: Senate Bill No. 265—An Act to amend Sections 626, 626a, 626d, 626g, 626j, 627b, and 637a of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637b, all relating to the protection and preservation of game and fish.

Also: Committee Substitute for Senate Bills Nos. 21 and 394—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, except under certain stated conditions and restrictions.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 108, 723, 702, 151, 731, 561, 603, 444, 737, 518, 786, 824, 784, 510, 511, 242, 812, 813, 819, 826, 831, 822, 237, 751, 815, 808, 805, 790, 206, 214, 327, 358, 356, 326, 329, 796, and 265 ordered on file for third reading.

Committee Substitute for Senate Bills Nos. 21 and 394 ordered on file for third reading.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 407—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued license to practice in all the courts of this State—the same was taken up for consideration, and, on motion of Senator Savage, postponed and made a special order for Thursday, February 28, 1907, at eleven o'clock A. M.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Committee Substitute for Senate Bill No. 21 and Senate Bill No. 394, the same was taken up for consideration.

Committee Substitute for Senate Bill No. 21 and Senate Bill No. 394—An Act to establish a standard form of insurance policy and to prevent variations therefrom, except under certain stated conditions and restrictions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Committee Substitute for Senate Bills Nos. 21 and 394 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, Miller, Muentner, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this hour, being the consideration of Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California—the same was taken up for consideration, and, on motion of Senator Anthony, postponed and made a special order for Friday, March 1, 1907, at eleven o'clock A. M.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and fifty-five minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Wolfe, the hour of recess was extended thirty-five minutes.

CONSIDERATION OF SPECIAL ORDER ON MOTION TO RECONSIDER.

The hour having arrived for the consideration of the special order heretofore set for this day, and in compliance with his notice given on February 18, 1907, Senator Sanford moved that the vote whereby Senate Bill No 45—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator—was refused passage, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Sanford moved a call of the Senate.

Motion duly seconded.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Kennedy, Lynch, Mattos, McKee, Miller, Price, Rush, Sanford, Walker, Welch, and Wolfe—20.

NOES—Senators Bates, Belshaw, Broughton, Keane, Leavitt, Lukens, McCartney, Reily, Rolley, Weed, Willis, and Wright—12.

Time, twelve o'clock and forty-eight minutes P. M.

The Acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Miller, Price, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At one o'clock and three minutes P. M. further proceedings under the call of the Senate were dispensed with, on motion of Senator Belshaw.

The roll was called.

Whereupon the Acting President announced that the motion to reconsider the vote whereby Senate Bill No. 45 was heretofore refused passage was lost, by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Hartman, Kennedy, Mattos, McKee, Miller, Rush, Sanford, Walker, and Welch—17.

NOES—Senators Anderson, Bates, Broughton, Carter, Greenwell, Keane, Leavitt, Lukens, Lynch, McCartney, Price, Reily, Rolley, Weed, Willis, Wolfe, and Wright—17.

Bill ordered transmitted to the Assembly.

MOTION.

On motion of Senator Willis, the following was ordered printed in the Journal:

PRELIMINARY REPORT OF SENATE JUDICIARY SUB-COMMITTEE ON CODE REVISION ON THE MUNICIPAL CORPORATIONS BILL.

SACRAMENTO, February 27, 1907.

To the Senate Judiciary Committee.

GENTLEMEN: Your sub-committee on code revision bills beg leave to make this preliminary report, explaining the provisions of the Municipal Corporations Bill, Senate Bill No. 863:

The subject of the title has been changed from "The Government of Cities" to "Municipal Corporations," and the latter phrase has been employed generally throughout the title, instead of the word "cities," "city and county," or "towns." There can be no confusion as between cities and counties, from the use of this term, the Supreme Court having held that counties are not municipal corporations within the meaning of Section 6, Article XI of the Constitution (*People vs. Sacramento*, 45 Cal. 692; *People vs. McFadden*, 81 Cal. 489), and that the city and county of San Francisco is a municipal corporation within the meaning of said section and article. (*Dennan vs. Broderick*, 111 Cal. 96; *Kahn vs. Sutor*, 114 Cal. 316; *People vs. Babcock*, 114 Cal. 559.)

The chapters of the title have also been rearranged and renumbered, which was rendered necessary by the incorporation of the general provisions of the Act of March 13, 1883, "to provide for the organization, incorporation and government of municipal corporations" (Stats. 1883, 93), and of numerous other Acts hereinafter referred to. That portion of the Municipal Corporations Act providing forms of charters for the various classes of cities is of doubtful utility, since the amendment of Section 8, Article XI, of the Constitution, allowing any city containing a population of more than thirty-five hundred inhabitants to frame a charter for its own government, and of Section 6, Article XI, providing that such charters, in so far as they relate to "municipal affairs," take precedence over general laws. It seems useless to cumber the code with matter so little likely to be of benefit, and those charters applicable to cities of the first, second, third and fourth classes (all such cities being included in constitutional privilege of framing their own charters) have, therefore, been omitted. The charters applicable to cities of the fifth and sixth classes have been retained, as many cities are now operating under those provisions.

Sec. 4350. When may incorporate.

Sec. 4351. How may incorporate.

Sec. 4352. Election, how conducted.

Sec. 4353. How may reincorporate.

Sec. 4354. Effect of reorganization.

The preceding five sections were Sections 1, 2, 3, 4, and 5 of the Municipal Corporations Act of March 13, 1883. (Stats. 1883-93.)

Sec. 4355. Reorganization of city acting under charter.

The preceding section was Section 1 of the Act of March 27, 1897 (Stats. 1897, 200). While it is deemed of doubtful utility, it is inserted for the consideration of the Legislature.

Sec. 4355a. City acting under charter may change fiscal year.

The above section was the Act of March 26, 1895 (Stats. 1895, 128).

Sec. 4356. Validation of incorporation, and acts of.

This section was Section 1 of the Act of March 17, 1897 (Stats. 1897, 168). Similar Acts were passed March 11, 1891 (Stats. 1891, 92), March 16, 1889 (Stats. 1889, 203), March 15, 1887 (Stats. 1887, 150), and March 9, 1885 (Stats. 1885, 31). The repeal of all of said statutes is recommended, as their provisions are substantially the same as those of the more recent enactment, here inserted.

Sec. 4357. Reorganization as city of the higher class.

The amendment here presented was embodied in the Act of March 20, 1899 (Stats. 1899, 141), with only such changes as are necessary to make the phraseology conform to that adopted throughout the title. On March 8, 1899, a bill that had been duly passed by the Legislature became a law without the Governor's approval (Stats. 1899, 75), which related to the same subject as the foregoing section. That Act, however, applied only to municipal corporations of the sixth class and in several respects conflicted with the provisions of the later Act of March 20. Said Act of March 8 is therefore not codified, and its repeal is recommended.

Sec. 4358. Disincorporation of.

The above section was the amendatory Act of February 17, 1899 (Stats. 1899, 13). The principal difference between said Act and the section as originally codified, consists in the provisions for the redemption from tax sales and for the execution of deeds for the property of delinquent taxes and assessments. The Act applied only to municipal corporations of the sixth class, but is here made general.

Sec. 4358a. Winding up affairs of disincorporated municipality.

This section and the three following constituted the Act of February 18, 1899 (Stats. 1899, 17), with slight modification.

Sec. 4358b. Board of supervisors shall cause proportion of property and debts to be ascertained.**Sec. 4358c. Bonded indebtedness, how paid.**

See note to Section 4358a.

Sec. 4358d. Delinquent taxes, redemption of, or tax deed.

See note to Section 4358a.

Sec. 4359. Classes of, defined.

This section was Section 1 of the Act of March 2, 1883 (Stats. 1883, 24), as amended March 5, 1901 (Stats. 1901, 94).

Sec. 4359a. Certificate of classification to be filed in office of Secretary of State.

The above section is new and is deemed desirable in order to provide an official record of the classification of municipal corporations within the State.

CHAPTER II.

This chapter includes such portions of Chapters II, III, and IV of the original code as were necessary to be incorporated. Since the adoption of the Municipal Corporations Act, and of the several amendments to the Constitution hereinbefore referred to, it is not necessary to retain many of the provisions of said chapters, for the reason that they are contained in the charters, general or special, under which municipal corporations exist. The case of *Buck vs. City of Eureka*, 109 Cal. 504, in which it was held that certain provisions of said chapters were a part of the charter of said city, while not decided until after, was commenced prior to the adoption of the present charter of said city, and of the amendment to section 6, Article XI, of the Constitution, which gave city charters precedence over general laws in municipal affairs. The case of the *City of Los Angeles vs. Teed*, 112 Cal. 319, where it was held that certain sections of the chapters referred to applied to all cities, was also decided before the amendment above referred to had been carried at the election in 1896. It is not deemed necessary to retain any of the provisions of Sections 4385 to 4392, inclusive, as they are all fully covered by the charters or special laws governing the cities to which they would apply.

Sec. 4361. Municipal corporation body politic and corporate.

The amendment to the above section consists principally in referring to city charters instead of "special laws" for the specific powers of municipal corporations. The number of the section has also been changed, as have most of those found in the original chapters, and incorporated herein. The definitions are new.

Sec. 4362. Officers, and selection of.

This section is new, and is inserted in harmony with the constitutional provisions that municipal affairs shall be governed by charter and not by general laws.

Sec. 4363. Official oath and bond.

The above section is drawn from the original sections 4373 and 4374.

Sec. 4364. Election of officers upon failure to elect under charter.**Sec. 4365. Appointment of commissioners.**

Sec. 4366. Powers of commissioners.

Sec. 4367. Election returns.

Sec. 4368. Canvassing returns.

Sec. 4369. Officer qualifying.

Sec. 4370. Effect of elections.

Sec. 4371. Resolution as to organization.

The preceding eight sections constituted the Act of March 14, 1885 (Stats. 1885, 136). The Act was originally limited to cities of the sixth class, but if there be any necessity for its retention, it should apply to other classes as well, and is therefore made general.

Sec. 4371a. Duty of outgoing officers.

This section was Section 6 of the Municipal Corporations Act of March 13, 1883 (Stats. 1883, 93).

Sec. 4372. Division of powers.

This section is practically new, although a small portion thereof is taken from old Section 4355.

Sec. 4373. What and how exercised.

This section is new, and intended to introduce the following sections: 4374 et seq., which authorize the performance of specific acts, and provide the manner of such performance.

Sec. 4374. May take its census.

Sec. 4375. How census taken.

The two preceding sections were Sections 1 and 2 of the Act of February 25, 1897 (Stats. 1897, 28), with slight modifications.

Sec. 4376. Effect of taking census.

The preceding section is partly new and partly drawn from Section 2 of the Act of March 2, 1883 (Stats. 1883, 24).

Sec. 4377. May change boundaries by annexing or excluding territory.

The preceding section is a combination of the first sections of two Acts, both passed March 19, 1889, that for the annexation of territory (Stats. 1889, 358), and that for the exclusion of territory (Stats. 1889, 356). It also covers the provisions of the Act of March 20, 1889 (Stats. 1889, 433), which was a duplicate of Section 1 of the Act of March 19, 1889, for excluding territory. The method of determining the amount of indebtedness due from excluded territory to the municipality from which it was excluded is provided in the Code of Civil Procedure, Title XIV, Section 122a, *et seq.*

Section 2 of the Act for the exclusion of territory (Stats. 1889, 356) is omitted, as it is not only vague and uncertain in its meaning, but, if capable of being carried into effect, might result in great hardship to the municipality. There has also been incorporated in the section the provisions of Section 1 of an Act which became a law without the Governor's approval on March 2, 1889 (Stats. 1889, 37), which Act provided for the annexation of uninhabited territory. The remaining sections of said last named Act will be found embodied in Sections 4378 and 4379.

Sec. 4378. Altering boundaries of wards.

The above is Sections 2 and 3 of the Act for the annexation of territory, amended so as to apply also in the case of excluded territory (Stats. 1889, 358).

Sec. 4379. Expenses, how paid.

This was Section 4 of the Act last above referred to. There has been added a reference to the statute providing a method of determining indebtedness of the excluded territory, which Act has been carried into the Code of Civil Procedure (1822a, *et seq.*).

Sec. 4380. Consolidation of municipal corporations.

The above is Section 8 of the Act of March 13, 1883 (Stats. 1883, 93).

Sec. 4381. May acquire private property for municipal uses, or for parks or boulevards.

The above section is substantially the same as was provided by old Section 4372 and by Section 1 of the Act of March 19, 1889 (Stats. 1889, 361), and the Act of March 14, 1891 (Stats. 1891, 102).

Sec. 4382. Where such land may be located. Jurisdiction over.

The above section is drawn from Section 2 of the Act of March 19, 1889 (Stats. 1889, 361), and from the Act of March 1, 1897 (Stats. 1897, 47), which became a law on that date without the Governor's approval. The remainder of the Act of March 19, 1889, above referred to, is covered by the provisions of the Act of March 19, 1889 (Stats. 1889, 399), and the repeal of the same is therefore recommended.

Sec. 4383. May construct roads and grant franchises outside city limits.

The preceding section is drawn from the statutes of March 1, 1897 (Stats. 1897, 45 and 46).

Sec. 4384. May accept or reject gifts, bequests, etc.

This section is drawn from the Act of February 10, 1881 (Stats. 1881, 2). The Act of April 3, 1880 (Stats. 1880, 20), gave to the State, counties, cities and counties, cities or towns, power to receive donations, and provided that in case no designation was made of the uses and purposes of such donation, the same should be paid into the common school fund. The Act of 1881 applied to counties and cities, and provided for the disposition by the council, or other governing body, when no provision was made by the donor as to the purpose of the gift. The subject matter of the latter statute, so far as same related to municipal corporations, is embodied here, and the recommendation is

made that both the statute of 1880 and of 1881 be amended so as to apply only to the State in the first instance, and to the counties in the second instance, and that as so amended they be carried into the Code in their proper place. The statute of March 9, 1885, relating to donations for parks (Stats. 1885, 38), should be repealed, as it is covered by the more general provisions of this section, and by the terms of the new charter for the City of San Francisco.

Sec. 4385. May levy tax for maintenance of parks.

The preceding section was Sections 1 and 2 of the Act of March 8, 1887 (Stats. 1887, 52), here amended by striking out the provision limiting the levy of such a tax for use on parks of not less than ten acres. The provision as to counties is omitted.

Sec. 4387. May destroy municipal bonds, when.

The above section was the statute approved February 26, 1897 (Stats. 1897, 34).

Sec. 4388. May acquire gravel beds and quarries.

This section was the Act of March 27, 1897 (Stats. 1897, 217).

Sec. 4388a. May lease lands to associations of veterans.

This section was the Act of March 11, 1897 (Stats. 1897, 113).

Sec. 4388b. May acquire and control lands for cemeteries.

This section is drawn from the Act of February 21, 1899 (Stats. 1899, 22). The inhibition as to cities of the first class has been removed, so as to harmonize this section with Section 3108 (*ante*).

Sec. 4389. May grant franchises and privileges, for what.

The above is old Section 4410 combined with Section 1 of the Act of March 13, 1897 (Stats. 1897, 135).

Sec. 4390. Reservations and conditions.

This was old Section 4411, with slight amendments. Old Section 4412 is omitted here, its provisions having been partly overruled by the Act of March 26, 1895 (Stats. 1895, 191), embodied in Section 4392, *post*.

Sec. 4391. Same.

This was old Section 4418, with necessary amendments.

Sec. 4392. May contract for gas, electricity, and water.

This was old Section 4412, amended by adding electricity and striking out the five-year clause.

Sec. 4393. Restrictions and conditions.

Sec. 4394. Contracts must be let to the lowest bidder.

Sec. 4395. Bids, how made. Length of contract.

The preceding three sections comprised the Act of March 26, 1895 (Stats. 1895, 191), as amended March 27, 1897 (Stats. 1897, 210).

Sec. 4396. May fix rates for water, heat, light, or power.

The above section is substantially Section 1 of the Act of March 7, 1881 (Stats. 1881, 54), and is intended to enable municipal corporations to control and regulate the price of other utilities, as well as of water. The statute of March 8, 1878 (Stats. 1877-78, 107), to regulate the quality and price of gas in the City of San Francisco, should be repealed, as the subject-matter thereof is provided for in the new charter of said city. The remainder of the Act of 1881 is here incorporated, with such changes as were necessary to make it apply to heat, light, and power, as well as to water.

Sec. 4397. Annual statements to be made by water companies, etc.

Sec. 4398. Additional statement.

Sec. 4399. Refusal to make statement a misdemeanor.

Sec. 4400. Copy of statement to be filed.

Sec. 4401. Rates to be equal.

Sec. 4402. Excess in charging rates, forfeits, franchises, etc.

Sec. 4403. Penalty to council neglecting to enforce Act.

Sec. 4404. May provide for sale of excess water.

This section is the Act of March 23, 1897 (Stats. 1897, 182), with necessary amendments.

Sec. 4405. Must provide for annual vacations for the police and firemen.

The above section is the Acts of February 24, 1891 (Stats. 1891, 47), and of March 26, 1895 (Stats. 1895, 76), here combined so as to apply to both police and fire departments, together with the Act of March 4, 1899 (Stats. 1899, 57), which became a law without the Governor's approval, on that date.

Sec. 4406. Of certain classes, may increase police force.

This section is the Act of February 24, 1891 (Stats. 1891, 10). Its provisions were originally limited to cities of the first, second, or fourth classes, but are here made general.

Sec. 4407. Quorum.

This is old Section 4406.

Sec. 4408. Power over its own members.

This is old Section 4407. Old Section 4408 has been retained as Section 4421f. The provision as to second expulsion is omitted for obvious reasons.

Sec. 4409. May incur indebtedness.

Sec. 4410. Manner of procedure.

Sec. 4411. Publication of intention.

Sec. 4412. Plans and estimates of improvements.

Sec. 4413. Limit of indebtedness.

Sec. 4414. Character of bonds.

Sec. 4415. Form of bond.

Sec. 4416. Rate of interest.

The last preceding section is amended by requiring the place of payment of said bonds to be at the office of the treasurer of the municipality. This is rendered necessary by the decision of the Supreme Court in the case of *The City of Los Angeles vs. Teed*, 112 Cal., 319.

Sec. 4417. Tax levy.

Sec. 4418. Duty of corporation as to maintenance of improvements.

Sec. 4419. Letting of contracts.

The foregoing ten sections were comprised in the Act of March 19, 1889 (Stats. 1889, 399), as amended March 11, 1891 (Stats. 1891, 84 and 94), March 19, 1891 (Stats. 1891, 132), and March 1, 1893 (Stats. 1893, 61). On March 9, 1897 (Stats. 1897, 75), an Act was passed authorizing any incorporated city or town, other than cities of the first class, to refund its indebtedness. This Act specifically provided that "Chapter 52 of the Statutes of 1883" (Stats. 1883, 370), "Chapter 48 of the Statutes of 1893" (Stats. 1893, 61), and Chapter 176 of the Statutes of 1895, "all being laws in conflict herewith, are hereby repealed." Chapter 82 of the Acts of 1883, and Chapter 176 of the Acts of 1895, were in conflict with said Act of 1897 (Stats. 1897, 75), but Chapter 48 of the Acts of 1893 was not in conflict therewith, being an Act for the issuing of improvement bonds, and not connected with or appertaining to the Act of 1897, which is the Refunding Act. Chapter 47 of the Acts of 1897 (Stats. 1897, 59), is an Act appertaining to the refunding of municipal indebtedness, and it was evidently a clerical error on the part of the Legislature in providing for the repeal of Chapter 48, the manifest intention being to repeal Chapter 47. The Supreme Court has held in the case of *The City of Los Angeles vs. Hance*, that Section 6 of the Act of March 19, 1889 (Stats. 1889, 399), as amended March 1, 1893 (Stats. 1893, 61), was not repealed by the Act of March 9, 1897 (Stats. 1897, 399). The provisions of said Chapter 48, which will be found embodied in Sections 4415 and 4417, have, therefore, been retained. Both of the chapters referred to should be repealed upon the adoption of this Code, as should also the Act of 1889, as amended, its provisions being included herein. Section 11 of said Act is omitted here, for the reason that it is sufficiently covered by Section 4363, *ante*.

Sec. 4420. May refund indebtedness.

Sec. 4421. Duty of treasurer.

The two preceding sections are drawn from the Act of March 9, 1897 (Stats. 1897, 75), referred to in the note to Section 4419, *ante*. Said Act excepted from its operations cities of the first class, but that exception has been stricken out, as there seems to be no good reason for excluding any class of municipal corporations from the privilege of refunding its indebtedness at a lower rate of interest, if possible.

The provisions of old Sections 4445, 4446, 4447, and 4448 are sufficiently covered by the two preceding sections, if, indeed, the provisions of said old sections have any validity or force. For a thorough discussion of said sections, see *City of Los Angeles vs. Teed*, 112 Cal., 319. Section 4449 has been omitted as unnecessary and useless.

Sec. 4421a. How franchises are granted.

Sec. 4421b. Extension and forfeiture of franchises.

Sec. 4421c. Violation of provisions a misdemeanor.

The preceding four sections constituted the Act of March 13, 1897 (Stats. 1897, 135). The only amendment of importance is embodied in the provision for raising bids at the time of opening and reading the same. The minimum bid is not changed, while opportunity is given for offers more advantageous to the public to be accepted.

The Act of March 19, 1897 (Stats. 1897, 177), and the Act of March 23, 1893 (Stats. 1893, 288), amended thereby, should both be repealed as their provisions are fully covered by the said Act of March 13, 1897, and the provisions of the County Government Law.

The above and the following sections are made to apply to the case of franchises granted by counties, by proper reference hereto in the provisions of the Code relating to the powers of boards of supervisors, and the government of counties.

Sec. 4421d. When street railway franchises may not be granted.

This section was the Act of February 24, 1893 (Stats. 1893, 29). It originally applied only to counties and cities and counties. It is here made general in its application. Its provisions are probably of very doubtful utility, but if desirable at all should certainly apply to all municipalities. Application to counties is stricken out, as the chapter deals only with municipal corporations, and counties are included in its provisions by proper reference to the section. See note to preceding section.

Sec. 4421e. Franchises for bicycles, etc. Paths and roads.

This section was the Act of March 27, 1897 (Stats. 1897, 191). It applied to the counties as well, but is here limited to municipal corporations, and made to apply to counties by other provisions. See note to Section 4421d.

Sec. 4421*f*. Other powers.

This was old Section 4408. The first two subdivisions have been omitted. There was added to Subdivision 11 the provisions of the statute of March 23, 1893 (Stats. 1893, 234), as amended in 1895 (Stats. 1895, 157), relating to the removal of human remains. In *Ex parte Campbell*, 74 Cal., 20, the Supreme Court held that old Section 4408 was unconstitutional, but as this was dictum in that case, the section is retained.

Sec. 4421*g*. All ordinances must be presented to mayor. How passed over veto.

The above section was the Act of March 27, 1897 (Stats. 1897, 190), and is here substituted in the place of old Section 4414, which related to the same subject-matter. Said statute was, perhaps unnecessarily prolix, but as it makes some changes in the former Code section, notably that of requiring three fourths, instead of two thirds of the votes of all the members to pass an ordinance over the mayor's veto, and because it is so late an expression of the legislative will, it is inserted here without change, except to omit the definitions of certain terms therein used, and which are deemed unnecessary.

Sec. 4421*h*. Disposal of surplus money raised for public improvements.

The above section is new, and was the Act which became a law without the Governor's approval on March 16, 1899 (Stats. 1899, 105).

ARTICLE III.

In the preparation of this article, for municipal corporations of the first class, the provisions of the charter of San Francisco relating to police courts have been adopted for incorporation in the statutes. For municipal corporations of the second class, the provisions of the so-called Whitney Act (Stats. 1885, 213), slightly modified, have been adopted, omitting from said Act Section 6½ thereof, as adopted in 1893 (Stats. 1893, 41), on the ground of unconstitutionality. For municipal corporations of the third and fourth classes, the provisions of the statutory charter for cities of the third class have been adopted, the same being more simple and more satisfactory than those pertaining to cities of the fourth class. As the statutory charters for municipal corporations of the fifth and sixth classes have been carried into the Code, it was not deemed necessary to do more than refer to the provisions thereof as to the judicial powers of cities of those classes.

Sec. 4422. In what courts vested.

This section is new.

Sec. 4423. In municipal corporations of the first class.

Sec. 4423*a*. Jurisdiction.Sec. 4423*b*. Procedure—provisos.Sec. 4423*c*. District attorney, duty of.Sec. 4423*d*. Warrant and bond clerk and assistants, duties of.Sec. 4423*e*. Same.Sec. 4423*f*. Removal of, on failure to keep office open.Sec. 4423*g*. Who may receive bail money.Sec. 4423*h*. Upon whom service of copies made.Sec. 4423*i*. County clerk, ex officio clerk of police court.Sec. 4423*j*. Stenographers of police court.Sec. 4423*k*. Justice of the peace may act as police judge.Sec. 4423*l*. Chief of police, duty of.Sec. 4423*m*. Police officers to attend court.Sec. 4423*n*. Rules and regulations.Sec. 4423*o*. Attorney, qualifications for appearance.Sec. 4423*p*. Term of judges.

Sec. 4424. In municipal corporations of the second class.

Sec. 4424*a*. Jurisdiction.Sec. 4424*b*. Powers and disabilities of justices.Sec. 4424*c*. Clerks of police courts.Sec. 4424*d*. Disposition of moneys.Sec. 4424*e*. Dockets.Sec. 4424*f*. Court, when open.Sec. 4424*g*. Appeals, who to conduct cases.Sec. 4424*h*. Place of imprisonment.Sec. 4424*i*. Seal, and transcripts.Sec. 4424*j*. Monthly report.

Sec. 4425. In municipal corporations of the third and fourth classes

Sec. 4425*a*. Police judge.Sec. 4425*b*. When disqualified.Sec. 4425*c*. Clerk of court.

Sec. 4426. Offenses not triable in said courts, how conducted.

Sec. 4427. Offenses triable in said courts, how conducted.

Sec. 4428. Civil actions, how conducted.

Sec. 4429. In municipal corporations of the fifth and sixth classes.

This section is new.

CHAPTER IV.

Articles I, II, and III of this chapter are drawn from the so-called Vrooman Act, being the Act of March 18, 1885 (Stats. 1885, 147), and the amendments of said Act. Article IV was the Act of March 6, 1889 (Stats. 1889, 70). Article V was the Act of March 11, 1893 (Stats. 1893, 153), and Article VI was the Act of February 27, 1893 (Stats. 1893, 33).

Sec. 4430. Definitions.

The above definitions were originally included in Section 34 of the Act from which this chapter is drawn (Stats. 1885, 147). Subdivisions 1 and 4 of said section will be found incorporated herein as Sections 4431g and 4431h, respectively. Subdivision 14 is omitted, as no longer applicable.

Sec. 4430a. Public streets.

Sec. 4430b. Council may order street work.

Sec. 4430c. Procedure for doing street work.

Sec. 4430d. Owners may petition for street work.

Sec. 4430e. Sealed bids for street work.

Sec. 4430f. Street superintendent to make contracts.

The amendment proposed to the above section, as codified, consists in adding thereto, and as a part thereof, the provisions of an Act approved February 21, 1899 (Stats. 1899, 23). It has been added to Section 4430f rather than carried as a new section, because it appertains directly to the subject-matter of said section.

Sec. 4430g. Expense of street work, how assessed.

Sec. 4430h. Street superintendent to make assessment.

Sec. 4430i. Form of warrant.

Sec. 4430j. Payment to be demanded.

Sec. 4430k. Owners may object to assessment.

Sec. 4430l. Contractor may sue, when.

Sec. 4430m. Partial assessment may be made.

Sec. 4430n. Street repairs, duty of superintendent

Sec. 4430o. Lien for cost of repairs.

Sec. 4430p. Cumulative remedy.

Sec. 4430q. "Owner" defined.

Sec. 4430r. Rights of tenant to pay assessment.

Sec. 4430s. Effect of records of street superintendent.

Sec. 4430t. Service of notices.

Sec. 4430u. City to keep accepted streets in repair.

Sec. 4430v. Superintendent to keep office and records.

Sec. 4430w. City not liable for damages.

Sec. 4430x. Power of council not stayed by objection.

Sec. 4430y. Street contingent fund and its application.

Sec. 4430z. Cost of street work may be paid out of the treasury.

Sec. 4431. Cost of sewer may be paid from assessment district or from street contingent fund.

Sec. 4431a. Bonds may be issued for sewer work.

The time for which bonds may run has been increased to forty years in accordance with the general law.

Sec. 4431b. Condition of sewer bonds.

Sec. 4431c. How sewer bonds sold.

Sec. 4431d. May be sold at not less than par, without notice.

Sec. 4431e. Surplus proceeds may be transferred to general fund.

Sec. 4431f. How contracts for sewer work let.

Sec. 4431g. Duties of city engineer.

Sec. 4431h. Notices, how published or posted.

The two preceding sections were Subdivisions 1 and 4 of Section 34 of the original Act. The remainder of said section dealt only with definitions of terms used therein, and will be found embodied in Section 4430; subdivision 14 of said Section 34 has been omitted as no longer necessary.

Sec. 4431i. Street superintendent may appoint inspector.

Section 36, providing for repeal of Act of March 6, 1883, and for completion of work commenced under said Act, is omitted as unnecessary.

Sec. 4431j. Work commenced under former Acts, not affected thereby.

Sec. 4431k. Sewer districts outside municipalities, petition and notice.

Of March 8, 1899, an Act became a law, under constitutional provision, without the Governor's approval (Stats. 1899, 81), which said Act provided for the creation and establishment of sewer districts adjacent to municipal corporations.

The Act also provides for connecting the sewers of such a district with a sewerage system of such adjacent municipality, and as all other provisions of law relating to sewers are found in connection with the subject of municipal corporations, this Act has been codified as a part of this title. The above section was Section 1 of said Act.

Sec. 4431l. Levy and collection of taxes.

This was Section 2 of the Act above referred to.

Sec. 4431m. Construction of, and connection with said sewers.

This was Section 3 of said Act.

Sec. 4431n. Connections of said sewers with municipal system.

This was Section 4 of said Act.

Sec. 4431o. Construction of sewers, issuance of bonds, etc.

In the Act above referred to, no provision was made for the administration of said Act, and as it might be inoperative without such provisions, the other sections of this title have been made applicable to the proceedings provided for in said Act, imposing upon the proper county officers the duties therein devolving upon the municipal authorities.

ARTICLE III.

The following Sections 4432 to 4432g, constituted Sections 38 to 51 of the Vrooman Act, being the amendment of March 9, 1893 (Stats. 1893, 89). There have been made such additions as were necessary to provide the method of selling lands for delinquent street assessments. The Act is complicated, and much of it is necessarily repeated in the following article upon the opening, widening, etc., of streets. It has not been deemed best, however, to amend the article by substituting any more simple or desirable procedure.

Sec. 4432. Change of grade of streets.

Sec. 4432a. Owner may file petition for damages.

Sec. 4432b. Board of commissioners, of whom composed.

Sec. 4432c. Same. Must assess benefits and damages.

Sections 41 and 42 of the original Act have been combined and inserted as one section.

Sec. 4432d. Same. Must report to council.

Sec. 4432e. Report must be in writing; what to contain.

Sec. 4432f. Report to be filed. Notice thereof to be given.

Sec. 4432g. Objections may be filed and heard.

Sec. 4432h. Assessment, how made.

The above section was amended by striking out the portion thereof providing that certain portions of the original Act were not applicable.

Sec. 4432i. Report of commissioners to be assessment roll.

Sec. 4432j. Street superintendent to give notice of receipt of assessment roll.

The above section is a portion of Section 49 of the Act, the remainder of which will be found in Section 4432o, *post*. It has been deemed necessary to embody here so much of the former provisions for the sale of lands for delinquent State and county taxes as may be necessary for the sale of lands delinquent for street assessments. The amendments of 1895 to the revenue laws provided that the State should purchase all lands sold for delinquent taxes. Therefore, it is no longer sufficient to provide that the sales contemplated in this chapter shall be "in the same manner as is, or may be, provided for the collection of State and county taxes." Such sections and parts of sections of the old code have therefore been added here as will provide a means of disposing of the lands sold for delinquent street assessments.

Sec. 4432k. Sale may be postponed—how conducted.

This section is drawn from old Sections 3771 and 3772.

Sec. 4432l. Owner may designate what portions to be first sold.

Sec. 4432m. Street superintendent to give certificate of sale.

The above is old Section 3776.

Sec. 4432n. Redemption, how made.

The above is old Section 3780, amended.

Sec. 4432o. Street superintendent to give deed.

Sec. 4432p. Warrant for amount of damages.

Sec. 4432q. If warrant not accepted, premises may be condemned.

Sections 52 and 53 of the Act are omitted, as unnecessary.

Sec. 4433. Council has power over streets.

Sec. 4433a. Resolution of intention to perform street work.

Sec. 4433b. Street superintendent to post notice.

Sec. 4433c. Interested persons may file objections.

- Sec. 4433d. Decision of council to be final.
- Sec. 4433e. Jurisdiction.
- Sec. 4433f. Commissioners to employ assistance.
- Sec. 4433g. Expenses to be a charge upon the particular work required.
- Sec. 4433h. Viewing of land; examination of witnesses.
- Sec. 4433i. Report of council accompanied with a plat of the assessment district.
- Sec. 4433j. Report, what must specify.
- Sec. 4433k. When set down to unknown owners.
- Sec. 4433l. Filing of report and plat, and publication thereof.
- Sec. 4433m. Objections must be in writing.
- Sec. 4433n. Duty of clerk of council.
- Sec. 4433o. Duty of superintendent of streets on receiving certified copy of report.
- Sec. 4433p. Payments for land and improvements, when and how made.
- Sec. 4433q. Proceedings to condemn on refusal to accept payment.
- Sec. 4433r. Duty of treasurer on payment of warrants.
- Sec. 4433s. Supplementary assessments, when may be ordered.
- Sec. 4433t. Proceedings when boundaries of districts affect the whole city.

Section 23 of the original Act, except Subdivisions 2 and 8 thereof, is omitted for the reason that it is covered by Section 4430. Sections 24 and 25 are also omitted as unnecessary.

- Sec. 4433u. Notices to be posted when publication can not be had.

The preceding section was Subdivisions 2 and 8 of Section 23 of the original Act. See note to preceding section.

- Sec. 4434. Provisions for planting trees and trimming hedges.
- Sec. 4434a. Resolution of intention and notices.
- Sec. 4434b. Majority of owners may file written objections.
- Sec. 4434c. Jurisdiction, when acquired.
- Sec. 4434d. Bids, and the letting of contracts.
- Sec. 4434e. Bond of contractor.

The requirement that justification of sureties should be before the recorder or justice of the peace has been omitted.

- Sec. 4434f. Duty of street superintendent.
- Sec. 4434g. Payments to be by installments.
- Sec. 4434h. Assessment, diagram, and warrant.
- Sec. 4434i. Warrant to be delivered to contractor.
- Sec. 4434j. Jurisdiction of council over hedges, fences, etc.
- Sec. 4434k. Council to replace and care for trees.
- Sec. 4434l. Application of article.

- Sec. 4435. "Street-work Act" defined.

The above section is amended so as to refer to the proper Act as codified. The municipal body or officer referred to is sufficiently indicated by the definitions in Section 4430.

- Sec. 4435a. Serial bonds may be issued for street work, when.

The above section was Section 1 of an Act which became a law without the Governor's approval on March 2, 1899 (Stats. 1899, 40) which said Act was amendatory of the Act of February 27, 1893 (Stats. 1893, 33), the so-called "Bond Act." The amendment consists in reducing the amount per front foot which will authorize the issuance of a bond, from one dollar to fifty cents.

- Sec. 4435b. Resolutions and notices to contain description of bonds.

The above was Section 2 of the Act referred to in the note to the preceding section.

- Sec. 4435c. Duty of street superintendent and treasurer. Form of bond.

The above was Section 3 of the Act above referred to.

- Sec. 4435d. Land may be sold for default in payment of principal or interest.

The above was Section 4, of the Act hereinbefore referred to. The procedure provided herein is similar in many respects to that provided in Section 4432j, but as that relates to delinquent assessments and is enforced by the street superintendent, while this relates to default in the payment of bonds, and is enforced by the treasurer, it has been deemed best to retain both sections.

- Sec. 4435e. Proceeding when railroad tracks on street ordered to be improved.

Section 7 of the original Act is omitted, because included in Section 4430, and Section 8 is not inserted because unnecessary.

CHAPTER V.

This chapter is drawn from the Act of April 26, 1880 (Stats. 1880, 231). No changes are suggested except such as are deemed necessary to adapt it to present conditions and a place in the Code.

Sec. 4436. Municipality may levy and collect taxes for.

Sec. 4436a. Money received shall constitute "library fund."

Sec. 4436b. Property for library purposes shall vest in municipality.

Sec. 4436c. Board of Trustees in cities of the first class.

This was Section 6 of the Act from which the chapter is drawn, and is made to precede Section 5 of said Act, because it deals with the higher class of municipalities. It has been amended to accord with the present classification of cities, and to limit its application to such municipalities as have made no provision upon the subject in their charters.

Sec. 4436d. Board of trustees in cities of other classes.

The wording of portions of the law as it now stands has caused no little confusion and uncertainty in its execution. By one reading of Section 5 it has been presumed that the legislative intent was to make the term of library trustees four years, and that a part be elected at each municipal election, just as town trustees are now chosen.

On the other hand, it is certainly inferable that the entire board of five shall be chosen at each and every biennial election, and this is the general practice.

But this opens the library to the danger of being entirely revolutionized each two years; and what is practically much worse, very frequently throws the institution into the hands of a board composed exclusively of new men, none of whom are acquainted with the workings or needs of the library. Inevitably there is a loss to public and library until the new members accustom and acquaint themselves with the needs and duties involved.

There seems no sufficient reason for excluding women from taking part in the management of libraries, and the amendment in this regard is important.

Sec. 4436e. Character and term of office of trustee.

In Section 7 of the law the provision that "trustees hold office during good behavior" evidently refers to those appointed for cities of over one hundred thousand population; yet in this section alone is found the provision that trustees serve without compensation, and in that particular at least it applies both to trustees appointed and elected. The slight changes suggested will obviate all uncertainties.

Sec. 4436f. Duties of trustees.

Sec. 4436g. Powers of trustees.

Sec. 4436h. Demands of trustees to be paid by treasurer.

Sec. 4436i. Annual report of trustees and secretary.

Sec. 4436j. Powers of council.

Section 13 of the original Act has been omitted as unnecessary.

Sec. 4436k. Provisions apply to libraries heretofore established.

CHAPTER VI.

This chapter is drawn from the Municipal Corporations Act of March 13, 1883 (Stats. 1883, 93), being Chapter VI of said Act, with slight modifications and amendments, which are noted where they occur. See note at beginning of title on municipal corporations, Section 4350, *ante*.

Sec. 4437. General powers enumerated.

Sec. 4438. Officers enumerated.

Sec. 4438a. Election and terms of office.

The provision as to the classification of the board of trustees has been stricken out as no longer necessary. There has been added a provision for trustees of a free public library and reading room in accordance with the Act of April 1, 1897. (Stats. 1897, 403).

Sec. 4438b. Official bonds.

Sec. 4438c. Vacancies.

The provision for filling vacancies in the office of library trustee was a part of the Act of April 1, 1897 (Stats. 1897, 403). See note to Section 4438a.

Sec. 4438d. Compensation.

The provision preventing the reduction of the compensation of officers has been stricken out. The Constitution expressly allows such reduction.

Sec. 4438e. Election regulations.

Sec. 4438f. Eligibility to office.

Sec. 4439. Board of trustees. Meetings.

Sec. 4439a. Same.

Sec. 4439b. Rules.

Sec. 4439c. Limitation on passage of ordinances.

Sec. 4439d. Powers of board.

Sec. 764 of Act of March 13, 1883, as amended in 1905.

Sec. 4439e. Enacting clause of ordinance.

Sec. 4439f. Board to audit demands.

Sec. 4439g. Indebtedness not to exceed moneys provided.

Sec. 4439h. Incurring of indebtedness to be decided at an election.

The above section was amended twice at the legislative session of 1889 (Stats. 1889, 371 and 397); the amendments were substantially the same, the only provision of importance which was not included in the above amendment being a proviso limiting interest to seven per cent.

Sections 769 and 770 of the Act are omitted from this place. Section 769 is carried in as Section 4443a, and 770 was duplicated by Section 812 of the Act. (See Section 4443b, *post*.)

Sec. 4439i. Street, sidewalk, and sewer work.

Sec. 4439j. Right of way.

Sec. 4439k. Levy of taxes.

Section 773 of the Act of March 13, 1883, as amended in 1905.

Sec. 4439l. Equalization.

Sec. 4439m. Construction of Act.

Sec. 4439n. Waterfront fund.

Sec. 4439o. Public work to be done by contract.

Section 778 of the Act providing the powers and duties of the president and board of trustees, and which was originally included in this article, has been transposed and carried into Section 4440 of the succeeding article, which deals with the executive department.

Sec. 4440. President of the board, duties of.

Sec. 4440a. Treasurer, duties of.

Sec. 4440b. Assessor, duties of.

Sec. 4440c. Clerk, duties of.

Sec. 4440d. City attorney, duties of.

Sec. 4440e. Marshal, duties of.

Sec. 4441. School district.

Sec. 4441a. Vacancy in board.

Sec. 4441b. Meetings.

Sec. 4441c. Powers of boards.

The amendments to the above section were made in an Act which became a law without the Governor's approval, on March 14, 1899 (Stats. 1899, 98), and consist chiefly in adding to the powers of the board that of maintaining primary, kindergarten and evening schools and of dismissing the superintendent of schools.

Sec. 4441d. Board may sue and be sued.

Sec. 4441e. Treasurer custodian of moneys.

Sec. 4441f. Demands.

Sec. 4441g. President may compel attendance of witnesses.

Sec. 4441h. Warrants.

Sec. 4441i. Duties of secretary.

Sec. 4441j. Fund shall not be diverted.

Sec. 4442. Recorder's court.

Sec. 4442a. Powers of recorder as judge.

Sec. 4442b. Recorder, when disqualified as judge.

Sec. 4443. Collection of moneys.

Sec. 4443a. No officer to be interested in contract.

Sec. 4443b. Nuisances.

Sec. 4443c. Fire departments.

Sec. 4443d. Violations of ordinances, how punished.

The preceding section was Section 769 of the original Act, and has been inserted here, as it properly belongs under "Miscellaneous Provisions." See note to Section 4439h.

CHAPTER VII.

This chapter is drawn from the Municipal Corporations Act of March 13, 1883 (Stats. 1883, 93), being Chapter VII of said Act, with slight modifications and amendments, which are noted where they occur. See note at beginning of title on municipal corporations.

Sec. 4444. General powers enumerated.

Sec. 4445. Officers enumerated.

Sec. 4445a. Election and term of office.

Sec. 4445b. Official bonds.

Sec. 4445c. Vacancies, how filled.

Sec. 4445d. Compensation.

Sec. 4445e. Election provisions.

Sec. 4445*f*. Eligibility to office.

Sec. 4446. Board of trustees.

Sec. 4446*a*. Meetings.

Sec. 4446*b*. Rules.

Sec. 4446*c*. Franchises and resolutions.

The words "for any purpose" have been added after the word "ordinance," to remove the doubt as to the true construction of this section, raised in the case of *Derby vs. The City of Modesto*, wherein it was contended that the restriction as to time applied only to "ordinances and resolutions granting a franchise." As amended it is in harmony with the corresponding section in charters for cities of the fifth class. See Section 4439*c*, *ante*.

Sec. 4446*d*. Powers of board.

Sec. 4446*e*. Enacting clause of ordinances.

Sec. 4446*f*. Demands.

Sec. 4446*g*. Indebtedness, not to exceed available funds.

Sec. 4446*h*. Incurring excess decided by vote.

Sections 867 and 868 of the original act have been omitted from this place and have been inserted as Sections 4449*b* and 4449*d* under the article on miscellaneous provisions.

Sec. 4446*i*. Street, sidewalk, and sewer work.

Sec. 4446*j*. Right of way.

Sec. 4446*k*. Levy of taxes.

Section 871 of Act of March 13, 1883, as amended in 1905.

Sec. 4446*l*. Equalization.

Sec. 4446*m*. Construction of Act.

Sec. 4446*n*. Public work to be done by contract.

Section 875 of the original Act, providing the powers and duties of the president of the board of trustees, and which was originally included in this article, has been transposed and carried into Section 4447 of the succeeding article, which deals with the executive department.

Sec. 4447. President of the board, duties of.

Sec. 4447*a*. Treasurer, duties of.

Sec. 4447*b*. Assessor, duties of.

Sec. 4447*c*. Clerk, duties of.

Sec. 4447*d*. Attorney, duties of.

Sec. 4447*e*. Marshal, duties of.

Sec. 4447*f*. Compensation fixed by board.

Sec. 4448. Recorder's court.

Sec. 4448*a*. Powers of recorder as judge.

Sec. 4448*b*. Recorder disqualified as judge, when.

Sec. 4449. Collection of moneys.

Sec. 4449*a*. No officer to be interested in contract.

Sec. 4449*b*. Nuisances.

Sec. 4449*c*. Fire departments.

Sec. 4449*d*. Violation of ordinances, how punished.

The preceding section was Section 867 of the original Act, and has been inserted here, as it properly belongs under "Miscellaneous Provisions." See note to Section 4446*h*.

Sec. 4450. Certain statutes continued in force.

It was not deemed necessary or desirable to codify the statutes above referred to.

Respectfully submitted.

WILLIS, Chairman.

RECESS.

At one o'clock and five minutes P. M., on motion of Senator Wolfe, the Acting President declared the Senate at recess until two o'clock and thirty minutes P. M.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

CONSIDERATION OF DAILY SPECIAL FILE—THIRD READING OF ASSEMBLY BILLS.

Assembly Constitutional Amendment No. 1—Amending Constitution relative to rights of suffrage.

On motion of Senator Wright, Assembly Constitutional Amendment No. 1 was temporarily passed on file, to retain its place.

Assembly Bill No. 148—An Act to amend Section 3627 of the Political Code of the State of California, relating to the assessments of property for taxation.

On motion of Senator McCartney, Assembly Bill No. 148 was temporarily passed on file, to retain its place.

Assembly Bill No. 43—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 43 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Kennedy, Leavitt, Markey, Mattos, McCartney, Miller, Nelson, Price, Rambo, Rush, Savage, Walker, Weed, Welch, Willis, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 153—An Act appropriating money to be used to replace the library of the Supreme Court destroyed by fire in San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 153 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Kennedy, Leavitt, Markey, Mattos, McCartney, Miller, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 154—An Act appropriating money for furniture, carpets, fixtures, and other accessories necessary for the use of the Supreme Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 154 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Keane, Kennedy, Markey, McCartney, Miller, Muenter, Nelson, Price, Rambo, Rush, Savage, Walker, Weed, Welch, and Willis—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 155—An Act to appropriate money to pay the increased salaries of justices of the Supreme Court for the current fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 155 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 322—An Act making an appropriation of \$1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 322 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Broughton, Caminetti, Greenwell, Keane, Kennedy, Markey, Mattos, McCartney, Miller, Muentner, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, and Willis—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 417—An Act to appropriate money for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 417 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Muentner, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 644—An Act making an appropriation of \$4,000, to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of landing place at Monterey of Junipero Serra, and the old theater property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties," approved February 21, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 644 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Miller, Muen-

ter, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 491 finally passed by the following vote:

AYES—Senators Anthony, Bates, Black, Broughton, Carter, Greenwell, Keane, Kennedy, Leavitt, Mattos, McCartney, Miller, Muentner, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 98—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be known as Section 800a, relating to the dispensing with abstracts of title in all proceedings brought for the purpose of effecting, establishing, or registering title to real estate where it shall appear that the public records of such title, or a substantial portion thereof, have been destroyed by conflagration or other public calamity.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 98 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Broughton, Curtin, Greenwell, Keane, Kennedy, Markey, McCartney, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 212—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 212 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Greenwell, Leavitt, Markey, Mattos, McCartney, Nelson, Price, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—Senator Curtin—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 643—An Act to amend an Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, approved March 18, 1885,

by adding thereto a new section, numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 643 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Carter, Curtin, Greenwell, Keane, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 371—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.

Read third time.

On motion of Senator McCartney, Assembly Bill No. 371 was temporarily passed on file, to retain its place.

Assembly Bill No. 566—An Act adding a new section to the Code of Civil Procedure, to be numbered and designated as Section 1124, relating to contesting elections in case of a tie.

Read third time.

On motion of Senator Willis, Assembly Bill No. 566 was temporarily passed on file, to retain its place.

Assembly Bill No. 788—An Act to amend an Act entitled "An Act for the certification of land titles, and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof, and by adding three new sections thereto, to be numbered 114a, 114b, and 114c, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund, and the determination and disposition of claims against the same.

On motion of Senator Keane, Assembly Bill No. 788 was temporarily passed on file, to retain its place.

Assembly Bill No. 624—An Act making an appropriation of five hundred dollars (\$500) for the purpose of repairing and preserving the James Marshall Monument, at Coloma, and for the care and improvement of the grounds around said monument.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 624 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Greenwell, Hartman, Kennedy, Leavitt, Lukens, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be

known as the Whittier State School," by amending Sections 8, 11, 16, 17, 18, and 20 thereof, and by adding a new section thereto, to be numbered Section 13 $\frac{1}{2}$, providing for the appointment, duties, and compensation of a secretary of said school.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Savage moved to refer to Senator Carter, as a special committee of one, to amend as follows:

On line 10, Section 1, page 1, printed bill, add: "The said trustees shall receive ten dollars per day each for their attendance upon meetings of the board, and while in the actual service of the State, and their necessary traveling expenses to be paid as other current expenses of the school are paid; *provided*, that no trustee shall receive more than two hundred and forty dollars, exclusive of traveling expenses, in any one year."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 628, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTER, Special Committee.

Report of special committee of one, and amendment, adopted.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Savage moved to refer to Senator Carter as a special committee of one, to amend as follows:

Amend Section 1, line 1, by inserting after the word "eight" the following: "of an Act entitled 'An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School.'"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 628, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTER, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Savage, the Secretary was directed to issue a rush order for printing Assembly Bill No. 628.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 48—An Act to provide for the segregation, grading, and reward and punishment of State prisoners.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Carter moved a call of the Senate.

Motion carried.

Time, four o'clock P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll. The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—37.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Carter.

The roll was called.

Whereupon the President announced that Assembly Bill No. 48 was finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Carter, Curtin, Hartman, Mattos, McCartney, Miller, Nelson, Price, Rush, Sanford, Savage, Walker, Willis, and Wright—21.

NOES—Senators Belshaw, Boynton, Greenwell, Keane, Leavitt, Markey, McKee, Muentner, Rambo, Reily, Weed, Welch, and Wolfe—13.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At four o'clock and twenty minutes P. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 159—An Act to change, establish, and permanently locate the boundary line of the County of Kings.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Miller moved to refer to Senator Weed, as a special committee of one, to amend as follows:

By striking out all after the words and figures "Section 2," page 2, and inserting in lieu thereof the following: "The south boundary line of Fresno County, between Kings and Fresno Counties, is hereby declared to be the fourth standard parallel line south."

Also, add a new section to be numbered three, as follows: "Section 3. This Act shall take effect from and after its passage"; and amend the title by adding after the word Kings, the following: "and a portion of the south boundary line of the County of Fresno."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 159, with instructions to amend, respectfully reports the same back, amended as per instructions.

WEED, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

SPECIAL ORDER SET.

Senator Miller moved that the consideration of Assembly Bill No. 159 be made a special order for Tuesday, March 5, 1907, at two o'clock P. M.

Senator Keane moved as an amendment that the hour named in the original motion be made three instead of two.

Motion to amend lost.

Original motion carried.

COMMUNICATION.

The following communication was presented by the Acting President and ordered printed in the Journal:

THE MERCHANTS' ASSOCIATION OF SAN FRANCISCO,
SAN FRANCISCO, CAL., February 25, 1907.

To the Honorable, the Senate and Assembly, Sacramento, California.

GENTLEMEN: The insurance situation with which San Francisco is confronted in its period of reconstruction is a serious one, and it will require considerable tact to meet it effectively.

Probably in none of the large cities of the world is it possible for merchants to secure all the insurance which they think it proper to carry in order to be reasonably safe. The difficulties in the way of securing adequate insurance in San Francisco, however, are greater than they were before the fire of last April. One well-known English company, which paid its San Francisco losses in full, has recently decided to cancel one million dollars of its San Francisco insurance, and another good and strong company has decided to cancel two million dollars of its insurance here. Difficulties in the way of securing adequate insurance raised by such conservative policy upon the part of insurance companies will be still further increased if any drastic legislation be adopted at the present session of the State Legislature.

We have all suffered more or less from the so-called "welchers," and under the circumstances the temptation is naturally very strong to adopt a class of legislation which will reach these companies. The difficulty with such legislation, however, is that it may also injuriously affect the dollar-for-dollar companies. Any legislation which will have the effect of driving good companies from the field or deterring other companies from entering California will be particularly unfortunate in its effects upon the rebuilding of San Francisco.

Many of the merchants and property owners here who are now putting forth heroic efforts to rebuild and reestablish themselves have been largely assisted by the insurance moneys which they have been able to collect. However, if the margin between the insurance carried and the value of property insured is too wide, a second general conflagration will do much to cripple San Francisco and her people. Good insurance companies should be encouraged to remain in California, and other good companies should be encouraged to come here. It is hoped and expected that outside capital may be induced to enter San Francisco, but it should be remembered that capital cannot well be encouraged to enter a field where insurance facilities are inadequate.

With these general ideas in mind, we beg leave to submit to you the following suggestions:

Cash Deposits by Foreign Companies.

1st. We believe it would be a mistake to pass any law requiring foreign insurance companies to deposit \$200,000 with the State as a condition precedent to the transaction of business here. California ought not to enact any insurance legislation which it would not be equally proper for other states to pass. If every state in the Union were to pass a deposit law like this one, companies would be required to deposit the sum of \$8,800,000 in the various states as a condition precedent to doing business there. This amount is in excess of the capital stock, surplus, and reserve of many companies which paid dollar for dollar in the recent fire.

Senate Bill No. 53.

2d. We think it would be an error to pass Senate Bill No. 53. Under the laws of New York, insurance companies may provide for two funds—(a) a guaranty surplus fund and (b) a special reserve fund, upon the filing of a certificate therefor with the Superintendent of Insurance. Any company which provides for such funds must indicate it on the face of its policy. These funds are created out of the surplus profits. While these funds are being built up no dividends can be declared in excess of seven per cent. until each of the two funds are equal in amount to the company's capital stock. In case of a general conflagration, the capital stock plus the guaranty surplus fund are liable for the payment of losses in the general conflagration and all losses accrued to that date. The special reserve fund, together with unearned premiums on outstanding losses thereupon constitutes a special fund for the payment of unearned premiums on any canceled policies which may be canceled thereafter, and for the payment of any fire losses occurring thereafter. In view of the fact that this special reserve fund with the guaranty surplus fund is built up through the economy of the company by limiting its dividends, it would appear to be a benefit rather than an evil. The guaranty surplus fund which is built up simultaneously with the special reserve fund is for the benefit of the policy holders in the general conflagration, so that this law appears to develop these

two funds in a spirit of equality. Senate Bill No. 53 is probably aimed at one Wisconsin company, but the effect of it would be to drive from the State of California six New York companies, one of which paid one hundred cents on the dollar, three of which paid ninety-eight cents on the dollar, the fifth of which paid from ninety to ninety-eight cents on the dollar, most of its settlements being at the latter figure, and the sixth of which paid from seventy-five to eighty cents at first, but which settled most of its losses from between ninety-five to ninety-eight cents. One of these New York companies which paid ninety-eight cents waived the effect of an earthquake clause. These statements as to the settlements of these New York companies are taken from the report of Professor Whitney to the San Francisco Chamber of Commerce. These companies, we are informed, paid in all at least twelve and one half million dollars to San Francisco policy holders. We think it would be a mistake to drive these companies from the field by any legislation designed to reach the Wisconsin company, which, under a similar law to that of New York, settled with its policy holders on a basis of seventy cents on the dollar, which settlement, by the way, in the last few days that company has increased by an extra dividend, which makes its total settlement approximate seventy-five cents.

Standard Form of Policy.

3d. When it comes to a question of standard forms of fire insurance policy, we do not believe a standard form should be adopted which is such a wide departure from existing standard forms that all advantage is lost from existing judicial construction of the phraseology in existing standard forms. A form which departs very widely from existing forms presents a large number of questions which cannot easily be settled except by judicial construction. The New York standard form has many objections to it, but we believe that the most satisfactory standard form could be secured by taking the New York standard as a basis, and by eliminating or modifying the objectionable features of that. We enclose herewith, for your consideration, a standard form which has been prepared along the lines of this suggestion. It is very closely a copy of Senate Bill No. 21 and Assembly Bill No. 224. The particulars wherein the enclosed form differs from these Senate and Assembly bills are indicated by underscoring.

Mutual Insurance.

4th. The insurance question, however, will not be entirely settled by the absence of drastic legislation and the passing of fair and conservative laws, and we are, therefore, in favor of the passing of some law designed to facilitate the organization of mutual insurance companies which can write risks that insurers otherwise may find some difficulty in having insured.

Valued Policy Law.

5th. We believe that a valued policy law would be unwise. The result of such a law would be to raise insurance rates, and existing rates are high enough at the present time to tax insurers seriously.

Respectfully submitted,

THE MERCHANTS' ASSOCIATION OF SAN FRANCISCO.

ANDREW M. DAVIS, Vice-President.

L. M. KING, Secretary.

An Act to establish a standard form of fire insurance policy, and to prevent variations therefrom except under certain stated conditions and restrictions.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following is adopted as a standard form of fire insurance policy for the State of California:

CALIFORNIA STANDARD FORM—FIRE INSURANCE POLICY.

No. Amount \$.....
Expires 19..... \$..... Other insurance permitted.
At noon

THE INSURANCE COMPANY.

Incorporated under the laws of

(..... General Agent.. for California.)

Address

In consideration of \$..... premium, receipt of which is acknowledged, and of the stipulations expressed herein, insures on his interest as of the property described herein, against all direct loss or damage by fire or lightning, except as hereinafter provided, to an amount not exceeding \$..... from noon 19.., to noon 19.., while said property is located and contained as described herein, but not elsewhere, to wit:

I. *Matters avoiding this policy.*

This entire policy shall be void (a) if the insured has misrepresented in writing or otherwise, or has failed to disclose any fact concerning this insurance or the subject thereof, which might have been material in estimating the risk; or (b) if

after loss, the insured makes any false statement or affidavit in reference thereto, or to his interest in the insured property, or in response to any inquiry on behalf of the insurer, or if he conceals any matter material to the ascertainment of the circumstances of the loss, or the amount thereof; or (c) if the interest of the insured in the property be not as above stated; or (d) if the insured now has, or hereafter procures, *other* insurance, whether valid or not, on any property covered in whole or in part by this policy exceeding \$.; or (e) if unless otherwise stated above, the insured is not the sole and unconditional owner of the property described herein; or (f) if *unless otherwise stated above* the subject of insurance be a building on ground not owned by the insured in fee simple; or (g) if *unless otherwise stated above* the subject of insurance be personal property, and it be or become incumbered by a chattel mortgage; or (h) if with the knowledge of the insured, foreclosure proceedings be commenced, or notice be given of the sale of any property covered by this policy, pursuant to any deed of trust or mortgage; or (i) if any change other than by death of and insured take place in the interest, title or *actual* possession of the subject of the insurance, (except change of occupants without increase of hazard, and *except a change in the interest or title arising from attachment or a judgment lien*) whether by legal process or judgment, or by voluntary act of the insured, or otherwise; or (j) if this policy be assigned before a loss. (k) If a building fall or such part thereof as would render it or its contents more shalable to take fire, insurance by this policy, whether on the building or its contents, shall immediately cease.

II. *Matters suspending the insurance.*

Insurance by this policy is suspended in any of the following events or conditions during their continuance, and for twenty-four hours after they have ceased: (a) if by any means within the knowledge and control of the insured, the hazard be increased; or (b) if the property cease to be used or operated for the purposes mentioned herein for more than ten consecutive days; or (c) if mechanics be employed in building, altering or repairing the premises hereby insured, or containing the insured property for more than fifteen days at any one time; or (d) if illuminating gas or vapor be generated in the described building or adjacent thereto for use therein; or (e) if (any usage or custom of trade or manufacture to the contrary notwithstanding) there be kept, used or allowed in the above described premises, or brought therein, benzene or gasoline in excess of one-half gallon, benzole, dynamite, ether, fireworks, Greek fire, gunpowder exceeding twenty-five pounds, naphtha, nitro-glycerine or other explosives, phosphorus or petroleum; or (f) if lamps or oil stoves be filled within ten feet of any fire or artificial light, except electric light; or (g) if a building herein described, whether intended for occupancy by owner or tenant be or become vacant or unoccupied and remain so for ten days, but when occupation is resumed liability hereunder immediately re-attaches.

III. *Risks not insured.*

This company will not be liable for loss caused directly or indirectly by (a) invasion, (b) insurrection, (c) riot, (d) civil war or commotion, (e) military or usurp power, or (f) by order of any civil authority, or (g) by neglect of the insured to use all reasonable means to save and preserve the property at and after the fire when property is endangered by fire; or (h) (unless fire ensues, and in that event for the damage by fire only) by explosion of any kind; or (i) by theft. *But the company will be liable when the property is destroyed by civil or military authority to prevent the spread of fire which otherwise probably would have destroyed the insured property.*

IV. *Specific losses not covered.*

This policy unless specifically provided for herein does not insure against loss of (a) accounts, (b) bills, (c) currency, (d) deeds, (e) evidences of death, (f) money, (g) notes, or (h) securities, or (i) against loss by interruption of business or manufacturing, (j) the loss of rents or use or occupation of premises, or (k) against loss occasioned by ordinance or law *regulating* the construction or repairs of buildings.

V. *Warranties—Breaches avoid policy.*

Any statement or *promise* in this policy, or (if signed by the insured) in any application for this insurance as to description, location, character or use of the insured property or any building containing it, constitutes a warranty, and if untrue in any material respect, avoids this policy.

VI. *Cancellation of policy.*

(a) This company at any time may cancel this policy, but such cancellation will not take effect until five days after receipt of written notice thereof by the insured or his agent if delivered personally. Notice thereof may be sent by registered mail to the address of the insured or his agent, and if so sent, the cancellation takes effect five days after receipt of such notice by the insured or his agent, or at the residence or place of business of either. Upon cancellation by the company it will immediately repay to the insured the portion of the premium corresponding with the unexpired part of the term of the policy, if paid. (b) The insured may cancel this policy by returning it to the company, and thereupon the company will repay all of the premium that has been paid excepting the customary short rate for the term the risk has run.

VII. Duty of insured in case of loss.

The insured must (a) give to this company written notice of any loss without unnecessary delay thereafter; (b) protect the property from further damage; (c) forthwith separate the damage and undamaged personal property, and put the latter in the best possible order; (d) make a complete inventory stating as far as possible the quantity and cost of each article, and the amount claimed thereon.

(e) The insured shall then keep the property as far as possible unchanged in condition, except as above provided, and subject to inspection and examination of the company for thirty days after preliminary proof of loss has been received by it, but he is not bound to keep it longer, unless the company requests in writing that it be kept for a specified time thereafter, and agrees in such writing to pay the expenses of keeping said property, including rent, storage and caretaking when necessary, and depreciation if any, and in case of buildings, the rental value of the ground for the time that the insured is prevented from using or improving the same by such request. (f) If any of the insured property is sold after the fire, the insured shall render to the company a true account of such sales. (g) Within sixty days after the fire, unless the time is extended in writing by this company, the insured will render to the company preliminary proof of loss consisting of a written statement signed and sworn to by him, stating: (1) His knowledge and belief as to the origin of the fire; (2) the interest of the insured, and of all others in the property; (3) the cash value of each item thereof, and the amount of loss thereon; (4) all incumbrances thereon; (5) all other insurance, whether valid or not, covering any of said property; (6) a copy of the descriptions and schedules in all other policies, unless similar to those of this policy, and in that event, a statement as to the amount for which each of the several items is insured in each of the other policies; (7) any changes of title, use, occupation, location, possession or exposures of said property since the issuance of this policy; (8) by whom and for what purpose any building herein described, and the several parts thereon, were occupied at the time of the fire; (9) and shall furnish, if required, as far as it is possible to obtain the same, verified plans and specifications of any buildings, fixtures or machinery destroyed or damaged. (h) Said notice and preliminary proof of loss may be delivered or sent by registered mail to the general agent of the company in California, or may be sent by registered mail to the company addressed to it at its home office, or may be served in any other manner if actually received by said agent or the company. (i) The insured as often as required shall exhibit to any person designated by this company all that remains of any property herein described, unless previously disposed of as above provided, and shall submit to examination under oath by any person named by this company, and subscribe the same, and as often as required, shall produce for examination all books of account, bills, invoices and other vouchers or certified copies thereof, if obtainable, if originals be lost, and permit extracts and copies thereof to be made. If the insured will furnish a convenient place for examination thereof at his own place of business, he is not required to remove his books, bills or vouchers therefrom, and in no event is he required to take or produce them or to appear for examination outside of the county of the fire, or more than fifty miles distant in the same county from the place of the fire.

VIII. Amount for which the company is liable.

The company is liable only for the actual cash value of the property at the time of loss or damage estimated with proper deductions for depreciation, but not exceeding the amount which it would cost the insured to repair or replace the same with material of like kind and quality within a reasonable time after such loss or damage, and estimated without allowance for any increased cost of repairs or reconstruction by reason of any ordinance or law regulating the construction or repair of such buildings.

IX. Ascertainment of amount of loss.

Unless the company assents to the amount of loss claimed by the insured in his preliminary proof hereinbefore provided for, it shall within fifteen days after receipt thereof, notify him in writing of its disagreement thereto, and demand an appraisal and name a competent and disinterested appraiser, and the insured within five days after receipt of such name shall appoint a competent and disinterested appraiser and notify the company thereof in writing, and the two so chosen shall meet without unnecessary delay and select a competent and disinterested umpire. If the appraisers cannot agree on an umpire within one week after the insurer receives notice of the appointment by the insured, the parties hereto or either of them may apply to the Presiding Judge of the Superior Court of the county in which the loss occurred, to appoint an umpire. After such selection or appointment, the appraisers together shall estimate and appraise the loss, stating separately the sound value and damage, and if they fail to agree, they shall submit their differences to the umpire, and the award in writing of any two shall determine the amount of such loss. The parties hereto shall pay the appraisers respectively appointed by them and shall bear equally the expense of the appraisal and umpire. If the company fails to make the appointment as above provided, or if for any reason not attributable to the insured, or to the appraiser appointed by him, an appraisal is not had and completed within sixty days after said preliminary proof of loss is received by said company, the insured is not to be prejudiced by the failure to make an appraisal, and may prove the amount of his loss in any action brought without such appraisal.

X. Option of company to rebuild or replace, or take damaged property or salvage.

The company at any time not later than *thirty days after receipt of the preliminary proof of loss herein provided for by notice in writing to the insured of its intention to do so*, may elect to repair, rebuild or replace the property lost or damaged with other of like quality, within a reasonable time; *provided*, if agreement as to value or appraisement is had before the property damaged has been removed or disposed of as hereinbefore provided, the company may take all or any part of the articles at such ascertained or appraised value, but there can be no abandonment of any property to this company.

XI. In case of removal to avoid fire.

If property covered by this policy is so endangered by fire as to *justify* removal to a place of safety, and is so removed, the property, if any, left at the original location is deemed to be insured by this policy for such part of its value as the amount of this policy bears to the total insurance thereon, and if the amount of this policy exceeds *the amount of this insurance applied by the foregoing provision* to the property in the original location, the excess is applicable to the property removed for five days only, and if such property be removed to several places, such excess shall for five days be apportioned to the several new locations covering the property at each in the proportion that the value in each such new location bears to the value in all of them.

XII. Pro-rating with other insurance.

This company shall not be liable under this policy for a greater proportion of any loss on the described property, or for loss by, and expenses of, removal from premises endangered by fire, than the amount hereby insured bears to the entire insurance covering such property whether valid or not, or by solvent or insolvent insurers.

XIII. Loss when payable.

The loss hereunder shall be payable sixty days after receipt by the company of the preliminary proof of loss herein provided for.

XIV. Agents.

In any matter relating to this insurance, no person unless duly authorized in writing shall be deemed the agent of this company.

XV. All waivers must be in writing.

No statement or representation made or information given, to the person soliciting this insurance or issuing this policy, shall be binding on the company, or in any manner affect its rights, unless contained in a written application or endorsed on or added to this policy, and no officer, agent or other representative of this company shall have power to waive any provision or condition of this policy, except in writing endorsed hereon or added hereto.

XVI. Subrogation.

If this company shall claim that the fire or loss was caused by the act or neglect of any person or corporation, private or municipal, this company shall on payment of the loss be subrogated to the extent of such payment to all right of recovery by the insured for the loss resulting therefrom, and such right shall be assigned to the company by the insured on receiving such payment.

XVII. Rights of others than insurers herein.

If the amount payable under this policy or any part thereof shall be made payable to any one other than the insured, unless the rights of such are expressly made subject to the conditions and forfeitures of this policy, no act or default of any person other than such payee or his agent or those claiming under him unless done with the payee's consent shall affect such payee's right to recover; provided that the payee shall on demand pay according to the established scale of rates for any increase of risks not paid for by the insurer.

But if the company pays such payee under circumstances under which it is not liable to the insured, the payee must subrogate the company to the extent of its payment to his rights and remedies in connection with the obligation or property of the insured to protect which this insurance was issued.

XVIII. Definitions.

The word "insured" when used in this policy includes the executors or administrators of the insured; and the word "loss" herein includes "loss or damage."

XIX. Time for commencement of action.

No suit on this policy shall be sustained until after full compliance by the insured with the foregoing requirements, nor unless commenced within twelve months next after the fire. Delay in serving preliminary proof of loss shall not prevent recovery by the insured but shall postpone the accrual of his cause of action until sixty days after such service.

This policy is not valid until countersigned by the duly authorized agent of the company at

IN WITNESS WHEREOF, the company has executed this policy by its President and Secretary.

.....
President.

.....
Secretary.
Agent at

SEC. 2. Said standard form of policy shall be plainly printed, and no portion thereof shall be in type smaller than long primer, and the printed parts thereof shall be in black ink, except as hereinafter provided.

SEC. 3. All fire insurance policies on property in California shall be on said standard form, and except as hereinafter provided shall not contain additions thereto. No parts of the standard form shall be omitted therefrom.

SEC. 4. The blanks in said standard form for (1) the number of the policy, (2) the time of its expiration, (3) the amount of the policy, (4) the term of the policy, (5) the amount, if any, of other insurance permitted, (6) the name of the company, (7) the state or country under the laws of which it is organized, (8) the name of its general agent in California, (9) the address of such agent, (10) the amount of premium, (11) the name of the insured, (12) the interest of the insured in the property insured, (13) the description, location, use or condition of the risk, *special agreements for the protection of the property or in reference to co-insurance*, (14) the signatures and addresses of the persons executing and issuing the policy on behalf of the company, (15) the date of the policy may be filled in writing or in any other way adopted by the insurer. The company may add to the standard form any matter relating to its financial condition, directors, officers, stockholders and history, and the address of its home office and principal office in the United States.

SEC. 5. No additions to said standard form other than as above provided shall be made unless the same are printed, written or stamped thereon, or added thereto, in red ink and in type not smaller than pica, but larger than the type used for printing the other conditions of the policy.

SEC. 6. In case of any variations from the standard form of policy other than as provided for by Section 4 of this Act, there shall be printed in red ink in large bold faced type on the top of the policy making such variations, the words "This policy varies from the California standard form." The variations are indicated by the matter herein in red ink.

SEC. 7. The insurer may, notwithstanding the provisions of this Act, add to the policy in any form that said insurer may adopt (a) waivers of any of the matters avoiding the policy according to the printed provisions thereof; (b) waivers of any of the matters suspending the insurance according to the printed provisions of the policy; (c) clauses assuming risks not insured under the printed provisions of the policy; (d) clauses covering property not covered according to the printed provisions of the policy; (e) waivers of any of the requirements imposed on the insured after loss by the printed provisions of the policy; (f) clauses assuming greater or additional liability than is imposed on the insurer according to the printed provisions of the policy, and (g) clauses granting to the insured privileges withheld from him by the printed provisions of the policy; (h) *agreements making the loss wholly or partly payable to a third party absolutely or conditionally, with or without provisions subrogating the company to the rights, if any, of the payee against the insured*; and any such additions to, or endorsements on, the policy are to govern in case of any conflict with the printed portions thereof.

SEC. 8. Any insurers other than corporations issuing policies on property in California, shall use the standard form, changing only such words as refer to the corporation or company or to officers or agents of the corporation or company, and in regard to its organization; and such other insurers may substitute in place of such words having peculiar reference to corporations, appropriate words having similar reference to themselves, and all the provisions of this act shall be applicable to such other insurers.

SEC. 9. Any policy varying from the standard form except in the manner and form above provided, shall be void in regard to the variations made otherwise than as above provided, and all variations made otherwise than as above provided shall be disregarded in the interpretation of said policy; but in respect to matter other than such variations, the policy shall be valid, and shall be read and interpreted as though the parts of the standard form changed by such variations appeared in the policy.

SEC. 10. Any insurer, or the agent countersigning or issuing a fire insurance policy covering in whole or in part property in California varying from the California standard form of policy except in the manner and form hereinabove provided, shall forfeit unto the State of California the sum of five hundred dollars for each such policy issued.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Willis asked for and was granted unanimous consent to have Senate Bill No. 784 taken up for the purpose of amendment.

Senate Bill No. 784—An Act to amend the Civil Code by adding a new title thereto, to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, and 1426q, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and

amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement, and drainage of mines within the State of California," approved March 11, 1891.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Willis moved to refer to Senator Price, as a special committee of one, to amend as follows:

By striking out of Section 1 Section 1426c, on line 55, the words "or markings."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 784, with instructions to amend, respectfully reports the same back, amended as per instructions.

PRICE, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Willis, the Secretary was directed to issue a rush order for printing Senate Bill No. 784.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 850—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley and to submit the question of such change to the people, and to provide regulations and provisions for such submission—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WRIGHT, Chairman.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Lukens asked for, and was granted unanimous consent to have Senate Bill No. 850 taken up for consideration.

Senate Bill No. 850—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions for such submission.

Bill read second time, considered engrossed, and ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 798—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Also: Assembly Bill No. 651—An Act making an appropriation of \$5000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, providing for a parole officer, his compensation and traveling expenses.

Also: Assembly Bill No. 691—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States, under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act."

Also: Assembly Bill No. 927—An Act to add a new section to the Political Code, to be numbered 759, relating to the employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said Code.

Also: Assembly Bill No. 89—An Act to amend an Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries, approved March 18, 1905.

Also: Assembly Bill No. 784—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the term of existence of corporations.

Also: Assembly Bill No. 458—An Act to appropriate \$10,000 for the establishment of a school of forestry at the University of California, and specifying the duties of the Controller and Treasurer of the State in relation thereto.

Also: Assembly Bill No. 230—An Act making an appropriation of one thousand dollars (\$1,000) to pay the claim of Edward W. Lehnner against the State of California.

Also: Assembly Bill No. 327—An Act to add a new section to the Penal Code, to be known as Section 628½, relating to the taking of shrimps.

Also: Assembly Bill No. 794—An Act to regulate nominations of public officers in party conventions by instructing delegates thereto and limiting their powers.

Also: Senate Bill No. 71—An Act to amend Section 3881 of the Political Code, relating to the correction of clerical omissions, errors, or defects in the assessment books.

Also: Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Also: Senate Bill No. 91—An Act to add a new section to the Penal Code, to be numbered Section 1520, relating to the holding of inquests by the coroner.

Also: Senate Bill No. 504—An Act to amend Section 11 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the use of books in such libraries.

Also: Senate Bill No. 364—An Act appropriating \$13,500 to complete the buildings, equipment, and furnishing of the State Normal School at San Francisco.

Also: Senate Bill No. 587—An Act to make an appropriation for the location, survey, and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.

Also: Senate Bill No. 290—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct and equip, for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of \$800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing the State Controller to draw his warrant for the said sum and the State Treasurer to pay the same.

Also: Senate Bill No. 222—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Also: Senate Bill No. 736—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employés.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 798, 651, 691, 458, and 230 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 927 and 89 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 784 read first time, and ordered on Assembly special file without reference to committee.

Assembly Bill No. 327 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 794 read first time, and referred to Committee on Elections and Election Laws.

Senate Bills Nos. 71, 123, 91, 504, 364, 587, 290, 222, and 736 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and passed as amended Senate Bill No. 351—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Also: Senate Bill No. 477—An Act to amend Section 109 of the Penal Code, relating to assisting prisoners, paroled prisoners, and escapes to escape.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 351?"

Strike out the words "but this provision shall not apply to any officer who has a deputy regularly employed and paid out of his salary or fees" found in lines 33, 34, and 35 of Section 1 of the printed bill, as amended by the Senate.

Also: Strike out the capital letter "H." in line 35 of Section 1 of the printed bill, as amended by the Senate, and insert in lieu thereof a small "h."

Also: After the letters "p. m." in line 37 of Section 1 of the printed bill, as amended by the Senate, insert as follows: "But this provision shall not apply to any officer who has a deputy regularly employed and paid out of his salary or fees."

The roll was called, and the above Assembly amendments to Senate Bill No. 351 concurred in by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Broughton, Carter, Curtin, Greenwell, Hartman, Keane, Markey, Mattos, McCarthy, McKee, Price, Rambo, Reilly, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Senate Bill No. 351 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 477?"

Amend by inserting after the word eight at the end of line 10, Section 1 of the printed bill, the following: "of the Penal Code."

The roll was called, and the Assembly amendment to Senate Bill No. 477 concurred in by the following vote:

AYES—Senators Bell, Belshaw, Black, Broughton, Curtin, Greenwell, Keane, Leavitt, Markey, Mattos, McCarthy, McKee, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Wolfe, and Wright—23.

NOES—None.

Senate Bill No. 477 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendment to Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Prison School of Industry—and appointed Assemblymen Snyder, Holt, and Chandler as a Committee on Conference to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

COMMITTEE ON CONFERENCE.

Senator Caminetti moved that a Committee on Conference be appointed, to meet a similar committee of the Assembly, on Senate Bill No. 106.

Motion carried.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President pro tem. announced that he had appointed Senators Caminetti, Belshaw, and Anderson as the Committee on Conference on Senate Bill No. 106.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 534—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district, to be called "Sacramento Drainage District," to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensations of such officers, and providing for the creating, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying, and collecting assessments upon the lands within said drainage district," approved March 20, A. D. 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PRICE, Chairman.

Senate Bill No. 534 ordered on file for second reading.

ON INSURANCE AND INSURANCE LAWS.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 273—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Also: Senate Bill No. 342—An Act providing for the organization and management of mutual fire insurance companies.

Have had the same under consideration, and respectfully report the same back, and recommend that the substitute be adopted.

LEAVITT, Chairman.

Senate Bills Nos. 273 and 342 ordered on file for second reading.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 561—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 442½, relating to the wearing of the uniform of the United States Army or Navy, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of California, by any person other than an officer or enlisted man of the National Guard or Naval Militia of the State of California, or of any other State, or of the United States Army, Navy, Marine Corps or Revenue Service, or inmate of any Veterans' or Soldiers' Home, or persons of the theatrical profession—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Assembly Bill No. 877—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906—have had the same under consideration, and respectfully report the same back and recommend that the same do pass, and be re-referred to the Committee on Finance.

Also: Senate Joint Resolution No. 9—Relative to reorganizing and increasing the efficiency of the artillery of the United States Army—have had the same under consideration, and respectfully report the same back and recommend that the same be adopted.

Also: Senate Bill No. 635—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass, and be re-referred to the Committee on Finance.

Also: Senate Bill No. 703—An Act to amend Sections 1925, 1928, 1934, and 1956, and to repeal Sections 1930, 1932, and 2004, of Chapter II, of Title IV of an Act entitled "An Act to establish a Political Code of the State of California," relating to the National Guard—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Concurrent Resolution No. 15—Relative to creating a special legislative committee to inspect sites for State rifle ranges, and to report thereon at the next session of the Legislature—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

Also: Assembly Bill No. 696—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for independent and unattached companies of the National Guard

of the State of California and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901—have had the same under consideration, and respectfully report the same back, and recommend that the same be re-referred to the Committee on Finance.

ANTHONY, Chairman.

Assembly Bill No. 561 ordered on Assembly special file for second reading.

Assembly Bills Nos. 877 and 696 referred to Committee on Finance.

Senate Bill No. 635 referred to Committee on Finance.

Senate Bill No. 703 ordered on file for second reading.

Senate Joint Resolution No. 9 ordered on file.

Senate Concurrent Resolution No 15 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 353—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Also: Senate Bill No. 854—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Also: Senate Bill No. 803—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title to real property partitioned by decree of court.

Also: Senate Bill No. 809—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1243 thereof, relative to the place and court in which actions in eminent domain must be brought.

Also: Assembly Bill No. 466—An Act to amend Section 574 of the Civil Code, relating to savings and loan corporations.

Also: Senate Bill No. 789—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals—have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 552—An Act providing for the disposition of actions and proceedings in which bills of exceptions and statements on motion for a new trial have been lost or destroyed by conflagration or other public calamity.

Also: Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

Also: Assembly Bill No. 152—An Act to amend Section 753 of the Political Code, relating to disposition of fees of Clerk of the Supreme Court.

Also: Assembly Bill No. 151—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.

Also: Senate Bill No. 859—An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California—have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

Also: Senate Bill No. 403—An Act to add a new section to the Penal Code of the State of California, to be known as and numbered Section 360a, relating to connivance, collusion and fraud in connection with actions of divorce, and providing a punishment therefor.

Also: Senate Bill No. 404—An Act to add a new section to the Penal Code of the State of California, to be known as and numbered Section 284a, relating to adultery, extreme cruelty, desertion, willful neglect and habitual intemperance, and providing a punishment therefor.

Also: Senate Bill No. 405—An Act to amend Section 132 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a subdivision, to be designated as Subdivision 7 of said section of said Act, relating to the duties of the district attorney.

Also: Senate Bill No. 406—An Act to amend section 411 and to add certain new sections, to be known and numbered as Sections 1018 and 1019, all of and to the Code of Civil Procedure of the State of California, relating to the service of process, pleadings, notices, and papers in actions for divorce and intervention in such actions.

Also: Senate Bill No. 473—An Act to add a new section to the Code of Civil Procedure, the said section to be designated eleven hundred and sixty-six a (1166a), relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, the form and the amount of the undertaking, and the form of the writ of ejectment, and the manner of executing and serving the writ.

Also: Senate Bill No. 816—An Act to define the term "caucus"; to declare the holding of a caucus unlawful; to provide for the calling and assembling of a free caucus by members of certain legislative bodies in the State of California, and to declare violations of the provisions of this Act a misdemeanor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

LUKENS, Chairman.

Assembly Bills Nos. 353, 466, 552, 6, 152, and 151 ordered on Assembly special file for second reading.

Senate Bills Nos. 854, 803, 809, 789, 859, 403, 404, 405, 406, 473, and 816 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 709—An Act to change the boundaries of the County of Los Angeles—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 876—An Act to definitely establish and permanently locate the eastern boundary line of Mendocino County, between Mount Hull and the southwest corner of Tehama County, and establish a western boundary of the County of Glenn, between Mendocino and Glenn counties.

Also: Senate Bill No. 888—An Act to provide for the classification of supervisors in counties of the fifteenth class, where they are not now classified; so that all of them shall not go out of office at the same time.

Also: Assembly Bill No. 557—An Act to amend section one hundred and seventy (170) of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CARTER, Chairman.

Senate Bills Nos. 709, 876, and 888 ordered on file for second reading.

Assembly Bill No. 557 ordered on Assembly special file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 855—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Also: Assembly Bill No. 156—An Act to amend an act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 709—An Act to regulate the building and occupancy of tenement houses in incorporated cities—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Judiciary.

McKEE, Chairman.

Assembly Bills Nos. 855 and 156 ordered on Assembly special file for second reading.

Assembly Bill No. 709 referred to Committee on Judiciary.

ON FORESTRY AND WATER PRESERVATION.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your Committee on Forestry and Water Preservation, to whom was referred Senate Bill No. 872—An Act to provide for the maintenance and operating

expenses of the Forestry Station at Santa Monica, Los Angeles County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WEED, Chairman.

Senate Bill No. 872 ordered on file for second reading.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 984—An Act to add a new section to the Political Code to be numbered 1866a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Also: Assembly Bill No. 866—An Act to regulate the conduct of election campaigns, and repealing an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1898.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

WALKER, Chairman.

Assembly Bills Nos. 934 and 866 ordered on Assembly special file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 741—An Act to amend Section 3788 of the Political Code, and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3778, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817, and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3815 of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1892, relating to the sale of real property for delinquent taxes, and the redemption and re-sale of such property; and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes, approved February 25, 1895," all relating to the sale of state lands—have had the same under consideration, and respectfully report the same back, and recommend a committee substitute therefor, and that the same do pass.

MCCARTNEY, Chairman.

Senate Bill No. 741 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 785—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 19, 1903, and March 20, 1905, by amending Section 162 thereof, relating to the fees and salaries of county and township officers in counties of the fifth class.

Also: Senate Bill No. 407—An Act to add a new section to the Code of Civil Procedure, to be known as Section 280, relating to graduates of the University of Southern California College of Law being admitted to practice without examination.

Also: Senate Bill No. 760—An Act to amend Section 758 of the Political Code and to add a new section thereto to be numbered 759, relating to the appointment and employment of a phonographic reporter by each of the District Courts of Appeal, and prescribing his duties and compensation.

Also: Senate Bill No. 318—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Also: Senate Bill No. 440—An Act to regulate the practice of barbering, and registering and licensing of persons to carry on such practice, and to insure the better education, and promote competency and skill among such practitioners in the State of California.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 785, 407, 760, 318, and 440 ordered on file for third reading.

RESOLUTIONS.

The following resolutions were offered:

By Senator Sanford:

Resolved, That Senate Bill No. 876 presents a case of urgency, as that term is used in Section 15, Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Nelson, Price, Rambo, Reily, Rush, Sanford, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 876—An Act to definitely establish and permanently locate the eastern boundary line of Mendocino County, between Mount Hull and the southwest corner of Tehama County, and establish a western boundary of the County of Glenn, between Mendocino and Glenn counties.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 876 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Nelson, Price, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS—(RESUMED).

By Senator Price:

Resolved, That the State Mineralogist, the State Highway Commissioner, and the President of the State Board of Prison Directors shall be a committee to investigate the feasibility of using the prisoners of the prisons of San Quentin and Folsom in the obtaining of road materials and building of highways, and to report thereon at the next legislative session.

Resolution read, and referred to Committee on Prisons and Reformatories.

By Senator Willis:

Resolved, That the Sergeant-at-Arms be allowed the sum of \$335 for checking up, branding and storing furniture of the Senate, now in Red Men's Hall and in the different outside committee rooms, and removing partitions, bill boxes, railings, electric fixtures, etc.; also burlaping, packing, removing and storing furniture now in the Lieutenant-Governor's room, at the close of the session; and the Controller is hereby directed to draw his warrant for the same, and the Treasurer to pay the same out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Mattos:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof be complied with, and that Senator Mattos be and he is hereby permitted to introduce a bill, to be numbered 929; and that Senator Keane be and he is hereby permitted to introduce a bill, to be numbered 930; and that Senator Black be and he is hereby permitted to introduce a bill, to be numbered 931; and that Senator Bates be and he is hereby permitted to introduce a bill, to be numbered 932.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Leavitt, Markey, Mattos, McKee, Muenter, Nelson, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bills were introduced:

By Senator Mattos: Senate Bill No. 929—An Act to amend Section 5 of an Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read first time, and ordered on file without reference to committee.

By Senator Keane: Senate Bill No. 930—An Act to provide for ascertaining and expressing the will of the people of the State of California upon the subject of Asiatic immigration.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Black: Senate Bill No. 931—An Act to increase the organized uniformed militia of the National Guard of California, by adding thereto an additional battalion to consist of four companies.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Bates: Senate Bill No. 932—An Act to repeal an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulations," approved March 20, 1903.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for and was granted unanimous consent to have Assembly Bill No. 266 taken up for the purpose of amendment.

Assembly Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 14, 15, 17, 20, 22, 35, 47, 56, 57, 60, and 61, by repealing Section 18 and by adding a new section, to be known as Section 55a.

During second reading of bill, the following amendments were submitted by committee:

Amend Section 7, page 6, line 25, by striking out the words "are not to be assessed," and strike out all of line 26 and the words "of the real estate," in line 27. and insert in lieu thereof the following: "or any lands or town lots within such district, shall be exempt from taxation for any of the purposes mentioned in this Act."

Amendment adopted.

Also:

Strike out all of Section 9 after the words "Section 55a" and insert the following:

"The board of directors may and upon a petition signed by fifteen per cent. of the qualified electors of such district, as shown by the last printed great register or registers of the county or counties in which said district is located, must submit to a vote of the electors of such district, either at a general or special election, the question as to whether or not thereafter such board shall have the power to levy special assessments, as hereinafter provided.

In such election the ballots shall contain the words "Shall directors be authorized to levy an annual assessment—Yes—No," or other similar words. If two thirds or more of the votes cast are in favor of conferring such power, thereafter the directors shall have the power each year, without submitting the question to a vote of the electors to levy such assessment as may be necessary to provide sufficient funds to pay the expenses of the care, operation and management of the business of said district, and the repair and improvement of such portions of said canal and works, as are completed and in use, including the salaries of officers and employes; but the amount so raised in any one year, without the special election provided for in Section 59 of this Act, shall not exceed one dollar upon each one hundred dollars of the assessed value of the property of said district assessable for irrigation purposes; *provided further*, that at any time after said power to levy such assessment shall have been granted to said board of directors, as provided in this section, upon petition of fifteen per cent of the qualified electors of such irrigation district, as shown by the last printed great register or registers of the county or counties in which said district is located, it shall be the duty of the board of directors of such district to submit to the qualified electors thereof, at a general or special election, the question as to whether or not the power of said board of directors to levy such assessment shall be withdrawn. In such election the ballots shall contain the words "Shall the authority of the directors to annually levy an assessment be withdrawn—Yes—No." If at said election a two-thirds majority of the votes cast shall be in favor of withdrawing said power from said board of directors, said board shall thereafter have no power to levy such assessment, except as provided in Section 59 of this Act or until the power to levy such assessment annually shall have again been conferred upon them as provided in this section."

Amendment adopted.

Also:

Strike out all of Section 2; also, all of Section 4 and renumber sections from Section 2 throughout the bill.

Amendment adopted.

Also:

Amend title by striking out of line 8 thereof the figures "15." Strike out of line 9 thereof the words "by repealing Section 18."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senator McKee asked for and was granted unanimous consent to have Senate Bill No. 785 taken up for the purpose of amendment.

Senate Bill No. 785—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 19, 1903, and March 20, 1905, by amending Section 162 thereof, relating to the fees and the salaries of county and township officers in counties of the fifth class.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McKee moved to refer to Senator Carter as a special committee of one, to amend as follows:

On page 2, line 50, strike out the word "five," and insert in lieu thereof the word "three."

Also: On page 3, in line 53, after the period (.) after the word "annum," insert the following: "Said recorder may also appoint two filing clerks, which office is hereby created, at a salary of twelve hundred dollars per annum each."

Also: On page 3, in line 54, after the word "deputies," insert a comma (,) and the word "clerks."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 785, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTER, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senator Savage asked for and was granted unanimous consent to have Assembly Bill No. 69 taken up for consideration.

Assembly Bill No. 69—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

During second reading of bill, the following amendments were submitted by committee:

On page 1, title, lines 2 and 3, strike out the words "granting to students to whom a diploma of the University of the Southern California College of Law is issued, license to practice in all the courts of this State," and insert in lieu thereof the following: "to add a new section to the Code of Civil Procedure, to be known as Section 280b, relating to graduates of the University of Southern California College of Law being admitted to practice without examination."

Amendment adopted.

Also:

On page 1, Section 1, line 1, after the figure "1," insert "A new section, to be known as Section 280b, is hereby added to the Code of Civil Procedure, to read as follows: 280b."

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the words "subject to the right of the Chief Justice of the Supreme Court, or the presiding justice of any District Court of Appeal of the State to order an examination of such students as make application for such license," and insert in lieu thereof the following: "without undergoing the examination required by Section 276 of this Code."

Amendment adopted.

Also:

On page 1, Section 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 882—An Act to amend the Penal Code of the State of California by adding a new

section thereto, to be numbered 476a, relating to the making, drawing, uttering, or delivery of a bank check or draft for the payment of money by a person without funds or credit to meet the same upon presentation, and prescribing a penalty therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUKENS, Chairman.

Senate Bill No. 882 ordered on file for second reading.

CONSIDERATION OF SPECIAL ORDER ON MOTION TO RECONSIDER.

The hour having arrived for the consideration of the special order heretofore set for this day, and in compliance with his notice given on February 22, 1907, Senator Caminetti moved that the vote whereby Assembly Bill No. 558—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books by the several counties or cities and counties of the State—was refused passage, be now reconsidered.

Motion duly seconded.

The roll was called, and the motion lost by the following vote:

AYES—Senators Anderson, Anthony, Bell, Boynton, Caminetti, Greenwell, Hartman, McCartney, Muentner, Price, Reily, Rush, Sanford, and Walker—14

NOES—Senators Bates, Belshaw, Black, Carter, Curtin, Keane, Leavitt, Mattos, McKee, Nelson, Rolley, Savage, Weed, Welch, Willis, Wolfe, and Wright—17.

Bill ordered transmitted to the Assembly.

BILLS RECALLED FROM COMMITTEE AND ORDERED ON FILE.

On motion of Senator Rolley, Assembly Bill No. 578—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of such commission, and by amending Section 9 thereof, relating to the tenure of such commission—was recalled from Committee on Judiciary and ordered on Assembly special file.

On motion of Senator Anthony, Assembly Bill No. 875—An Act to amend Sections 1908, 1914, 1916, 1922, 1923, all of the Political Code of the State of California, relating to the enrolled militia—was recalled from the Committee on Military Affairs and ordered on Assembly special file.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Sanford, Senate Bill No. 195—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and as amended June 13, 1906, by amending Section 2 thereof, relating to a license tax upon corporations—was referred to Committee on Finance, to retain its place on file.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 811, the same was taken up for consideration.

Senate Bill No. 811—An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments.

During second reading of bill, the following amendments were offered by Senator Carter:

Amend by striking out of Section 1, page 236, line 5 of Section 4278 of the body of the bill, the word "twelve," and inserting the following: "fifteen."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 236, line 7 of Section 4278 of the body of the bill, the word "fifteen," and inserting the following: "eighteen."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 252, line 2, of Section 4295 of the body of the bill, the comma after the word "county," and inserting the following: "or a public board or body acting in behalf of the State."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 234, line 5, of Section 4277 of the body of the bill, the period after the word "annum," and placing in lieu thereof a semicolon and the following: "*provided*, that in counties of this class the board of supervisors may, when in their opinion deemed necessary, authorize the county clerk to employ an assistant at a salary not to exceed \$75 per month, to be paid by such county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the county clerk is paid."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 239, line 18, of Section 4280 of the body of the bill, the period after the word "collector," at the end of the line, and inserting in lieu thereof a semicolon and the following: "*provided*, that in counties of this class there is hereby allowed to the tax collector one deputy, to be appointed by him, who shall receive the salary of fifty dollars per month, said salary to be paid by said county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the tax collector is paid."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 175, the whole of lines 208 to 235, inclusive, of Section 4251 of the body of the bill, being the whole of Subdivision 16 of said section of the body of the bill.

Amendment adopted.

Also:

Amend by striking out of Section 1, page 39, line 6, of Section 4088 of the body of the bill, the period after the word "county," and inserting in lieu thereof a comma, and after said comma, when inserted, the following: "or for the purpose of building or constructing roads, bridges or highways."

Amendment adopted.

Also:

Amend by inserting in Section 1, page 60, after line 4 of Subdivision 3 of Section 4041 of the body of the bill, a new section, to read as follows:

4142a. Each county recorder shall have the powers and perform the duties within

the county of which he is the recorder, which are prescribed and required by the provisions of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration, and fixing penalties for the violation of this Act." He shall have the powers and shall perform the duties within the county of which he is such officer, which are prescribed and required by the provisions of Chapter III, Title VII, of Part III, of the Political Code of the State of California, relating to the registry of births, marriages, and deaths.

Amendment adopted.

Also:

Amend by inserting in Section 1, page 52, at the end of page, after the present subheadings of Article VII on said page, a new subheading to read as follows:

4142c. Duties with reference to registration of death, issuance and registration of burial and disinterment permits, and the establishment of registration districts.

Amendment adopted.

Also:

Amend by striking out of Section 1, page 11, lines 1 to 4, inclusive, of Section 4014 of the body of the bill, being the whole of Section 4014 of the body of the bill, and inserting in lieu thereof the following:

4014. The officers of a township are, two justices of the peace, two constables, and such subordinate officers as are provided by law. In townships containing cities in which city justices and recorders are elected, and in townships having a population of less than five thousand there shall be but one justice of the peace; *and provided*, that in townships containing a population of more than one hundred thousand and less than three hundred thousand there shall be four justices of the peace. The board of supervisors of each county, as public convenience may require, shall divide their respective counties into townships for the purpose of electing justices of the peace and constables; *provided, however*, that in the establishment of townships, no incorporated city shall be divided so as to lie partly within one township and partly within another. Upon the approval of this Act the board of supervisors must appoint competent persons to fill the additional offices of justices of the peace by this Act created.

Amendment adopted.

Also:

Amend by striking out of Section 1, page 83, line 30 of Section 4226 of the body of the bill, the word "fifty," and inserting the following: "seventy-five."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 83, line 31, of Section 4226 of the body of the bill, the word "forty," and inserting the following: "fifty."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 83, line 32 of the body of the bill, the word "thirty-five," and inserting the following: "seventy-five."

Amendment adopted.

Also:

Amend by striking out in Section 1, page 80, line 11 of the body of the bill, the period after the word "Surveyor," and inserting in lieu thereof a semicolon, and thereafter inserting the following: "*provided*, that in counties where the office of assessor has not prior to the taking effect of this title been provided with such maps and block books, and the surveyor neglects and refuses to make the same, the board of supervisors may contract with other competent person or persons for the making thereof, and may provide for the payment therefor from the funds of the county.

Amendment adopted.

Also:

Amend by striking out pages 105 to 108, inclusive, the whole of lines 1 to 136, inclusive, of section 4233 of the body of the bill, and inserting in lieu thereof the following:

4233. In counties of the fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

1. The county clerk thirty-six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk two deputy

county clerks who shall receive a salary of fifteen hundred dollars per annum each; also four deputy clerks who shall receive a salary of twelve hundred dollars per annum each, also one deputy county clerk who shall receive a salary of nine hundred dollars per annum; the deputies herein provided for shall be appointed by the clerk of said county, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as is the salary of the county clerk; *provided further*, that in such years as the compilation of a great register of voters is required by law to be made, the said clerk may appoint two deputies who shall serve for a term of four months and shall each receive a salary not to exceed seventy-five dollars per month, to be paid as are other deputies herein provided for; *provided*, that the said county clerk may be allowed the actual and necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

2. The sheriff four thousand dollars per annum; *provided*, that there shall be and hereby is allowed to the sheriff one under sheriff whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, also six deputies who shall receive a salary of twelve hundred dollars per annum each, also one deputy who shall act as matron of the county jail who shall receive a salary of nine hundred (900) dollars per annum. The under sheriff and deputies herein provided for shall be appointed by the sheriff and paid at the same time and in the same manner and out of the same funds as is the salary of the sheriff; *provided*, that said sheriff shall be allowed the actual necessary expenses incurred in the performance of his official duties. He shall pay into the county treasury all fees and mileage collected by him for the service of papers or process issued by any court of this State.

3. The county recorder, thirty-six hundred dollars per annum, and said recorder may appoint one deputy recorder who shall receive a salary of fifteen hundred dollars per annum, also one deputy recorder who shall receive a salary of twelve hundred dollars per annum, also six deputy recorders who shall receive a salary of eight hundred dollars per annum each. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same funds as the county recorder; *provided*, that such recorder may be allowed the actual necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

4. The county auditor, thirty-six hundred dollars per annum, and said auditor may appoint one deputy auditor who shall receive a salary of fifteen hundred dollars per annum; *provided*, that for the purpose of performing the work imposed upon him by law, in connection with the annual assessment and collection of property taxes, said auditor may be allowed five additional deputies for a period of one month who shall each receive a salary of one hundred dollars. The deputies herein provided for shall be paid at the same time and in the same manner as is the county auditor; *provided*, that such auditor shall pay into the county treasury all fees received by him in his official capacity.

5. The county treasurer, thirty-six hundred dollars per annum, and said treasurer may appoint one deputy treasurer who shall receive a salary of twelve hundred dollars per annum. All fees and commissions collected by him in his official capacity shall be paid into the county treasury; *provided*, that the county treasurer shall be entitled to retain for his own use the fees which are now or which may hereafter be allowed by the State law for the collection and payment to the State Treasurer of inheritance taxes, except that he shall not be entitled to retain more than the sum of one hundred dollars out of the inheritance taxes paid on account of any one estate. Whenever the fees received on account of any one estate paying inheritance taxes shall exceed the sum of one hundred dollars, such excess shall be by the county treasurer paid into the county treasury as in the case of fees received by him from other sources. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county treasurer.

6. The tax collector, thirty-six hundred dollars per annum, and said tax collector may appoint one deputy tax collector who shall receive a salary of eighteen hundred dollars per annum; one additional deputy tax collector who shall receive a salary of fifteen hundred dollars per annum; also seven additional deputy tax collectors to serve as such only from the first day of October to the fifteenth day of December of each year and who shall receive a salary of one hundred dollars each per month; also one deputy tax collector who shall serve as such only during the months of April and May of each year and shall receive a salary of one hundred dollars per month; also nine copyists who shall serve only during one month and one half month of each year and shall receive a salary of seventy-five dollars per month. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the salary of the tax collector; *provided*, that said tax collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

7. The license collector, fifteen per cent on the whole amount of licenses collected by him; *provided*, that the entire compensation of said license collector shall not exceed the sum of fifteen hundred dollars per annum.

8. The county assessor, thirty-six hundred dollars per annum, and said assessor may appoint one deputy assessor who shall receive a salary of twelve hundred dollars per annum, also seventeen deputy assessors who shall serve as such only during the months

of March, April, May, and June of each year, who shall each receive a salary of one hundred dollars per month, also eight additional deputy assessors who shall serve as such only during the months of March, April, May, June, and July of each year who shall receive a salary of one hundred dollars per month, also six copyists to serve as such only during four months of each year who shall receive a salary of seventy-five dollars each per month; *provided*, that the above salaries and compensations shall be in full for all services rendered by him as such assessor and that no commission for the collection of State or infirmity poll taxes or personal property taxes shall be retained by him but that all such commissions shall be paid into the county treasury. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county assessor; *provided*, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties.

9. The district attorney three thousand six hundred dollars per annum; he may appoint a chief deputy at a salary of two thousand two hundred dollars per annum, one assistant district attorney at a salary of eighteen hundred dollars per annum, and one assistant district attorney at a salary of one thousand five hundred dollars per annum; also a deputy district attorney at a salary of one thousand five hundred dollars per annum, and a clerk at a salary of twelve hundred dollars per annum, all of whom shall be paid in the same manner as said district attorney; *provided*, that said district attorney shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. All fees and commissions collected by him shall be paid into the county treasury.

10. The coroner and public administrator, such fees as are now or may hereafter be allowed by law.

11. The county superintendent of schools three thousand dollars per annum, and the said superintendent of schools may appoint a deputy superintendent of schools who shall receive a salary of twelve hundred dollars per annum and the said superintendent of schools shall also be paid his actual traveling expenses when visiting the schools of the county. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the superintendent of schools.

12. The county surveyor the sum of three thousand dollars per annum. Said surveyor may appoint the chief deputy surveyor who shall receive a salary of fifteen hundred dollars per annum, also one deputy who shall receive a salary of twelve hundred dollars per annum; and one deputy at nine hundred dollars per annum. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for engineering and surveying other than for the county, shall be paid into the county treasury; *provided*, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field, and in the official discharge of his duties. Such salaries to be paid at the same time and in the same manner as the salaries of other county officers are paid.

13. In counties of this class justices of the peace shall be compensated as follows, and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz:

In the townships having a population of 20,000 or more, justices of the peace shall each receive a salary of one hundred and fifty dollars per month, as and for all services rendered by them in criminal cases; *provided, however*, that in all such townships having a population of 20,000 or more, there shall be two township justices of the peace in and for any such townships, and such justices shall be allowed a clerk, to be appointed by the board of supervisors at a salary of seventy-five dollars per month, payable monthly, in the same manner as salaries of county officers are paid, and shall be furnished with offices and necessary supplies by the board of supervisors. As compensation for all services rendered in civil cases, and in all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages, and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, concerning services connected with posting estrays, performing the duties of coroner, and taking and approving bonds, or undertakings, including the justification of sureties, such justices of the peace may receive and retain for their own use such fees as are now or may hereafter be allowed for such services.

In townships having a population of 5,000 and less than 20,000, justices of the peace shall receive the sum of one hundred and thirty-seven dollars and fifty cents per month as salaries for all services rendered by them in criminal cases; as compensation for all services rendered in civil cases and in all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, performing the duties of coroner and taking and approving bonds or undertakings, including the justification of sureties, justices of the peace may receive and retain for their own use such fees as are now, or may hereafter be, allowed for such services.

In townships having a population of 4,400 and less than 5,000, justices of the peace shall each receive as a salary the sum of one hundred and thirty-seven dollars and fifty cents per month as full compensation for all services rendered by them both in criminal cases and civil cases and in all cases wherein the justice of the peace performs the duties of coroner, and also in all other matters wherein a justice of the peace may lawfully

charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, and taking and approving bonds or undertakings, including the justification of sureties; all fees collected by justices of the peace in criminal cases and in civil cases and also all other fees of every kind and character lawfully chargeable and collectible by justices of the peace shall be collected by them and by them paid monthly into the county treasury, the above salary being in full for all services.

In townships having a population of 4,000 and less than 4,400, justices of the peace shall each receive as a salary the sum of one hundred and thirty-five dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases, and in all cases wherein the justice of the peace performs the duties of coroner. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. All other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, and taking and approving bonds or undertakings, including the justification of sureties, a justice of the peace may collect and retain for his own use such fees as are chargeable by law as his compensation.

In townships having a population of 1,500 and less than 4,000, justices of the peace shall each receive as a salary the sum of sixty-five dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. All other matters wherein a justice of the peace may lawfully charge fees for the services he may collect and retain for his own use such fees as are chargeable by law as his compensation.

In townships having a population of 1,000 and less than 1,500, justices of the peace shall each receive as a salary the sum of fifty dollars per month as full compensation for all services rendered by them in both criminal cases and civil cases. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected and by them paid monthly into the county treasury. In all other matters wherein a justice of the peace may lawfully charge fees for his services he may collect and retain for his own use such fees as are chargeable by law as his compensation.

In townships having a population of less than 1,000, justices of the peace shall each receive as a salary the sum of thirty dollars per month as full compensation for all services rendered by them in both criminal and civil cases. All fees chargeable and collectible by justices of the peace in criminal cases and in civil cases for services rendered by them shall be collected and by them paid monthly into the county treasury. In all other matters wherein a justice of the peace may lawfully charge fees for his services he may collect and retain for his own use such fees as are chargeable by law as his compensation.

14. In counties of this class constables shall be compensated as follows, and all salaries herein provided shall be paid as follows, in the same manner as the salaries of county officers are paid, viz:

In townships having a population of 20,000 or more, constables shall each receive a salary of one hundred dollars per month for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and in all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now or may hereafter be allowed by law.

In townships having a population of 5,000 and less than 20,000, constables shall each receive the sum of seventy-seven dollars and fifty cents per month as a salary for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and in all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation, such fees as are now or may hereafter be allowed by law.

In townships having a population of 4,400, and less than 5,000, constables shall each receive the sum of seventy-seven dollars and fifty cents per month as a salary for all services rendered by them in criminal cases, civil cases and in the performance of all other duties imposed upon them by law. All fees chargeable and collectible by them both in criminal cases and civil cases, and in all other cases wherein fees are chargeable by constables, they shall collect in advance and pay monthly into the county treasury.

In townships having a population of 4,000, and less than 4,400, constables shall each receive the sum of seventy-five dollars per month as a salary for all services rendered by them in both criminal and civil cases. All fees collected by them in civil and criminal cases shall be paid by them monthly into the county treasury. For all other services performed by them they may charge and retain for their own use such fees as are chargeable at law.

In townships having a population of 1,500 and less than 4,000, constables shall each receive the sum of sixty dollars per month, as a salary for all services rendered in both civil and criminal cases. All fees collected by them in civil and in criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

In townships having a population of less than 1,500, constables shall receive each the sum of forty dollars per month, as a salary for all services rendered by them both in civil and criminal cases. All fees collected by them both in criminal and civil cases shall be paid monthly into the county treasury. For all other services performed by them, they may charge and collect for their own use such fees as are allowed by law.

Constables shall be allowed all necessary expenses incurred in conveying prisoners.

The population herein referred to in classifying the townships for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the last preceding federal census; *provided*, that if a township census be taken after the taking of the federal census, under the provisions of subdivision twelve and one-half of Section 25 of this Act then such census shall be known and shall become the official census of the township in which the same is so taken, and the population therein determined shall be and become the official population of such township.

15. Each supervisor, one thousand two hundred dollars per annum and mileage of ten cents per mile for each mile actually traveled in going to and from their residence to the county seat or in performance of the duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only four mileages shall be allowed for each month and that the total mileage allowed shall not exceed one hundred dollars in any one month; and in counties of this class the members of the board of supervisors shall be ex officio road commissioners and as such road commissioners shall be paid the sum of five hundred dollars per annum each.

Amendment adopted.

Also:

Amend by inserting in Section 1, page 110, line 47 of Section 4234 of the body of the bill, after the words "per annum," the following: "Said recorder may also appoint two filing clerks, which office is hereby created, at a salary of twelve hundred dollars per annum each."

Amendment adopted.

Also:

Amend by inserting in Section 1, page 110, line 48 of Section 4234 of the body of the bill, after the word "deputies," a comma, and thereafter the following: "clerks."

Amendment adopted.

Also:

Amend by inserting in Section 1, page 200, line 15, of Section 4262 of the bill, after the word "annum," the following: "In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner, and at the same time other county officers are paid."

Amendment adopted.

Also:

Amend by inserting in Section 1, page 247, at the bottom of said page, a new subdivision of Section 4285 of the body of the bill to read as follows:

17. Jurors' fees in criminal cases shall be as follows: For attending as a grand juror or a trial juror in the Superior Court, in criminal cases only, for each day's attendance, per day, three dollars, for each mile actually traveled in attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile (30) thirty cents and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

Amendment adopted.

Also:

Amend by inserting in Section 1, page 247, line 7 of Section 4285 of the body of the bill, at the end of said line, after the words "per annum," the following: "In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services fifty per cent of the amount collected in said office during his period of service for filing and recording mining locations and affidavits of assessment work."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 209, line 7 of Section 4265 of the body of the bill, the period at the end of said line, after the word "annum," and insert the following: "and all mileage now allowed by law."

Amendment adopted.

Also:

Amend by inserting in Section 1, page 210, at the end of line 24 of Section 4265 of the body of the bill, after the word "county," the following: "The superintendent shall be allowed one deputy for a period of not exceeding five months in any one year, which said deputy shall be allowed a salary of twenty-five dollars per month, to be paid at the same time and in the same manner as other county officers."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 240, the whole of lines 43 to 51, inclusive, being the whole of Subdivision 15 of Section 4280 of the body of the bill, and inserting the following:

15 Each member of the board of supervisors, two hundred and fifty dollars per annum; mileage from residence to county seat at each sitting of the board, twenty cents per mile; also three dollars per day, and actual traveling expenses in discharging the duties of road commissioner, but he shall not in any one year receive more than three hundred dollars as road commissioner."

Amendment adopted.

Also:

Amend by striking out of Section 1, page 245, line 6 of Section 4284 of the body of the bill, the period after the word "annum," at the end of said line, and insert a semicolon in lieu thereof, and thereafter the following: "provided, that in counties of this class there shall be and is hereby allowed a copyist, which office of copyist to the recorder is hereby created, and which copyist shall be appointed by the recorder, and be paid a salary of fifty dollars per month, said salary to be paid by said county in monthly installments, at the time and in the manner and out of the same fund as the salary of the recorder is paid."

Amendment adopted.

Also:

Amend by inserting after the word "hundred," in line 26, Section 4245 of the body of the bill, on page 150, Section 1 of the printed bill, the word "dollars."

Amendment adopted.

Also:

Amend by striking out the comma after the word "maps," in line 35, Section 4245 of the body of the bill, on page 151, Section 1 of the printed bill, and insert in lieu thereof the word "or."

Amendment adopted.

Also:

Amend by inserting after the word "plats," in line 35, Section 4245 of the body of the bill, on page 151, Section 1 of the printed bill, the word "he."

Amendment adopted.

Also:

Amend by striking out the words "There shall be one justice of the peace for each of said townships and no more," on lines 56 and 57, Section 4245 of the body of the bill, on page 151, Section 1 of the printed bill, and inserting in lieu thereof the following: "There shall be two justices of the peace in each such townships containing a population of five thousand or more, and in each such township containing a population of less than five thousand there shall be one justice of the peace."

Amendment adopted.

Also:

Amend by inserting after the word "and," in line 61, Section 4245 of the body of the bill, on page 151, Section 1 of the printed bill, the word "in."

Amendment adopted.

Also:

Amend by inserting after the word "vote," in line 96, Section 4245 of the body of the bill, on page 152, Section 1 of the printed bill, the word "cast."

Amendment adopted.

Also:

Amend by striking out the word "cast," in line 97, Section 4245 of the body of the bill, on page 152, Section 1 of the printed bill.

Amendment adopted.

Also:

Amend by striking out the period after the word "election," in line 97, Section 4245 of the body of the bill, on page 152, Section 1 of the printed bill, and insert after said word "election," the word "therefor," followed by a period.

Amendment adopted.

Also, offered by Senator Caminetti, and pending since the last legislative day:

Amend by striking out of Section 1, pages 253 to 257, inclusive, lines 1 to 156, inclusive, of Section 4300 of the body of the bill, and inserting in lieu thereof the following:

4300. The following county, township, and other officers shall charge and collect the following fees:

1. *County Clerk.*

On the commencement of any action or proceeding in the Superior Court, except probate proceedings, or on an appeal thereto, to be paid by the party commencing such action or proceeding, or taking such appeal, five dollars.

For each paper or instrument thereafter filed, except as otherwise herein provided, ten cents.

For each paper or instrument thereafter filed and recorded, except as otherwise herein provided, fifteen cents per folio.

On the filing of a petition for letters of administration, testamentary, or guardianship, five dollars, to be paid by the petitioner.

For each paper or instrument thereafter filed, except as otherwise herein provided, ten cents.

For each paper or instrument thereafter filed and recorded, except as otherwise herein provided, fifteen cents per folio.

On filing the petition to contest any will or codicil, three dollars.

On the appearance of any defendant, or any number of defendants, answering jointly, to be paid upon filing the first paper in the action by him or them, two dollars.

On placing any action, excepting a probate proceeding or default case, on the calendar for trial or hearing, to be paid by the party at whose request such action or proceeding is so placed, two dollars.

For every additional defendant appearing separately, one dollar.

The foregoing fees shall be in full for all services rendered by such clerk in the cause, to and including the making up of the judgment roll.

On the filing of any notice of motion to move for a new trial of any civil action or proceeding, the party filing same shall pay to the clerk, in full for all services to be rendered in connection with said motion, except as hereinafter in this section provided, two dollars.

For issuing an execution or order of sale in any action, one dollar.

In all proceedings begun or acts performed prior to this section becoming a law, such fees and charges as were provided by law at the time such proceedings were begun or acts performed.

The clerk shall also charge and collect the following fees and compensation not above provided for:

For any copy of any record, proceeding, or paper on file in the office of the clerk relating to any civil action pending in said court, when such copy is made by him, per folio, ten cents.

For each certificate of the clerk, under the seal of the court, twenty-five cents.

For filing each claim in probate or insolvency proceedings, fifteen cents.

No fees shall be allowed or charged by the clerk for services rendered in any criminal case.

For services rendered by the clerk, not in connection with civil actions or proceedings in court, he shall charge and collect, for the benefit of the county, the following fees:

For issuing marriage licenses, one half to be paid to the county recorder, two dollars.

For filing and indexing articles of incorporation, three dollars.

For filing and indexing certificates of co-partnership, one dollar.

For filing and indexing all papers to be kept by him, other than papers filed in actions or proceedings in court and official bonds and certificates of appointment, each, twenty-five cents.

For issuing any license required by law, other than marriage licenses, one dollar.

For examining and certifying to a copy of any paper, record or proceedings prepared by another and presented for his certificate, fifty cents, and two cents per folio for certifying the seal app each the original.

For making satisfaction of or order on judgment, twenty-five cents.

For receiving and filing remittitur from Supreme Court, fifty cents.

For administering each oath, without certificate, except in a pending action or proceeding, twenty-five cents.

For taking any affidavit, except in criminal cases, twenty-five cents.

For taking and approving each undertaking, and the justification thereof, except in criminal cases, fifty cents.

For searching records or files, for each year, one dollar.

For taking acknowledgment of any deed or other instrument, including the certificate, fifty cents.

For filing notices of appeal, and appeal bonds, each, twenty-five cents.

2. Sheriff.

For serving any process, writ, order, or paper, except as in this subdivision provided, required by law to be served by the sheriff, one dollar.

For serving a writ of attachment, execution, or order for the delivery of personal property, one dollar.

For taking any bond or undertaking, fifty cents.

For serving an attachment or execution on any ship, boat, or vessel, three dollars.

For keeping and caring for property under attachment or execution, such sum as the court may fix: *provided*, that no greater sum than three dollars per day shall be allowed to a keeper when necessarily employed.

For a copy of any writ, process, or paper actually made by him, when required or demanded according to law, per folio, twenty cents: *provided*, that when correct copies are furnished to him for use, ten cents per folio shall be charged for such copies.

For advertising sale of property and posting notice, exclusive of cost of publication, or furnishing notice for publication, each, one dollar.

For publication of notice in newspaper, the reasonable cost of publication, subject to the approval of the court.

For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupant, three dollars.

For subpoenaing witness, including copy of subpoena, each, forty cents.

For summoning trial jury of twelve or less, three dollars; for each additional juror, twenty-five cents.

For traveling in the service of any paper required by law to be served, for each mile actually and necessarily traveled, one way only, fifteen cents, when such travel can be made by rail; in other cases, twenty-five cents. No constructive mileage to be allowed.

For collecting money on execution, with or without levy, one per cent on the first thousand dollars or less, and one half of one per cent on all sums over one thousand dollars.

For executing and delivering sheriff's deed, two dollars and fifty cents.

For executing and delivering certificate of sale, one dollar.

For transporting prisoners to the county jail, the actual cost of such transportation.

For executing and delivering any other instrument, twenty cents per folio.

3. Recorder.

For recording every instrument, paper, or notice required by law to be recorded, per folio, fifteen cents.

For indexing every instrument, paper, or notice, for each name, fifteen cents.

For filing every instrument for record, and making the necessary entries thereon, twenty-five cents.

For each certificate under seal, twenty-five cents.

For every entry of discharge, credit, or release on the margin of record, and indexing same, fifty cents.

For searching the records of his office, for each year, one dollar.

For abstract of title, for each conveyance or incumbrance, fifty cents.

For recording each map or plat, where the same is copied in a book of record, for each course, twenty cents.

For recording each map or plat, where the same is not copied in a book of record, one dollar.

For figures or letters on maps or plats, per folio, twenty cents; *provided*, that the fees for recording any map shall not exceed seventy-five dollars.

For taking acknowledgment of any instrument, fifty cents.

For recording marriage license, and certificate, to be paid by the county clerk, one dollar.

For recording transcript and all services in estray cases, one dollar.

For recording each mark or brand, fifty cents.

For administering each oath or affirmation, and certifying the same, twenty-five cents.

For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents.

The clerk, sheriff and recorder shall account for all fees in this section provided for, and the clerk, sheriff and recorder, unless otherwise provided by law, shall pay the same to the county treasurer on the first Monday of each month following their collection, as provided in this section.

Amendment refused adoption.

Bill read second time, and ordered to print and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Carter, the Secretary was directed to issue a rush order for printing Senate Bill No. 811.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator McCartney asked for and was granted unanimous consent to have Senate Bill No. 882 taken up for consideration.

Senate Bill No. 882—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 476a, relating to the making, drawing, uttering, or delivery of a bank check or draft for the payment of money by a person without funds or credit to meet the same upon presentation, and prescribing a penalty therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Black asked for and was granted unanimous consent to have Senate Bill No. 11 taken up for the purpose of amendment.

Senate Bill No. 11—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Black moved to refer to Senator Willis, as a special committee of one, to amend as follows:

On page 2, Section 2, line 19 of the printed bill, as amended February 16, 1907, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "twelve hundred."

Also: On page 5, Section 2, line 130 of the printed bill, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "twelve hundred."

Also: On page 6, Section 2, line 154, at the end of the line, strike out the period and insert in lieu thereof a semicolon and the following words: "Petitions for exclusion shall be disposed of in the order in point of time in which they are filed with the clerk of the board of supervisors, and on final determination of boundaries no changes in the boundaries originally proposed shall be made except as prayed for in said petition or petitions or to correct clerical errors or uncertainties."

Also: On page 15, Section 8, strike out all of lines 50 to 63, both inclusive, and all of line 64 to and including the period after the word "county."

Also: On page 6, Section 3, line 4, strike out the figures "750," and insert in lieu thereof the figures "1200"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT. Your special committee of one, to whom was referred Senate Bill No. 11, with instructions to amend, respectfully reports the same back amended as per instructions.

WILLIS, Special Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Broughton, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 11.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to have Senate Bill No. 845 taken up for the purpose of amendment.

Senate Bill No. 845—An Act to amend Section 3680 of the Political Code of the State of California, relating to sale of land for taxes.

During second reading of bill, the following amendments were submitted by committee:

On page 2 Section 1, lines 29 and 30, strike out the word "thousand," and insert in lieu thereof the following: "hundred."

Amendment adopted.

Also:

On page 2, Section 1, lines 30 and 31, strike out the words "to be recovered in an action brought by the Attorney-General in the name of the State."

Amendment adopted.

Also:

On page 2, Section 2, line 1, strike out the words "Sec. 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for printing Senate Bill No. 845.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Bates asked for and was granted unanimous consent to have Senate Bill No. 851 taken up for consideration.

Senate Bill No. 851—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, and amended March 6, 1899.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator McKee asked for and was granted unanimous consent to have Committee Substitute for Senate Bills Nos. 238, 655 and 710 taken up for consideration.

Committee Substitute for Senate Bills Nos. 238, 655, and 710—An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bills Nos. 238, 655, and 710 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Kennedy, Leavitt, Mattos, McArthur, McKee, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Rush asked for and was granted unanimous consent to have Senate Bill No. 25 taken up for the purpose of amendment.

Senate Bill No. 25—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Rush moved to refer to Senator Savage, as a special committee of one, to amend as follows:

By striking out of Section 2, line 5, the period (.) at the end of said line, and inserting at end of said line the following: "and, if required, to purchase additional lands therefor."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 25, with instructions to amend, respectfully reports the same back, amended as per instructions.

Savage, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

Senator Wolfe asked for and was granted unanimous consent to have Senate Bill No. 613 taken up for the purpose of amendment.

Senate Bill No. 613—An Act to add a new section to the Civil Code, to be numbered 423, relating to the deposits for the protection of policy holders by insurance companies engaged in the business of insuring or indemnifying employers and others against loss or damage for personal injury or death resulting from accidents to employes or persons other than employes.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator Lukens, as a special committee of one, to amend as follows:

By striking out of Section 1, line 15, page 2 of the bill, the word "the," before the word "policy," on end of line, and insert in lieu thereof, the word "its."

Also: By striking out of line 16, on page 2 of the bill, the words "residing in this State."

Also: By striking out of line 23, page 2 of the bill, the words "within this State."

Also: By striking out the whole of Section 2.

Also: Strike out the word "May," on line 11, page 1 of the bill, and insert in lieu thereof the word "July."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 613, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUKENS, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Senator Mattos asked for and was granted unanimous consent to have Senate Bill No. 716 taken up for consideration.

Assembly Bill No. 716—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Bill read second time, and ordered on Assembly special file for third reading.

ADJOURNMENT.

At five o'clock and forty-five minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, February 28, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

LEAVE OF ABSENCE.

Senator Irish was, on motion of Senator Belshaw, granted leave of absence for this day.

READING OF JOURNAL.

During the reading of the Journal of Wednesday, February 27, 1907, the further reading was dispensed with on motion of Senator Mattos.

COMMUNICATION.

The following communication was presented by the President and ordered printed in the Journal:

WHEREAS, A bill has been introduced in the Legislature by Senator H. S. G. McCartney (Senate Bill No. 838), which proposes to transfer the present function of the State Dairy Bureau to the office of Dairy Commissioner, which office is proposed in said bill, the same to be administered by the State Veterinarian as ex officio commissioner; and

WHEREAS, It was the purpose of the dairy interests of the State which induced the Legislature to create the State Dairy Bureau that it should be conducted by dairymen and manufacturers of dairy products, and in the interest of the industry and the consumers of dairy products, which has been done, so far as the limited funds of the Dairy Bureau permitted, to the satisfaction of the dairy interests of the State; and

WHEREAS, We recognize that the administration of the functions of the State Dairy Bureau, as it now exists, should continue to be in the hands of practical, trained men, conversant with dairy affairs, who are interested in and in sympathy with the upbuilding of the dairy industry of the State; therefore, be it

Resolved, That the California Creamery Operators' Association, through its legislative committee, enters its protest at the change proposed in the bill introduced by Senator McCartney.

Resolved, That copies of this resolution be transmitted by the Secretary to both branches of the Legislature, to the Governor of the State, and to Senator McCartney.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Assembly Bill No. 71—An Act to amend Sections 801 and 802 of the Penal Code of the State of California, relating to the time of commencing criminal actions.

Also: Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty ninth and sixtieth fiscal years.

Also: Assembly Bill No. 774—An Act to amend Section 1034 of the Code of Civil Procedure, relating to costs on appeal.

Also: Assembly Bill No. 753—An Act to amend an Act entitled "An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect and receive of any savings bank any deposit in such bank when the same does not exceed the sum of \$300," approved February 18, 1874, and an Act amendatory thereof, approved March 8, 1895.

Also: Assembly Bill No. 414—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Also: Assembly Bill No. 827—An Act to create the office of State Game Warden, and to define his powers and duties, and to provide for the protection of the game by the use of such moneys only as are contributed by those who kill it.

Also: Assembly Bill No. 904—An Act making it a misdemeanor for a contractor to employ any person to work more than eight hours any calendar day in the execution of any contract for work done for the State of California, or any political subdivision thereof, or under the direction of any public officer acting in his official capacity.

Also: Assembly Bill No. 903—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid.

Also: Assembly Bill No. 887—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing or relocation of bridges over navigable waters between said counties jointly with other persons or corporations.

Also: Assembly Bill No. 882—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and amended March 6, 1899.

Also: Assembly Bill No. 913—An Act to repeal an Act entitled "An Act to further define the powers of the Board of Trustees in the City of Sacramento," approved March 22, 1886.

Also: Assembly Bill No. 914—An Act to repeal Section 2 of an Act entitled "An Act relating to streets and roads in the City and County of Sacramento," approved March 22, 1874.

Also: Assembly Bill No. 907—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Section 34 of said Act.

Also: Assembly Bill No. 808—An Act to amend Section 7 of an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, relating to the age of children referred to therein.

Also: Assembly Bill No. 838—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Alaska-Yukon-Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof.

Also: Assembly Bill No. 931—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of a central ward building to be used for the patients and office purposes at the Southern California State Hospital, and to make appropriation for the same," approved March 25, 1903, and to change and redirect the manner of expenditure thereof.

Also: Assembly Bill No. 580—An Act to add a new section to the Code of Civil Procedure, relating to costs in civil actions, to be numbered 1040.

Also: Assembly Bill No. 965—An Act to furnish the office of Superintendent of Schools of the City and County of Sacramento with statutes, code amendments, and indices to the laws of the State of California.

Also: Senate Bill No. 1189—An Act to amend an Act entitled "An Act to establish a court of civil mechanics' liens," approved March 11, 1875, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Also: Senate Bill No. 964—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, blind, lame and destitute children," approved March 25, 1881, and to amend Chapter XXXII of the Statutes of 1883.

Also: Senate Bill No. 546—An Act to amend an Act entitled "An Act to regulate the work and conduct of persons who are engaged in selling or retail drug- and medicines and compounds and to regulate the practice and provide a penalty for the violation thereof," approved February 28, 1895.

Also: Senate Bill No. 484—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of children under sixteen years of age in the employment of certain interstate carriers, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 28, 1895.

Also: Senate Bill No. 714—An Act to add a new section to the Political Code, to be numbered 2600, requiring that the United States flag shall be hoisted on all public school houses and displayed in each schoolroom.

Also: Senate Bill No. 116—An Act appropriating money for the construction and equipment of a coal storage plant at the Western School of Industry.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 71, 774, 753, 580 and 1019 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 975, 414, 848, and 965 read first time, and referred to Committee on Finance.

Assembly Bill No. 827 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 904 read first time, and referred to Committee on Labor, Capital and Immigration.

Assembly Bills Nos. 903, 882, 808, and 931 read first time, and ordered on Assembly special file without reference to committee.

Assembly Bills Nos. 913, 914, and 907 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 887 read first time, and referred to Committee on County Government.

Senate Bills Nos. 654, 549, 480, 714, and 115 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and passed as amended Senate Bill No. 74—An Act to amend sections 700, 882 and 883 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances, and respectfully ask your honorable body to concur in said amendments.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 74?"

Amend the title of the bill so that it will read as follows:

An Act to amend sections 700, 882 and 883 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to recorder's courts, and giving the city justice court jurisdiction and power over all recorders' registers, books, bonds, papers, causes, actions, and proceedings before the recorder, or pending before the recorder's court.

Also: Amend by striking out the words from and including the word "Section," on line 1, section 1, page 1, printed bill, to and including the word "city," in line 13 of said section 1, page 1, printed bill.

Also: Amend by striking out the word and figure "Sec. 2" on line 1, section 2, second page, printed bill, and inserting in lieu thereof the following: "Section 1."

Also: Amend by striking out the word "Justice," where it first occurs on line 7, section 2, second page, printed bill, and inserting in lieu thereof the following: "justice's."

Also: Amend by adding the letter "s" to the word "court," and also by adding the letter "s" to the word "proceeding," on line 21 of section 2, second page, printed bill.

Also: Amend by striking out "\$50." on line 32 of Section 2, second page, printed bill, and inserting in lieu thereof the following: "fifty dollars."

Also: Amend by striking out "\$50." on line 34 of Section 2, second page, printed bill, and inserting in lieu thereof the following: "fifty dollars."

Also: Amend by striking out all the words from and including "Sec. 3." on line 1 of Section 3, third page, printed bill, to and including the word "courts," on line 27 of Section 3 on said page.

Also: Amend by striking out the words "Sec. 4." on line 1 of Section 4, third page, printed bill, and inserting in lieu thereof the following: "Sec. 2."

The roll was called, and the above Assembly amendments to Senate Bill No. 74 concurred in by the following vote:

AYES—Senators Bates, Bell, Belshaw, Black, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Senate Bill No. 74 ordered to enrollment.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 28, 1907.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day made the following appointments:

A. W. Cass of Los Angeles, a Trustee of the State Normal School at Los Angeles, vice W. H. Anderson, appointment withdrawn.

E. A. Warren of Chico, a Trustee of the State Normal School at Chico, vice H. B. Reed, appointment withdrawn.

Alden Anderson of Sacramento, a Trustee of the State Normal School at Chico, vice self, appointment withdrawn.

Charles C. Chapman of Fullerton, a Trustee of the State Normal School at San Diego, vice self, appointment withdrawn.

M. L. Ward of San Diego, a Trustee of the State Normal School at San Diego, vice self, appointment withdrawn.

A. C. Tibbetts of Eureka, a member of the Board of State Harbor Commissioners for the Port of Eureka, vice Fred Barnum, appointment withdrawn.

I respectfully ask the consent of the Senate to the above-named appointments.

J. N. GILLET,
Governor of the State of California.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of the above message from the Governor be made a special order for Monday, March 4, 1907, at eleven o'clock A. M.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 390—An Act to provide for experimental work in tobacco culture in the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 638—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain street in the City of Sacramento, to wit, Twenty-sixth Street, from the south line of K Street to the north line of I Street, and to make an appropriation therefor.

Also: Assembly Bill No. 697—An Act transferring money from the General Fund to the Adult Blind Fund to meet a deficiency in said Adult Blind Fund caused by expenditures for unusual and urgent repairs to the buildings of the Home for the Adult Blind, in Oakland, and directing the State Controller and State Treasurer to make such transfer.

Also: Assembly Bill No. 748—An Act making an appropriation of two thousand nine hundred (\$2,900) dollars to be applied to the cost of grading, curbing with wood, macada-

mining and concrete gutters, Heart Avenue in Berkeley and the furtherance of the grounds of the University of California, and during the duties of the Controller and Treasurer in reference thereto.

Also, Assembly Bill No. 774—An Act to provide for the purchase of a portrait of ex-Governor George A. Pardee by the State Board of Education, and to appropriate money therefor.

Also, Assembly Bill No. 784—An Act to amend the Political Code by adding thereto a new section, to be numbered 419a.

Also, Assembly Bill No. 794—An Act to provide for furnishing a cottage for male patients at the Mendocino State Hospital, and making an appropriation therefor.

Also, Senate Bill No. 133—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the intent of this Act," approved March 29, 1905, and as amended June 10, 1906, by amending Section 3 thereof, relating to a license tax upon corporations, and adding a new section thereto for the purpose of carrying out the provisions of that Act.

Also, Senate Bill No. 144—An Act to provide for the completion of a cottage for female patients at the Mendocino State Hospital, and making an appropriation therefor.

Also, Senate Bill No. 145—An Act to provide for the loan from the School Land Fund to the State of California of the sum of \$25,000, providing for the transfer of said amount from the School Land Fund to the General Fund, and for the redemption of said amount with interest thereon, and authorizing the Controller to transfer moneys from the School Land Fund to the General Fund, and from the General Fund to the School Land Fund, and from the General Fund to the State School Fund, to carry out the purposes of this Act.

Also, Senate Bill No. 176—An Act to provide for the reconstruction and repair by the Board of State Harbor Commissioners of wharves, piers, docks, bulkheads, sheds, streets and sewers, the property of the State of California, situated on the water front of the City and County of San Francisco, and making an appropriation therefor.

Also, Senate Bill No. 288—An Act making an appropriation of twenty thousand dollars (\$20,000) to be expended in the repair of public improvements for making alterations, repairs and improvements, and for otherwise improving and embellishing the State Capitol, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act authorizing and directing the Board of Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, repairing its public street entrance, and making an appropriation therefor," approved March 19, 1905, and amending with a provision from the provisions of an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 25, 1905, and all Acts amendatory thereto.

Also, Senate Bill No. 301—An Act to amend Section 106 of the Political Code relating to salary of Executive Secretary of the Governor.

Also, Senate Bill No. 302—An Act to provide for the re-election, the setting of fixtures and the travel on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Have had the same under consideration, and respectively report the same back and recommend that they pass.

Also, Assembly Bill No. 825—An Act making an appropriation to pay for printing, binding, and setting and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, boards and other State institutions for the remainder of the fifty-eighth fiscal year.

Also, Senate Bill No. 334—An Act appropriating two hundred and fifty thousand dollars (\$250,000) to aid in the construction of an aqueduct to be erected by the Regents of the University of California, to transmit water to the grounds of the University of California and providing for the mode of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Have had the same under consideration, and respectively report the same back and recommend that they be taken up.

Also, Senate Bill No. 335—An Act making an appropriation to pay the salary of Frank Higgins for legal services rendered and expenses incurred in him as special counsel for the State of California from July 1 to December 31, 1906, in the matter of the extradition of him from the State of California, and the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law.

Also, Senate Bill No. 374—An Act to amend the Political Code by adding thereto a new section, to be numbered 419a.

Also, Senate Bill No. 375—An Act providing for the erection of a monument on the summit of Mount Diablo, making an appropriation for the same and creating a board of trustees to have charge of the same.

Have had the same under consideration, and respectively report the same back, and recommend that the authors be allowed to withdraw the same.

BELSHAW, Chairman.

Assembly Bills Nos. 638, 697, 748, 779, 786, 846, and 825 ordered on Assembly special file for second reading.

Senate Bills Nos. 195, 864, 869, 870, 880, 881, 900, and 258 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Belshaw asked for and was granted unanimous consent to withdraw Senate Bill No. 369.

Senate Bill No. 369 withdrawn, and ordered stricken from the file.

Senator McCartney asked for and was granted unanimous consent to withdraw Senate Bill No. 717.

Senate Bill No. 717 withdrawn, and ordered stricken from the file.

Senator Weed asked for and was granted unanimous consent to withdraw Senate Bill No. 853.

Senate Bill No. 853 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 918—An Act to regulate the use of highways in the State of California by operators of motor vehicles; any violation of the provisions of the same a misdemeanor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MATTOS, Chairman.

Senate Bill No. 918 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 788—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the appropriation of water and the time in which to commence the excavation and construction—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUKENS, Chairman.

Senate Bill No. 788 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 711—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the terms of existence of corporations.

Also: Senate Bill No. 851—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and amended March 6, 1899.

Also: Senate Bill No. 850—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions for such submission.

Also: Senate Bill No. 882—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered four hundred seventy-six a (476a), relating to the making, drawing, uttering or delivery of a bank check or draft for the payment of money by a person without funds or credit to meet the same upon presentation, and prescribing a penalty therefor.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 711, 851, 850, and 882 ordered on file for third reading.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of a motion to recon-

sider the vote whereby Assembly Constitutional Amendment No. 8—Resolution to amend Section 6, of Article IX, of the Constitution of California—was adopted, the same was taken up for consideration, and, on motion of Senator Belshaw, postponed and made a special order for Friday, March 1, 1907, at eleven o'clock and thirty minutes A. M.

ASSEMBLY REQUESTED TO RETURN BILL FOR PURPOSE OF AMENDMENT.

On motion of Senator Carter, the Assembly was requested to return Assembly Bill No. 491 for the purpose of amendment.

MOTION TO RECONSIDER CARRIED.

In compliance with his notice given on previous day, Senator Wolfe moved that the vote whereby Senate Constitutional Amendment No. 32 was refused adoption be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Hartman, Keane, Kennedy, Leavitt, Lukens, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Rambo, Reilly, Rolley, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—Senators Anthony, Curtin, Greenwell, Lynch, McKee, Price, Sanford, and Welch—8.

Whereupon the President declared the constitutional amendment again before the Senate for consideration.

SENATE CONSTITUTIONAL AMENDMENT No. 32.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section thereto, to be numbered Section 23a, of Article IV thereof, relating to limitation of the expense of employes of the Senate and Assembly.

The Legislature of the State of California, at its regular session, commencing on the seventh day of January, nineteen hundred and seven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that a new section be added to the Constitution of the State of California, to be numbered Section 23a, of Article IV thereof, to read as follows:

Section 23a. The Legislature may also provide for the employment of help, but in no case shall the total expense for officers, employes, and attachés exceed the sum of five hundred dollars per day for either house at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session, nor shall the pay of any officer, employé, or attaché be increased after he is elected or appointed.

Senate constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 32 adopted by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Rambo, Reilly, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—Senators Anthony, Curtin, Greenwell, Hartman, Lukens, Lynch, McKee, Price, Sanford, and Welch—10.

Senate constitutional amendment ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Constitutional Amendment No. 16, the same was taken up for consideration.

SENATE CONSTITUTIONAL AMENDMENT No. 16.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employes of the Senate and Assembly.

The Legislature of the State of California, at its regular session, commencing on the seventh day of January, in the year one thousand nine hundred and seven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that Sections 2 and 23 of Article IV of the Constitution of the State of California be amended so as to read as follows:

Section 2. The sessions of the Legislature shall commence at twelve o'clock m. on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year 1880 shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation. No bill shall be introduced in either house forty days after the commencement of each session without the consent of three fourths of the members thereof.

Section 23. The members of the Legislature shall receive for their services the sum of one thousand dollars each for each regular session, to be paid at such times during the session as may be provided by law, and the sum of ten dollars each for each day while in attendance at a special or extraordinary session, for a number of days not exceeding thirty; and mileage to be fixed by law, all paid out of the State treasury; such mileage shall not exceed ten cents per mile, and each member shall be allowed contingent expenses not exceeding twenty-five dollars per member for each regular biennial session. The Legislature may also provide for additional help, but in no case shall the total expense for officers, employes, and attachés exceed the sum of five hundred dollars per day for either house at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session, nor shall the pay of any officer, employe, or attaché be increased after he is elected or appointed.

Senate constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 16 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—Senator Lukens—1.

Senate constitutional amendment ordered transmitted to the Assembly.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 407—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State—the same was taken up for consideration, and on motion of Senator Savage, the further consideration of Senate Bill No. 407 was postponed and made a special order for Friday, March 1, 1907, at eleven o'clock and thirty minutes A. M.

RESOLUTION.

The following resolution was offered:

By Senator Muentner:

Resolved, That in the discussion of any measure pending in the Senate no Senator shall be permitted to speak more than five minutes, at any one time, without the unanimous consent of the Senate.

Resolution read and adopted.

CONSIDERATION OF MEMBERS' URGENCY FILE.

On motion of Senator Leavitt, the members' urgency file was taken up for consideration.

Senate Bill No. 595—An Act to amend Section 1050 of the Code of Civil Procedure.

On motion of Senator Anderson, Senate Bill No. 595 was temporarily passed on file, to retain its place.

SENATE CONCURRENT RESOLUTION No. 10.

Relative to the formation of rifle clubs throughout California, under Act of Congress, approved March 3, 1905, and message of President of the United States, dated December 3, 1906.

WHEREAS, The State of California is upon the exposed and unprotected western frontier of the United States; and

WHEREAS, The President of the United States, in the message to Congress, dated December 3, 1906, (last paragraph), recommends as follows:

"The Congress has most wisely provided for a National Board for the Promotion of Rifle Practice. Excellent results have already come from this law, but it does not go far enough. Our Regular Army is so small that in any great war we should have to trust mainly to volunteers; and in such event these volunteers should already know how to shoot; for if a soldier has a fighting edge, and ability to take care of himself in the open, his efficiency on the line of battle is almost directly proportionate to excellence in marksmanship. We should establish shooting galleries in all the large public and military schools, should maintain national target ranges in different parts of the country, and should in every way encourage the formation of rifle clubs throughout all parts of the land. The little Republic of Switzerland offers us an excellent example in all matters connected with building up an efficient citizen soldiery," and

WHEREAS, Californians, according to the records, signally fail, both at home and abroad, to sustain the traditions of western sharp-shooting; and

WHEREAS, In California, there is a universal ignorance of the new United States army rifle, known as the Springfield No. 2, and of its ammunition, and

WHEREAS, The Congress of the United States enacted the following law, approved March 3, 1905:

"An Act to promote the efficiency of the reserve militia and to encourage rifle practice among the members thereof.

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,

"That the Secretary of War is hereby authorized to sell, at the prices at which they are listed for the army, upon the request of the governors of the several states and territories, such magazine rifles belonging to the United States as are not necessary for the equipment of the army and the organized militia, for the use of rifle clubs formed under regulations prepared by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War.

"That the Secretary of War is hereby authorized in his discretion to sell to the several states and territories, as prescribed in Section 17 of the Act approved January twenty-first, nineteen hundred and three, for the use of said clubs, ammunition, ordnance stores, and equipments of the government standard at the prices at which they are listed for the army.

"The practice of the rifle clubs herein provided shall be carried on in conformity to regulations prescribed by the National Board for the Promotion of Rifle Practice, approved by the Secretary of War, and the results thereof shall be filed in the office of the Military Secretary of the Army."

Therefore, be it resolved by the Senate, the Assembly concurring, That the formation of such rifle clubs is hereby urged upon the boards of supervisors of all counties of California, and upon the Grand Army of the Republic, United Spanish War Veterans, Native Sons of the Golden West, Sons of the American Revolution, and all other patriotic associations of California; and be it further

Resolved, That, for the formation of such clubs, they are hereby urged to communicate with Lieutenant Albert S. Jones, Secretary National Rifle Association of America, 299 Broadway, New York City, N. Y., with the Military Secretary of the Army, Washington, D. C.; and with the Adjutant General of California, Sacramento, California.

Concurrent resolution read.

The question being on the adoption of the Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 10 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—Senator Rolley—1.

Senate concurrent resolution ordered transmitted to the Assembly.

Senate Bill No. 851—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and amended March 6, 1899.

WITHDRAWAL OF BILL.

Senator Bates asked for and was granted unanimous consent to withdraw Senate Bill No. 851.

Senate Bill No. 851 withdrawn, and ordered stricken from the file.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 352—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 352 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Greenwell, Hartman, Keane, Kennedy, Lukens, Lynch, Mattos, McCartney, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 705—An Act to add a new section to the Penal Code, to be known as Section 273g, relating to indulging in degrading, lewd, immoral or vicious habits or practices, or being habitually drunk in the presence of children.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 705 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 561—An Act to validate the organization and incorporation of municipal corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 561 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Markey, Mattos, McKee, Muentner, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 815—An Act amendatory of and supplemental to an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,'" approved March 2, 1867, approved March 30, 1868, approved March 12, 1885.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 815 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Kennedy, Leavitt, Lukens, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 732—An Act to amend an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and dialects in criminal proceedings in cities, cities and counties, of one hundred thousand inhabitants," and to make said Act applicable to the counties of the second class of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 732 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lukens, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 633—An Act to add a new section to the Penal Code of the State of California, to be known as Section 810, authorizing and providing for the filing and substitution of a copy of the information or other pleading for the original in criminal actions, when such original information or other pleading has heretofore been, or shall hereafter be, lost or destroyed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 633 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 600—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert on taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission

the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Belshaw moved to refer to Senator Wright, as a special committee of one, to amend as follows:

By striking out of Section 1, line 1, the word "fifteen," and inserting in lieu thereof the following: "ten."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bill No. 600, with instructions to amend, respectfully reports the same back, amended as per instructions.

WRIGHT, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for printing Committee Substitute for Senate Bill No. 600, the same to retain its place on file.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 17—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof, relating to prize fighting.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 17 refused passage by the following vote:

AYES—Senators Bell, Belshaw, Black, Caminetti, Mattos, McKee, Reily, Rolley, Sanford, and Walker—10.

NOES—Senators Anthony, Bates, Boynton, Broughton, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, Miller, Muerter, Nelson, Rambo, Savage, Weed, Welch, Willis, Wolfe, and Wright—25.

NOTICE OF MOTION TO RECONSIDER.

Senator Hartman gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 17 was this day refused passage.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 727—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of two thousand dollars therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 727 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, Miller, Muentner, Rambo, Reily, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 813—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin and extending to Islais Creek, in the City and County of San Francisco, and extending their jurisdiction over the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 813 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Broughton, Caminetti, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 812—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; making an appropriation of \$1,000 for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 812 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 850—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions for such submission.

SPECIAL ORDER SET.

Senator Lukens moved that the consideration of Senate Bill No. 850 be made a special order for this day at four o'clock P. M.

Motion carried.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 751—An Act to amend Section 4178 of the Political Code, relating to the duties of the county clerks.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 751 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 603—An Act to add a new section to the Penal Code of the State of California, to be known as Section 310, relating to selling of cigarettes, cigarette tobacco, and cigarette papers.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE LOST.

Senator Wright moved to refer to Senator Muentner, as a special committee of one, to amend as follows:

Inserting in line 3 of the title, after the word "selling" the words "giving or furnishing"; and also insert after the word "paper," line 7, page 1 of the bill, the words "or corn husks for making cigarettes"; also strike out the word "or" before the word "cigarette" on line 6, page 1 of the bill.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 603 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Markey, McCartney, Miller, Muentner, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, and Willis—23.

NOES—Senators Curtin, Hartman, Kennedy, Leavitt, Lynch, Mattos, Wolfe, and Wright—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

CONSIDERATION OF DAILY SPECIAL FILE—THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relative to duties of the text-book committee.

On motion of Senator Anderson, Assembly Bill No. 543 was temporarily passed on file, to retain its place.

Assembly Constitutional Amendment No. 1—Amending Constitution relative to rights of suffrage.

On motion of Senator Wright, Assembly Constitutional Amendment No. 1 was temporarily passed on file, to retain its place.

Assembly Constitutional Amendment No. 7—Relative to county and township offices.

On motion of Senator Belshaw, Assembly Constitutional Amendment No. 7 was temporarily passed on file, to retain its place.

Assembly Bill No. 148—An Act to amend Section 3627 of the Political Code of the State of California, relating to the assessments of property for taxation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 148 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Cartwright, Greenwell, Irish, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 103—An Act to amend Section 33½ of "An Act to establish a uniform system of county and township government."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 103 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Caminetti, Greenwell, Irish, Keane, Leavitt, Lukens, Lynch, McCartney, McKee, Muentner, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 371—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 371 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Carter, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Muentner, Price, Rambo, Reilly, Rolley, Sanford, Savage, Walker, and Wright—25.

NOES—Senators Belshaw, Cartwright, Greenwell, Irish, Markey, Nelson, and Willis—7.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Mattos gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 371 was this day passed.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 566—An Act adding a new section to the Code of Civil Procedure, to be numbered and designated as Section 1124, relating to contesting elections in case of a tie.

On motion of Senator Leavitt, Assembly Bill No. 566 was temporarily passed on file, to retain its place.

Assembly Bill No. 788—An Act to amend an Act entitled "An Act for the certification of land titles, and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof, and by adding three new sections thereto, to be numbered 114a, 114b, and 114c, all relating to the fees of registrars, and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund, and the determination and disposition of claims against the same.

On motion of Senator Keane, Assembly Bill No. 788 was temporarily passed on file, to retain its place.

ASSEMBLY CONCURRENT RESOLUTION No. 20,

Approving twenty (20) certain amendments to the charter of the City of Vallejo, County of Solano, State of California, voted for and ratified by a majority of the qualified electors of said City of Vallejo voting thereon at the special election held therein for that purpose on the 5th day of February, 1907.

WHEREAS, The City of Vallejo in the County of Solano, State of California, contains a population of more than three thousand five hundred (3500) inhabitants and

WHEREAS, Said City of Vallejo ever since the 26th day of January, 1899 has been and now is a municipal corporation organized, existing and acting under and by virtue of a freeholders' charter adopted, ratified and approved in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, which charter has never been amended, and

WHEREAS, The board of trustees of said City of Vallejo did by Ordinance No. 353, duly passed by said board on November 21, 1906 and duly approved by the mayor of said city on November 22, 1906, describe and set forth twenty-one (21) certain proposals to amend the charter of said city; and

WHEREAS, Said proposed amendments were and each of them was published for twenty (20) days in the "Vallejo Evening Chronicle," a daily newspaper printed, published and of general circulation in said City of Vallejo, as required by Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, The said board of trustees of said City of Vallejo did by Ordinance No. 361, duly passed by said board on January 16, 1907 and duly approved by the mayor of said city on January 17, 1907, order the holding of a special election in said City of Vallejo on the 5th day of February, 1907, said day being at least forty (40) days after the publication of aforesaid proposed amendments as above stated, for the purpose of submitting said proposed amendments to the qualified electors of said city in accordance with the provisions of Section 8 of Article XI aforesaid; and

WHEREAS, Said Ordinance No. 361 was published in the "Vallejo Evening Chronicle," a daily newspaper published in said City of Vallejo, for at least ten (10) days prior to the 5th day of February, 1907 as required by the charter of said City of Vallejo and

WHEREAS, At said special election, twenty (20) of said proposed amendments, to wit, amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 were, and each of them was, ratified by a majority of the qualified electors of said City of Vallejo voting thereon; and

WHEREAS, The board of trustees of said City of Vallejo, in accordance with the provisions of Section 70, Article IX of the charter of said city, on the second day after said special election, to wit, on February 7, 1907, duly canvassed the returns of said election and found, determined and declared that at said special election twenty (20) of said proposed amendments, to wit, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 were, and each of them was, ratified by a majority of the qualified electors of said City of Vallejo voting thereon; and

WHEREAS, The said amendments to said charter so ratified are in words and figures respectively as follows:

AMENDMENT No. 1.

That Section 1, Article I, of the said charter of said City of Vallejo, be amended as to read as follows:

Section 1.—The municipal corporation now existing and known as the City of Vallejo shall remain and continue a body politic and corporate, in name and in fact, by the name of the City of Vallejo, and by that name shall have perpetual succession; may sue and defend in all courts and places and in all matters and proceedings whatever; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold, and enjoy real and personal property within and without its boundaries, and all ditches, rights of way, reservoirs, water rights, and property of every description necessary or convenient to supply said city with water, and for proper sewerage and drainage of the city; receive bequests, gifts, and donations of

all kinds of property, in fee simple, or in trust for charitable and other purposes and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust; and shall have the right to construct, own and maintain docks, wharves, piers and slips and to collect tolls thereon; and shall have power to own or lease, and to operate as owner or lessee all necessary works, machinery and appliances for supplying said city and its inhabitants with gas, electricity, telephones, ferries and street railroads, for all purposes for which gas, electricity, telephones, ferries and street railroads may be used, and may incur a bonded indebtedness, if necessary, for the purpose of acquiring the works, machinery or appliances aforesaid.

AMENDMENT No. 2.

That Section 9, Article III, of the said charter of said City of Vallejo, be amended so as to read as follows:

Section 9.—Each board of city trustees shall upon holding their first meeting after their election, elect a president from their own number, who shall hold office for two years or until his successor is elected, and who shall preside at all meetings of the board in the absence of the mayor. In the absence of the mayor and president at any meeting, a president pro tem may be chosen to preside.

AMENDMENT No. 3.

That Section 27, Article III, of the said charter of the said City of Vallejo, be amended so as to read as follows:

Section 27.—The mayor shall preside at all meetings of the board, and shall not have the right to vote.

Ordinances and resolutions are the formal acts of the board reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts, which being less formal in character, require only to be duly passed by the board and spread upon the minutes. No order, resolution or ordinance shall have effect without the approval of the mayor except as hereinafter provided.

In case of orders the approval shall be presumed, unless at the same meeting, the mayor causes his disapproval, with the reasons therefor, to be spread upon the minutes. In the event of the mayor disapproving an order, the board may at the same meeting at which such disapproval was entered, or at any subsequent meeting of the board up to and including the next regular meeting following the meeting at which said disapproval was entered, re-pass said order, and if it be so re-passed by an affirmative vote of at least four-fifths of the members of the board of trustees, it shall on such re-passage at once take effect, whether it be approved by the mayor or not.

All resolutions or ordinances, after passage, must be certified by the president of the board and the city clerk, and submitted to the mayor, who shall within five days after he has received the same, endorse his approval or disapproval thereon, giving the reasons for his disapproval in writing. If the mayor endorses his approval it shall then become an ordinance or an effective resolution, as the case may be. If the resolution or ordinance is returned without the approval of the mayor, the board, within thirty days thereafter, may proceed to consider and vote on the same. If the resolution or ordinance is again passed by a vote of at least four-fifths of the members of the board of trustees, it shall take effect as a resolution or ordinance, as the case may be, as if the mayor had approved the same. If the resolution or ordinance shall fail, on being reconsidered, to receive an affirmative vote of at least four-fifths of the members of the board of trustees, it shall then be finally lost. If the resolution or bill is not returned with such approval or disapproval within five days after it is received by the mayor, then it shall take effect as a resolution or ordinance, as the case may be, the same as if the mayor had approved the same.

AMENDMENT No. 4.

That said charter of said City of Vallejo be amended by adding a new section thereto to be known as Section 39½, Article VI, to read as follows:

Section 39½.—In case of the inability of the mayor to perform his duties or in case of his absence from the city, the president of the board of city trustees shall act as the mayor of the city, subject to the provisions of Section 71, Article IX, of this charter.

AMENDMENT No. 5.

That Section 42, Article VI, of the said charter of said City of Vallejo, be amended so as to read as follows:

Section 42.—There shall be an attorney and counselor of said City of Vallejo, who shall be styled "city attorney," who shall hold office for two years and until his successor is elected and qualified. He shall have been an elector of the city at least two years preceding his election and duly admitted to practice by the Supreme Court of the State of California; and shall have actually been engaged in the practice of his profession for a period of at least two years next before his election.

AMENDMENT No. 6.

That Section 44, Article VI, of the said charter of the said City of Vallejo, be amended so as to read as follows:

Section 44.—The city engineer shall be appointed by the commissioners of public works; he shall have been a citizen of the state and a resident and qualified elector of the city at least two years next before his appointment, and shall hold office for two years and until his successor is appointed and qualified.

AMENDMENT No. 7.

That Section 58, Article VII, of the said charter of the said City of Vallejo, be amended so as to read as follows:

Section 58.—The officers herein named shall receive the following annual salaries:

Mayor	\$600 00
Treasurer and Tax Collector.....	900 00
City Clerk.....	1500 00
City Attorney.....	900 00
Auditor and Assessor.....	900 00
Health Officer.....	300 00
Superintendent of Water System and Streets.....	1200 00
Chief of Police.....	1500 00
Policemen (each).....	900 00
Chief of Fire Department.....	200 00
Deputy Superintendent of the Water Department.....	900 00
City Engineer to receive fees, to be fixed by the trustees.	

Salaries of all officers to be paid monthly. After having served two years the policeman shall receive an increase of \$120.00 per annum. The change in salaries of the members of the police department shall take effect and be in force upon the final adoption of this amendment.

The salaries set forth in this charter shall be in full for all services rendered. It shall be unlawful for the board of trustees, or any other board, to raise the salary of any officer, after his election, or the date of his appointment.

The words "election or appointment" as used in this section shall mean from the time the clerk made out his certificate of election or appointment; and the word "salary," as used in this section, includes all allowances of whatever nature.

AMENDMENT No. 8.

That Section 65, Article IX, of said charter of said City of Vallejo, be amended so as to read as follows:

Section 65.—At the first municipal election held under the provisions of this charter the following officers shall be elected and biennially thereafter: A mayor; city clerk, who shall also be clerk of the water department, and secretary to the commissioners of public works; auditor, who shall be ex-officio assessor; treasurer, who shall be ex-officio tax collector and license tax collector; city attorney; superintendent of water department, who shall be ex-officio superintendent of streets; two commissioners of public works; also five city trustees, five school directors and five library trustees, who shall hold office for four years; *provided*, that the members of the above boards, at the first meeting of their respective boards, held under the provisions of this charter, shall draw lots for a long and short term; three members of each board shall retire at the end of two years, their successors shall be elected to hold office for four years; and two shall retire at the end of four years, and their successors shall be elected every four years thereafter. All officers herein named shall be elected at large; *provided* that the members of the board of city trustees shall be nominated from wards, two from the First Ward, two from the Second Ward, and one from the Third Ward, and the official ballots shall be prepared so that they shall show the ward that each candidate is nominated for. All candidates for city trustees shall be voted for by the electors of the entire city without respect to wards, and the nominees from each ward having the highest number of votes shall be declared the trustees from that ward.

The board of city trustees and the board of education shall be the judges of the election and qualification of their own members.

AMENDMENT No. 10.

That Section 93, Article XII, of the said charter of the said City of Vallejo, be amended so as to read as follows:

Section 93.—The commissioners of public works shall have full power and authority over the organization government and discipline of the water works department, and shall have control of the water works, and all other property pertaining or belonging thereto, and shall see that all employees in the department faithfully discharge their duties, and that the laws, ordinances, rules and regulations relating thereto are observed. The commissioners shall make such rules and regulations as may be necessary to secure efficiency in the water works department; they shall only appoint such employees as may be necessary to carry on the work of the department in an efficient manner.

The commissioners of public works, in making appointments of employees of the water works department, shall be guided solely by the fitness of the applicant; *provided*, that all employees shall be citizens of the United States; and no person shall be appointed to or removed from any position in said department on account of partisanship or political opinions.

The appointment of employees in the office of the water works department shall be made by the commissioners of public works on the recommendation of the clerk of said department.

AMENDMENT No. 11.

That Section 102, Article XIII, of the said charter of the said City of Vallejo, be amended so as to read as follows:

Section 102.—The government of the school department is hereby vested in a board of education, consisting of five members, who shall be designated school directors, and they shall serve without compensation. The board of education shall appoint the principal of the High School as supervising principal of the said school, and the principal of the Lincoln Grammar School as supervising principal of all schools except the High School, and as such supervising principal they are respectively given the powers and duties of their respective offices, which powers and duties shall be prescribed by the board of education.

AMENDMENT No. 12.

That Sub-section 15, of Section 105, Article XIII, of said charter of said City of Vallejo, be and the same is hereby repealed.

AMENDMENT No. 13.

That said charter of said City of Vallejo be amended by adding a new section thereto to be known as Section 105½, Article XIII, to read as follows:

Section 105½.—The board of education shall also have power to prepare plans and recommend and select sites for new school buildings when required; said plans to be approved by the commissioners of public works.

AMENDMENT No. 14.

That Section 109, Article XIII, of the said charter of the said City of Vallejo, be amended so as to read as follows:

Section 109.—No teacher shall be elected or appointed to a position in the school department who does not hold a primary, or grammar grade, or high school certificate in full force. All teachers elected to positions in the department who are reported upon favorably by the whole committee on classification shall retain their positions for the ensuing two years without re-election, and shall be removed only for cause. No teacher shall be removed from a position held in the schools of the city except by the votes of four members of the board.

AMENDMENT No. 15.

That Section 117, Article XV, of the said charter of the said City of Vallejo, be amended so as to read as follows:

Section 117.—The police department of the City of Vallejo shall consist of a chief of police, one sergeant to be appointed by the chief from the patrolmen who have served two years, and such number of other policemen, not less than six, and not exceeding one for each 1500 inhabitants, as the board of trustees shall from time to time by ordinance authorize to be appointed. The salary of the sergeant shall be \$90.00 per month. All policemen shall be nominated by the mayor and confirmed by the board of trustees, such appointees to hold office during efficiency and good behavior (*provided*, that the adoption of this amendment shall in no manner be construed as authorizing the appointment of substitutes for the policemen now on the force, except as in the manner provided in Section No. 119 of this charter). In determining the population of the City for the purpose mentioned in this section, it is provided that the registered vote of the city as it appears by the great register of Solano County shall be the basis upon which the population shall be established, and upon the ratio of five inhabitants for each voter registered. Additions to the force shall not be made oftener than once in four years.

AMENDMENT No. 16.

That Section 155, Article XIX, of the said charter of said City of Vallejo, be amended so as to read as follows:

Section 155.—Upon receipt by him of the assessment book, the tax collector must publish, for at least five days, a notice in some daily newspaper published in the city, specifying: First—That the taxes on all personal property secured by real property, and one-half the taxes on all real property, will be due and payable at the office of the collector on the first Monday in October, and will be delinquent on the last Monday in November next thereafter, at six o'clock p. m., and that unless paid prior thereto fifteen per cent will be added to the amount thereof, and that if the said one-half with said percentage be not paid before the last Monday in

April next thereafter, at six o'clock p. m., an additional five per cent will be added thereto; and that the remaining one-half of the taxes on all real property will be payable on, or after, the first Monday in January next thereafter, and will be delinquent on the last Monday in April next thereafter, at six o'clock p. m., and that unless paid prior thereto five per cent will be added to the amount thereof. Second.—That all taxes may be paid at the time the first installment is due and payable.

AMENDMENT No. 17.

That Sections 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199 and 206, Article XX. of the said charter of said City of Vallejo, be, and they are hereby repealed.

AMENDMENT No. 18.

That Section 200, Article XX. of the said charter of the said City of Vallejo, be amended so as to read as follows:

Section 200.—When any street shall have been graded, paved or otherwise improved in accordance with the terms of this charter, and the costs of said improvements shall have been paid by the owners of the lots or lands adjacent thereto, and such grading, paving, or other improvements shall have been accepted and established, no change shall be made in the grade of such street, unless on the petition of the owners of three-fourths of the property fronting on said street. Upon the filing of said petition with the city clerk, the board of trustees shall refer the same to the commissioners of public works, which shall determine whether the improvement described would be a public benefit, and shall report their decision to the board of trustees. If the report of said board should favor granting the request of the petitioners, the board of trustees shall proceed in the manner elsewhere in this charter provided.

AMENDMENT No. 19.

That Section 218, Article XXI, of the said charter of said City of Vallejo, be and the same is hereby repealed.

AMENDMENT No. 20.

That said charter of said City of Vallejo be amended by adding a new section thereto to be known as Section 218½, Article XXI, to read as follows:

Section 218½.—The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk; *provided*, that the petition sent to the board of city trustees, the legislative branch of said City of Vallejo, shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number, if any. One of the signers of each paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the board of city trustees shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the board of city trustees shall order, and fix a date for holding, the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the board of city trustees that a sufficient petition is filed.

The board of city trustees shall make or cause to be made publication of notice, and all arrangements for holding of such election and the same shall be conducted, returned and the result thereof declared, in all respects, as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name upon the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receive the highest number of votes the incumbent shall thereupon be deemed removed from the office upon

qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

AMENDMENT NO. 21.

That said charter of said City of Vallejo be amended by adding a new article thereto to be known as Article No. XXII, to read as follows:

Section 220.—All streets, lanes, alleys, places or courts, in the city, now open or dedicated or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, lanes, alleys, places or courts for the purposes of this article; and the trustees are hereby empowered to fix the width and grade thereof, and to order to be done therein and thereon any and all street work and street improvement under the proceedings hereinafter described.

Section 221.—Application for the doing of any such work or improvement must in the first instance, except where otherwise provided in this article, be made in writing to the board of public works; and if the expense thereof is to be assessed upon private property, the board shall investigate the same; and if it determine that such improvement is expedient, it shall so report to the trustees; and the trustees shall not order any such improvement until the same has been recommended by said board. When the construction of any sewer or drain shall involve a cost of more than five dollars per lineal foot for any block, it shall not be authorized except by an ordinance passed by the affirmative vote of not less than four-fifths of the members of the board of trustees. If an application is made for any work or improvement of which the expense is to be paid by the city, and the board of public works shall not approve of such application, it shall report to the trustees its reasons for such disapproval, and the trustees may then, after having obtained from the board of public works an estimate of the expense of said work or improvement, by ordinance passed by the affirmative vote of not less than four-fifths of the members of the board of trustees, order the doing of said work, or the making of said improvement.

The board of public works may also, except as herein prohibited, recommend any improvement, the expense of which is to be paid by the city, though no application may have been made therefor, and must make, with said recommendation to the trustees, an estimate of the expense, and in such case the trustees may order the same done.

No street work or street improvements of any kind shall be ordered to be done by the trustees unless a written recommendation to do the same has been made to them by the board of public works, and all such recommendations shall be made matters of record in the office of said board.

When the board shall recommend any work to be done on a street intersection or crossing, where the streets do not intersect each other at right angles, it shall in each such case determine what lots in the blocks adjacent to such intersection or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Such map shall be transmitted to the trustees with said recommendation.

Section 222.—Before recommending to the trustees the ordering of any work or improvement, the expense of which, or any part thereof, is to be assessed upon private property, the board of public works shall pass a resolution of its intention to recommend the same, specifying the work to be recommended, and shall fix a day when it shall take final action upon said resolution.

Upon the passage thereof the secretary of the board shall forthwith, without any further authority, cause a copy of said resolution to be posted conspicuously for five days in the office of said secretary, and to be published for a period of ten days (legal holidays excepted) and cause a copy to be deposited in the postoffice at the city, with postage prepaid, addressed to each person represented on the assessment book of the city for the next preceding fiscal year as being owner of land liable to be assessed for said improvement; but if said lot stand on said book in the name of unknown owners, such notice need not be sent.

The board shall also cause to be conspicuously posted along the line of said contemplated improvement, at points not more than one hundred feet in distance apart, notices not less than three in all, of the passage of said resolution. Each of said notices shall be headed "Notice of Street Work," in letters of not less than two inches in length, and shall in legible characters state the fact of the passage of said resolution, its date, and, briefly, the work or improvement proposed, and refer to the resolution of intention for further particulars.

Section 223.—The owners of a majority of the frontage of the property fronting on said proposed work or improvement, and in the case of a district, those owning more than one-half of the superficial area of the district, may make written objections to the same within ten days after the expiration of the time of the publication of said resolution of intention, which objections shall be delivered to the secretary of the board of public works, who shall endorse thereon the date of its reception by him. Such objections shall be a bar for six months to any further proceedings in relation to the doing of said work or making said improvement, unless the owners of the one-half or more of the frontage or of the district, as aforesaid, shall mean-

while petition for the same to be done, and the same shall, after the expiration of said six months, be continued under the resolution of intention first passed if said board shall deem proper.

If however, the owners of at least two-thirds of the property fronting on said proposed work or improvement, and, in the case of a district, those owning at least two-thirds of the superficial area of the district, shall make written objections to the same within said six months, no further proceedings shall be taken under the aforesaid resolution of intention.

When the work or improvement proposed to be done is the construction of sewers, manholes, culverts or cesspools, and the objections thereto are signed by the owners of a majority of the frontage or of the district as aforesaid, the board shall at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The secretary shall thereupon notify the persons making such objections, by depositing a notice thereof in the post office at the city, postage prepaid, and addressed to each objector or his agent when he appears for such objector. At the time specified the board shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive; and if said objections are overruled the proceedings shall be continued as though no objections had been made.

At any time before the making of the assessment as hereinafter provided, all owners of lots of land liable to assessment therein, who, after the first publication of the aforesaid resolution of intention, may feel aggrieved, or who may have objections to any proceedings in relation to the performance of the work described in said resolution, may file with the secretary a petition of remonstrance, wherein they shall state in what respect they feel aggrieved or the proceedings to which they object. Such petition or remonstrance shall be passed upon by the board, and its decision thereon shall be final and conclusive.

Section 224.—When the contemplated work or improvement in the opinion of the board of public works is of more than local or ordinary public benefit, it may recommend to the trustees that the expense of such work or improvement be made chargeable upon a district, and said board shall in its resolution of intention set out the district benefited by said work or improvement and to be assessed to pay the expense thereof. Objections to the extent and boundaries of the district of lands to be benefited by said work or improvement may be made by any interested party, in writing, within ten days after the expiration of the time of publication of the resolution of intention.

The secretary of the board shall lay said objections before it, and the board shall, at its next meeting, fix a time for hearing said objections not less than one week thereafter. The secretary shall thereupon notify the persons making such objections by depositing a notice thereof in the post office at the city, postage prepaid, addressed to each objector. At the time specified the board shall hear the objections urged and pass upon the same, and if said objections are overruled, its decision shall be final and conclusive as to the extent and boundaries of the district.

If the objections are sustained, the board shall proceed to set out another district to the extent and boundaries of which objections may be made and a hearing had thereon as above provided; and so on in like manner until a district has been set out to the extent and boundaries of which all objections shall be overruled by the board—its decision in that behalf to be final and conclusive; and thereupon the proceedings shall continue the same as if no objections had been made. In its report to the trustees the board shall accompany its report with a diagram on which shall be delineated each separate lot, piece or parcel of land, the area in square feet of each of such lots, pieces or parcels of land, and the relative location of the same to the work or improvement proposed to be done within the limits of the district. Such diagram shall be certified to be correct by the secretary of the board.

Section 225.—When the work under any contract shall have been completed, the contractor shall make and file in the office of the board of public works an affidavit to the effect that he has not entered into any private agreement, verbal or written, with any person liable to be assessed for said work, or with anyone on his behalf, to accept a price from him less than the price named in said contract, or to make any rebate or deduction to him from such price. Any such agreement shall be deemed a fraud upon all persons liable to be assessed for such work other than the property owners who were parties to the agreement, and shall make void, as to such persons so defrauded, any assessment made for the work done under such contract; and where there is more than one contractor each contractor shall make such affidavit.

Section 226.—When any work in or upon any public street shall have been completed according to contract, and the affidavit mentioned in the next preceding section shall have been made, the board shall make an assessment to cover the sum due for the work performed and specified in said contract (including all incidental expenses), in conformity with the provisions of this article, according to the nature and character of the work. The assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot (if known to the board, and if not known, the word "unknown" shall be written opposite the number of the lot and the amount assessed thereon); the number of each lot assessed, and shall

have attached thereto a diagram exhibiting the street or street crossing on which the work has been done, and showing the relative location of each distinct lot to the work done, numbered to correspond with the numbers in the assessment, and showing the number of front feet assessed for said work. A mistake in the name of the owner shall not invalidate any assessment.

When the expense for such work falls in part upon any person, company or corporation having railroad tracks upon the street where such work has been done, said assessment shall include an assessment against said person, company or corporation, for its legal proportion of said expense, and the same shall constitute a lien upon the road-bed, rolling-stock, franchises and other property of such person, company or corporation, for a period of two years from the date of recording the warrant, assessment and diagram hereinafter provided for.

Section 227.—The expense of all work or improvement done upon any part of said streets, lanes, alleys, places or courts under the order of the trustees, shall be borne and paid for as follows:

First—The city shall pay out of the general fund the expense: (a) Of all work done on streets, crossings and intersections of streets that have been or may be accepted by the city, after the acceptance of the same, and all repairs and improvements deemed of urgent necessity that may be made upon the public streets and highways. (b) Of all work done in front of, or that may be assessed to property owned by the city, or by any department thereof. (c) Of all work done in front of, or that may be assessed to property owned by the United States.

Second—The expense of all sewers, cesspools, manholes, culverts and drains, and of all grading, planking, macadamizing, paving, piling and capping any street, or portion thereof and of all curbs thereon, and of all work done on sidewalks, shall be assessed upon the lands within the block or blocks adjacent thereto as herein provided, except where by an assessment district it may be provided otherwise.

Third—The expense of all work on such portion of any street required by law to be kept in order by any person, company or corporation, having railroad tracks thereon, shall be borne and paid for by such person, company or corporation, and shall be included in the assessment hereinbefore provided for.

No assessment shall be levied upon any property, which, together with all assessments for street improvements that may have been levied upon the same property during the year next preceding, will amount to a sum greater than fifty per centum of the value at which said property was assessed upon the last preceding assessment book of the city.

Section 228. Subdivision One—Except where the expense incurred for the street work and improvement authorized herein is to be assessed upon a district as hereinafter provided, such expense, other than that to be paid by a person, company or corporation having tracks on the street where such work and improvement has been done, shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided: each lot or portion of a lot being separately assessed in proportion to the frontage at a rate per front foot sufficient to cover the total expense of the work.

Subdivision Two—The expense of all improvement except such as is done by contractors under the provisions of section sixteen of this article, until the streets, avenues, street crossings, lanes, alleys, places or courts are finally accepted, as provided in section twenty-three of this article, shall be assessed upon the lots and lands as provided in this section according to the nature and character of the work.

Subdivision Three—The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot on the quarter blocks and irregular blocks adjoining and cornering upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, half way to the next main street crossing, and all the way on said blocks to a boundary line of the city where no such crossing intervenes, but only according to its frontage in said quarter blocks and irregular blocks.

Subdivision Four—Where a main street terminates in another main street, the expense of the work done on one-half of the width of the street, opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main street, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street at such termination.

Subdivision Five—Where any alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots half way on said alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street if it does not meet another.

Subdivision Six—The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, half way to the next street, place, or court, on either side respectively, or to the end of such alley or subdivision street, if it does not meet another.

Subdivision Seven—Where a subdivision street, avenue, lane, alley, place, or court, terminates in another street, avenue, lane, alley, place or court, the expense of the work done on one half the width of the subdivision street, avenue, alley,

place, or court opposite the termination shall be assessed upon the lot or lots fronting on such subdivision street or avenue, lane, alley, place or court so terminating, according to its frontage thereon, half way on each side, respectively, to the next street, avenue, lane, alley court or place, or the end of such street, avenue, lane, alley, place or court, if it does not meet another, and the other one half of the width upon the lots fronting such termination.

Subdivision Eight—Where any work mentioned in this article, manholes, cess-pools, culverts, crosswalks, piling, and capping excepted, is done on either or both sides of the center line of any street for one block or less, and further work opposite to the work of the same class already done is ordered to be done to complete the unimproved portion of said street the assessment to cover the total expense of said work so ordered shall be made upon the lots or portions of the lots only fronting the portions of the work so ordered. When sewerage or resewering is ordered to be done under this sidewalk or only on one side of a street for any length thereof, the assessment for its expense shall be made only upon the lots and lands fronting nearest upon that side, and for intervening intersections only upon the two quarter-blocks adjoining and cornering upon that side.

Subdivision Nine—Any owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the trustees, may perform at his or their own expense (after obtaining permission from the board of public works so to do, but before said board has passed its resolution of intention to recommend grading inclusive of this) any grading upon said street, to its full width, or to the center line thereof, and to its grade as then established, and thereupon may procure at his or their own expense, a certificate from the city engineer setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, or to the center line thereof, and thereafter may file said certificate in the office of the board. Said certificate shall be recorded in a properly indexed book kept for that purpose in the office of the board. Whenever thereafter the trustees order the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contract must express the price of the cubic yard for cutting and filling in grading, and such owner or owners, and his or their successors in interest, shall be entitled to credit on the assessment upon his or their lots and lands fronting on said street for grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their said certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been legally changed, only for so much of said certified work as would be required for grading to the grade as changed. Such owner or owners shall not be entitled to any credit that may be in excess of the assessment for grading upon the lots and land owned by him or them, and proportionately assessed for the whole of said grading. The board shall include in the assessment for the whole said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the changed grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and lands owned respectively by said certified owners and their successors in interest: but he shall not include any grading quantities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners, or their successors in interest. When any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do any work, except grading, on such street, in front of any block, at his or their own expense, and the trustees shall subsequently order any work to be done of the same class in front of the same block, the work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done, as provided in subdivision ten of this section: but the work so done at the expense of such owner or owners shall be upon the official grade, and in condition satisfactory to the board of public works at the time said order is passed.

Subdivision Ten—The board of public works may include in the resolution of intention any of the different kinds of work mentioned in this article, and it may except therefrom any of said work already done upon the street to the official grade. The lots and portions of lots fronting upon said accepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made; but this shall not be construed so as to affect the special provisions as to grading contained in subdivision nine of this section.

Subdivision Eleven—When the resolution of intention declares that the expense of the work and improvement is to be assessed upon a district, immediately after the contractor has fulfilled his contract to the satisfaction of the board of public works or to the satisfaction of the trustees on appeal, the board of public works shall proceed to estimate upon the lands, lots, or portions of lots within said assessment district, as shown by the diagram provided for in section five of this article, the benefits arising from such work, and to be received by each such lot, portion of such lot, piece or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the expense of such proposed

work, and in so doing shall assess said total sum upon the several pieces, parcels, lots or portions of lots, and subdivisions of land in said district benefited thereby, to wit: Upon each respectively in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in this article.

Section 229.—If at any time there shall be any street work or improvement done, and none of the methods hereinbefore provided are legally sufficient to authorize the board of public works to make an assessment to pay for the expense thereof then said board shall, before it passes a resolution of its intention to recommend the ordering of said work or improvement, establish by resolution a method by means of which such assessment shall be made; and on the completion of the work or improvement to the satisfaction of said board, or to the satisfaction of the trustees on appeal, said board shall make an assessment to pay the expense thereof according to the method established by said resolution.

Section 230.—In making all assessments the board of public works shall act as a board, and the assessment shall be authenticated by the signatures of all the members thereof.

Section 231.—To said assessment shall be attached a warrant which shall be signed by the president of the board of public works and countersigned by the secretary thereof. Said warrant shall be substantially in the following form:

By virtue hereof the board of public works of the City of Vallejo, by the authority vested in it, does authorize and empower (name of contractor) his (or their) agents, or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be his (or their) warrant for the same.

(Date) _____ (Name of President of Board of Public Works).

Countersigned by _____ (Name of Secretary of Board of Public Works).

Said warrant, assessment and diagram, shall be recorded in the office of the board. When so recorded the several amounts assessed shall be a lien upon the lands, lots or portions of lots assessed, respectively for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment and diagram, all persons interested in said assessment shall be deemed to have notice of the contents of the record hereof.

After said warrant, assessment and diagram are recorded, the same shall be delivered to the contractor, or his agent or assigns, on demand, but not until after the payment to the board of the incidental expenses not previously paid by the contractor or his assigns. By virtue of said warrant said contractor, or his agents or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments.

When it shall appear by the final judgment of any court in this state having jurisdiction to render such judgment, that any suit brought to foreclose the lien of any assessment for street work made under this article, or in the recording thereof, has been defeated by reason of any defect, error, informality, omission, irregularity, or illegality, thereof or therein, or in the return on the warrant issued pursuant to any such assessment, or in the recording of any such warrant any person interested therein may, at any time within seven months after the entry of said final judgment, apply to the board for another assessment to be issued in conformity to law; and the board shall, within sixty days after the time of said application, make and deliver to said applicant a new assessment, diagram and warrant in accordance with law, and sign, record and authenticate the same as above provided. Such assessment shall be a lien upon the lots of land set out herein for the period of two years from the date of its recording, and suit may be brought to enforce said lien as provided in this article. Should such final judgment be that of the Superior Court of the County of Solano and an appeal therefrom to the Supreme Court of the State has been taken, no such other assessment shall be made until said appeal has been determined.

Section 232.—The contractor, or his assigns, or some person on his or their behalf, shall call upon the person assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, his assigns, or some person on his or their behalf, shall receipt the same upon the assessment in the presence of the person making such payment, and shall also give a receipt if demanded. When the person so assessed, or their agents, can not conveniently be found, or when the owner of the lot is stated as "unknown" upon the assessment, then said contractor or his assigns, or some person on his or their behalf, shall publicly demand payment on the premises assessed.

The warrant shall be returned to the board of public works within thirty days after its date with a return indorsed thereon, signed by the contractor or his assigns, or some person on his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid in whole or in part, and the amount thereof. Thereupon the secretary of the board shall record the return so made in the margin of the record of the warrant and assessment.

The board can at any time receive the amount due upon any assessment and warrant issued by it and give a good and sufficient discharge therefor; but no such

payment so made after suit has been commenced shall operate, without the consent of the plaintiff in the action, as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff.

The board may release any assessment upon the books of its office on the payment to it of the amount of the assessment with interest, against any lot or on the production to it of the receipt of the party or his assigns to whom the assessment and warrant were issued. If any contractor shall fail to return his warrant within the time and in the form provided in this section he shall thenceforth have no lien upon the property assessed; but if any warrant is lost, upon proof of such loss, a duplicate may be issued, upon which a return may be made with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of seven per centum per annum until paid.

Section 233.—The owners, whether named in the assessment or not, the contractor or his assigns, and all other persons directly interested in any work provided for in this article, or in the assessment, feeling aggrieved by any act or determination of the board of public works in relation thereto, or who claim that the work has not been performed, according to the contract, in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the board, shall, within thirty days after the date of the warrant appeal to the trustees, by briefly stating their objections in writing, and filing the same with the clerk of the trustees. Notice of the time and place of hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts, determinations or proceedings objected to or complained of, shall be published for five days. Upon such appeal the trustees may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the board relative to said work, may confirm, amend, set aside, alter, modify, or correct the assessment in such manner as to them shall seem just; and require the work to be completed according to the directions of the trustees, and may at their option direct the board of public works to correct the warrant, assessment or diagram, in any particular or to make and issue a new warrant, assessment and diagram to conform to the decisions of the trustees in relation thereto.

All the decisions and determinations of the trustees upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities and irregularities, which the trustees might have remedied and avoided; and no assessment shall be held invalid, except upon appeal to the trustees, as provided in this section, for any error, informality or other defect in the proceedings prior to the assessment, or in the assessment itself, where the board of public works has acquired jurisdiction to make the same.

Section 234.—At any time after the period of thirty-five days from the day of the date of the warrant, or if an appeal has been taken to the trustees, then, at any time after five days from the decision of the trustees on such appeal, or after the return on the warrant, after the same may have been corrected, altered, or modified, as herein provided, but not less than within thirty-five days from the date of the warrant, the contractor or his assignee may sue in his own name the owner or the mortgagee of the land, lots, or portions of lots assessed on the day of the date of the recording of the warrant, assessment and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon at the rate of seven per centum per annum until paid.

In all cases of recovery under the provisions of this article the plaintiff shall recover the sum of fifteen dollars in addition to the taxable costs, as attorney's fees, but not any percentage upon said recovery. When suit has been brought, after a personal demand has been made and a refusal to pay such assessment so demanded, the plaintiff shall also be entitled to have and recover said sum of fifteen dollars as attorney's fees in addition to all taxable costs, notwithstanding that the suit may be settled or a tender be made before a recovery in said action, and he may have judgment therefor.

Said warrant, assessment and diagram, with the affidavit of demand and non-payment, shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the board of public works and of the trustees upon which said warrant, assessment and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The court in which said suit shall be commenced shall have power to adjudge and decree a lien against the lots of land assessed, and to order such premises, to be sold on execution as is in other case of the sale of real estate by the process of said courts. In all actions brought to enforce the lien of assessments made pursuant to the provisions of this article the proceedings therein shall be governed and regulated by the provisions of this article, and, when not in conflict herewith, by the codes of this state.

Section 235.—When any portion of the roadway of any street, avenue, lane, alley, court, or place, or any portion of any sidewalk in the city, none of which has been accepted by the trustees as in this article provided, shall be so out of repair as to endanger persons or property passing thereon, or so as to interfere with the public convenience in the use thereof, the board of public works shall require the owners or occupants of lots or portions of lots fronting on said portion of said street, avenue,

alley, lane, court, or place, by a notice in writing, to be delivered to them or their agents personally, to repair forthwith said portion of said street, avenue, lane, alley, court or place, to the center line thereof, in front of the property of which he is the owner or tenant, or occupant. The board shall particularly specify in said notice what work is required to be done and what material shall be used in said repairs. If said repairs be not begun within five days after notice given as aforesaid and diligently and without interruption prosecuted to completion, the board may make such repairs, or enter into contract with any suitable person, at the expense of the owner, tenant, or occupant, after the specifications for the doing of said work shall have been conspicuously posted by it in its office for three days, inviting bids for the doing of said work. Said bids shall be delivered to it at its office on or before the second day after the completion of said posting, and opened by it on the next day following, whereupon the contract shall be awarded to the lowest responsible bidder.

All of said bids shall be preserved in the office of the board, and shall be open at all times after the letting of the contract, to the inspection of all persons; and such owner, tenant, or occupant, shall be liable to pay said contract price. Such work shall be commenced within twenty-four hours after the contract shall have been signed, and completed without delay to the satisfaction of the board. Upon the completion of such repairs by the contractor as aforesaid to the satisfaction of the board, it shall make and deliver to the contractor a certificate to the effect that such repairs have been properly made by said contractor to the grade, and that the charges for the same are reasonable and just, and that the board of public works has accepted the same.

Section 236.—If the expense of the work and material for the repairs provided for in the last preceding section be not paid on demand to the contractor so employed, or his agent or assignee, said contractor, or his assignee, shall have the right to sue such owner, tenant or occupant for the amount contracted to be paid; and the certificate provided for in said section shall be prima facie evidence of the amount claimed for said work and materials, and of the right of the contractor to recover for the same in such action. Said certificate shall be recorded by the board of public works in a book kept by it in the office for that purpose, properly indexed, and the sum contracted to be paid shall be a lien as in case of other assessments provided for in this article.

Section 237.—In addition to the remedies above given the trustees may prescribe the penalties that shall be incurred by any owner or person neglecting or refusing to make repairs when required, as hereinbefore provided. Such penalties shall be enforced for the use of the city by prosecution in the name of the people of the State of California in the court having jurisdiction thereof and may be applied in the case of fines, to the payment of expense of any such repairs not otherwise provided for.

Section 238.—The person owning the fee, or the mortgage of such fee, or the person who, on the day the action is commenced, appears by deed duly recorded in the county recorder's office of the County of Solano, to have the legal title to the land, or the person in possession of lands, lots, portions of lots or buildings under claim, or exercising acts of ownership over the same for himself, or as executor, administrator or guardian of the owner, shall be regarded, treated, and deemed to be the "owner" for all the purposes of this article. And in case of property leased, the possession of the tenant or lessee holding and occupying under such person shall be deemed to be the possession of such owner.

Section 239.—Any tenant or lessee of any lot of land on which has been imposed an assessment under the provisions of this article may pay said assessment, or he may discharge any liability imposed thereon by virtue of the provisions of this article, or he may redeem the property within the time prescribed by law, if legally sold on execution, and may deduct the amount so paid from the rents due and to become due from him; and he shall have a lien upon, and may retain possession of, said lots until the amount so paid and advanced with legal interest thereon, be satisfied from accruing rents or by payment by the owner.

Section 240.—The records kept by the board of public works shall have the same force and effect as other public records, and duly certified copies therefrom may be used in evidence with the same effect as the originals. Said records shall, during all office hours, be open, free of charge, to the inspection of any citizen wishing to examine them.

Section 241.—Notices in writing required to be given by the board may be served by any person over the age of twenty-one years, and the fact of such service may be verified by the oath of the person making it. Such oath may be taken before the secretary of said board or before any member thereof.

Section 242.—When any street or portion of a street has been or shall hereafter be fully constructed to the satisfaction of the board of public works and of the trustees, and is in good condition throughout and a sewer, gas pipes, and water pipes are properly laid therein the same shall be accepted by the trustees by ordinance; and thereafter such street or portion of a street shall be kept in repair and improved by the city. The trustees shall not accept any portion of a street less than the entire width of the roadway, including the curbing, and one block in length, or one entire crossing; but they may partly or conditionally accept any street, without sewer, or gas pipes, or water pipes therein, if the ordinance of

acceptance expressly states that they deem such sewer, or gas pipes, or water pipes to be then unnecessary. In such case the lots of land previously or at any time assessable for the cost of constructing a sewer shall remain and be assessable for such cost and for the cost of repairs and restoration of the street damaged in said construction, whenever the trustees shall deem a sewer to be necessary and shall order it to be constructed. The board of public works shall keep in its office a register of all streets accepted by the trustees under this section, which register shall be indexed for easy reference thereto.

Section 243.—The board of public works may at any time, without any application therefor, recommend to the trustees to order the paving or macadamizing of the portion of any street required by law to be paved or macadamized by the person, company or corporation having railroad tracks thereon. Upon such recommendation the trustees shall by ordinance order said work to be done and direct said board to notify said person, company, or corporation of the fact of the passage of such ordinance.

The secretary of said board shall thereupon forthwith in writing notify said passage of said ordinance; and if said person, company or corporation shall not within ten days after receiving said notice commence in good faith to do said work and prosecute the same diligently to completion, the board shall invite sealed proposals for doing said work in the manner provided in this article; and all the provisions of this article in regard to such proposals, to the awarding of contracts, to the execution of contracts, and to the doing of public work, shall apply to all similar proceedings taken under this section. On the completion of the work to the satisfaction of the board the contractor shall be entitled to recover from such person, company or corporation, the contract price for the expense of said work, together with incidental expenses, in an action instituted in a court of competent jurisdiction. On the trial of such action, the certificate of the board on completion of said work to its satisfaction shall be prima facie evidence of the regularity of all the proceedings prior thereto and of plaintiff's right to recover in said action.

Section 244.—Except as otherwise in this article specifically provided, no ordinance for the improvement of any street other than for sewers, sidewalks or curbs, except for the improvement of the streets constituting or lying along the water front of the city, and except for such work as is provided for in the next preceding section shall be passed by the trustees without extending said improvement throughout the whole width of such street.

Section 245.—Wherever in this article the word "street" occurs, it shall be held to include all streets, lanes, alleys, places and courts which have been, or may be hereafter, dedicated and open to public use, and whose grade and width have been legally established; and the grade of all intermediate or intersecting streets in any one block shall be deemed to conform to the grades as established at the crossings of the main streets.

The word "improvement" shall be held to include grading, paving, planing, macadamizing, piling, and capping; and the construction and repairs of sewers, cess-pools, manholes, culverts, drains, sidewalks, and curbs.

The term "main street" shall mean such street or streets as bound a block, and the term "street" shall include crossing.

The word "block" shall mean the blocks known or designated as such upon the maps and books of the Assessor.

The term "quarter block" as used in this article as to irregular blocks, shall be deemed to include all lots or portions of lots, having any frontage on either intersecting street half way from such intersection to the next main street, or, when no main street intervenes, all the way to a boundary line of the city.

The word "paved" shall include any pavement of stone, iron, wood, or other material which the trustees may by ordinance order to be used; but no patented pavement shall be ordered during the existence of the patent therefor, until the owner of such patent shall have transferred to the city all right to the use of the same therein, with the privilege to any person to manufacture and lay the same upon its streets under any contract that may be awarded to him, or entered into by him with the city.

The term "expense" shall include the price at which the contract was awarded, and the term "incidental expenses" shall include all expenses incurred in printing and advertising the work contracted for, and all expenses for surveying, measuring and inspecting the work.

All notices and resolutions required in this article to be published shall be published daily, legal holidays excepted, in a newspaper published in said city.

All notices herein required to be served, whether by delivery, mailing or posting, may be so served by any male citizen of the age of twenty-one years, and his affidavit thereof shall be prima facie evidence of such service. The affidavit by the publisher of the newspaper, or his clerk, of the publication of any notice required in this article to be published, shall be prima facie evidence of such publication.

Section 246.—When the owners of all the lands fronting upon any street which is less than sixty feet in width, for the entire distance of said street, or for the distance of one or more entire blocks, shall petition the board of public works that the said street or that portion thereof upon which said lands front, be closed, the board may pass a resolution recommending that the same be closed. Before passing such resolution the board shall cause a notice of the application to be published in

a newspaper, in said city, and shall fix a time and place at which it will consider the same and hear objections thereto. Upon such hearing it shall determine whether it will recommend that the street be closed; and if it shall so determine, it shall transmit such recommendation to the trustees. Thereupon the trustees may pass an ordinance that the street be closed; and the same shall not thereafter be, or be deemed to be, a public street, or subject to any public expense or improvement; and the land theretofore included within the roadway and sidewalks of said street shall thereafter be the property of the city. No such ordinance shall be passed until the petitioners shall have paid all the expenses of said proceedings.

Section 247.—The board shall annually invite proposals for cleaning and sprinkling such of the streets of the city as the board shall determine should be cleaned and sprinkled at the public expense. Before causing notice for such proposals to be published, the board shall divide the city into such number of districts as in its judgment will best induce competition for bids, and secure the cleaning and sprinkling of the streets at the lowest cost. The secretary of the board shall, under its direction, on the first Monday in May of each year, cause to be published for a period of ten days a notice inviting proposals for cleaning and sprinkling each of said districts specifying in said notice the streets of each district which are to be cleaned and sprinkled, the number of times a week that they are to be cleaned and sprinkled, and the amount of security to be given with each contract. Bids shall be made for each district separately. All the provisions of this charter, in relation to the making and opening of bids, awarding of contracts, and entering into and performance of contracts, shall be applicable to said contracts.

The board may, at the time it invites proposals for said cleaning and for said sprinkling, also invite proposals for said cleaning separately and for said sprinkling separately, and may award such contracts accordingly as may be for the best interest of the city.

The board may also, with the consent of the trustees expressed by ordinance, purchase one or more machines for sweeping the streets and may enter into contracts for sweeping the streets with said machines; but the board must give the preference to hand-sweeping so far as it can do so with reference to the proper sweeping of the streets and to the funds at its disposal.

And WHEREAS, The said proposed amendments to the charter of the City of Vallejo, so ratified as aforesaid and as hereinbefore set forth, are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California,

STATE OF CALIFORNIA,
COUNTY OF SOLANO, CITY OF VALLEJO. } ss.

This is to certify that we, J. J. Madigan, as mayor of the City of Vallejo in the County of Solano, State of California, and Joseph Cunningham, as city clerk of said City of Vallejo, have compared the foregoing proposed and ratified amendments to the charter of said City of Vallejo with Ordinance No. 353 above referred to, being the original ordinance setting forth and describing said proposed amendments to said charter, and also with Ordinance No. 361, likewise above referred to, calling and providing for aforesaid special election of February 5, 1907, and find that each of said proposed amendments as hereinbefore set forth is a full, true, correct and exact copy of its respective original as set forth in aforesaid Ordinances Nos. 353 and 361.

J. J. MADIGAN

As Mayor of the City of Vallejo.

J. F. CUNNINGHAM

As City Clerk of the City of Vallejo.

[SEAL.]

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), that the said amendments to the charter of the said City of Vallejo hereinbefore set forth as presented and submitted to and adopted and ratified by a majority of the qualified electors of said city voting thereon at the said special election held in said city on February 5, 1907 be, and the same are, hereby approved as a whole for and as amendments to the charter of the said City of Vallejo, County of Solano, State of California.

Assembly concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 20 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Muenter, Nelson, Price, Rambo, Reily, Rush, Savage, Walker, Weed, Willis, and Wright—30.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

Assembly Bill No. 656—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 437a, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 656 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Greenwell, Keane, Leavitt, Lukens, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 623—An Act making an appropriation of \$250 for the purchase of a certain spring of water near the Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 623 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Greenwell, Keane, Lukens, Lynch, Markey, Mattos, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 674—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duties of such board; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903, as amended by Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same, approved March 22, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 674 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Boynton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 398—An Act to prevent the adulteration of paints, oils, varnishes, and pigments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 398 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Muentner, Nelson, Price, Rambo, Reilly, Rush, Sanford, Savage, Walker, Weed, and Wright—29.

NOES—Senator McCartney—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 354—An Act to amend Section 597*b* of the Penal Code, relating to cruelty to animals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 354 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Irish, Keane, Kennedy, Lukens, Lynch, Mattos, McCartney, McKee, Price, Reilly, Rush, Sanford, Savage, Wolfe, and Wright—25.

NOES—Senators Markey, Nelson, and Walker—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

EXPLANATION OF VOTE.

Senator Walker, in explanation of his vote on Assembly Bill No. 354, stated that he had voted "no" because the measure was not explained before the roll was called on its passage.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 99—An Act to repeal Section 1036 of the Code of Civil Procedure, relating to requiring security of costs in actions and special proceedings by plaintiffs who reside out of the State of California, and by foreign corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 99 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, Miller, Muentner, Nelson, Price, Rambo, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—Senator Boynton—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 661—An Act to amend Section 2959 of the Civil Code by providing for the recording mortgages of personal property by persons who do not reside in this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 661 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Irish, Leavitt, Lukens, Lynch, Markey, Mattos, Miller, Muentner, Rambo, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 459—An Act amending Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 459 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Greenwell, Irish, Leavitt, Lukens, Lynch, Markey, Mattos, Price, Rambo, Rush, Sanford, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 767—An Act to amend the Penal Code of California by adding thereto a new section, to be numbered 462, relating to burglary with explosives, and the punishment thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 767 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Curtin, Greenwell, Irish, Leavitt, Markey, Mattos, McKee, Muentner, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 591—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes and other works, and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905.

On motion of Senator Sanford, Assembly Bill No. 591 was temporarily passed on file, to retain its place.

Assembly Constitutional Amendment No. 5—Amending the Constitution providing for free public school books.

During consideration of the constitutional amendment, the following amendment was submitted by committee:

Amend as follows: Strike out Section 7 and insert in lieu thereof the following:

SECTION 7. The State Board of Education shall consist of the following members: The Governor, the Superintendent of Public Instruction, the President of the University of California, and the Professor of Pedagogy therein, and the principals of the State normal schools. The State Board of Education shall compile or adopt a uniform system of text-books for use in the day and evening elementary schools throughout the State; and shall perform such other duties as may be prescribed by law. The Legislature shall provide for the printing and publishing of such text-books, when adopted by the Superintendent of State Printing at the State Printing Office, and for the distribution of the same for use in the day and evening elementary schools throughout the State, free

of any charge, to all children attending such schools, under such restrictions and regulations as the Legislature may hereafter provide. The text-books so adopted shall continue in use not less than four years. The Legislature shall provide for a board of education in each county in the State. The county superintendents and the county boards of education shall have exclusive control of the examination of teachers, and the granting of teachers' certificates within their respective jurisdictions.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Assembly Bill No. 716—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 716 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Irish, Lukens, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Assembly Bill No. 1025—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session.

Also: Assembly Bill No. 456—An Act to repeal Article XVI, of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and Sections 419, 420, 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.

Also: Returns to your honorable body, in accordance with your request, Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bill No. 1025 read first time, and referred to Committee on Finance.

Assembly Bill No. 456 read first time, and ordered on Assembly special file, without reference to committee.

SECOND READING OF BILLS.

On motion of Senator Leavitt, the second-reading file was taken up for consideration.

Senate Bill No. 750—A new section is hereby added to the Political Code, to be known as Section 625a, relating to information to be furnished each county clerk by the Insurance Commissioner.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 739—An Act authorizing the Governor to appoint a commission, to consist of himself, a Senator and Assemblyman of the thirty-seventh session of the Legislature of the State of California, and

two citizens at large, of which commission the Governor shall be ex officio a member and chairman thereof, to investigate the fish and fishing industry and the wild game of the State, relative to the propagation, preservation, and better protection thereof, and to recommend to the thirty-eighth session of the Legislature a plan for the propagation, preservation, and better protection of such fish and game; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

SENATOR LEAVITT IN THE CHAIR.

At three o'clock and thirty-five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 839—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 841—An Act to provide for the organization, incorporation, disincorporation, consolidation, and government of municipal corporations, and to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding a new section thereto, to be known as Section 4a, relating to the disincorporation and the reorganization and consolidation of municipalities, and by amending Section 8 of said Act, relating to consolidation of municipal corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 842—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," by adding a new section thereto, to be numbered Section 9½, providing for the disposition of money raised by sale of bonds under said Act, whenever it appears to be impracticable to use said money for the purpose for which the bonds were voted.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 832—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 730—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a new section, to be numbered Section 25c, authorizing boards of supervisors to acquire and maintain parks, and to issue bonds therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 843—An Act to amend Sections 6 and 7 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the

laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, so as to provide for the payment of services of county auditor, county tax collector, and county treasurer.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 531—An Act to provide for the improvement of the public highways, and to make an appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

On page 6, Section 14, strike out all after line 15 of Section 13, and insert in lieu thereof the following:

SEC. 14. The operation of this Act shall not be affected by any conflicting Acts or conflicting part of any Act wherever the same may now exist, and the highways may be improved under this Act or any existing Act relating to roads.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 858—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

During second reading of the bill, the following amendment was submitted by committee:

On page 2, Section 2, line 1, strike out the word and figure: "Sec. 2."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 426—An Act to repeal Article XVI of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and Sections 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.

During second reading of bill, the following amendments were submitted by committee:

After the word "sections," in line 3 of title, insert the following: "419, 420."

Amendment adopted.

Also:

In Section 1, after the word "sections," in line 3, insert the following: "419, 420."

Amendment adopted.

Also:

In Section 589, on page 1, line 2, strike out "three" and insert in lieu thereof "four."

Amendment adopted.

Also:

In Section 591, on page 2, line 4, after the word "conveniences" insert the following: "and assistance and incur traveling and such other expenses as are."

Amendment adopted.

Also:

In Section 593, on page 2, line 2, strike out the word "ten" and insert in lieu thereof the word "twenty."

Amendment adopted.

Also:

In Section 594, on page 2, line 9, strike out the words "including inland navigation insurance" and insert in lieu thereof "ocean and inland risks, transportation and automobiles."

Amendment adopted.

Also:

In Section 594, on page 3, on line 50, before the word "no," insert the following: "after January 1st, 1908."

Amendment adopted.

Also:

In Section 594, on page 4, after the first word "sixth," in line 54, strike out the following: "nor do the sixth without having in addition to such \$200,000.00 capital stock at least \$50,000.00 capital stock for such additional kind of insurance," and insert in lieu thereof the following: "and eighth, *provided*, that any such insurance company desiring to do the kind of insurance embraced within either the sixth or eighth kind must have in addition to such \$200,000.00 capital stock, at least \$50,000.00 capital stock, and to do the kinds of insurance embraced within both the sixth and eighth kinds, at least the sum of \$100,000.00 capital stock in addition to the said \$200,000.00 of capital stock required to do the first kind of insurance."

Amendment adopted.

Also:

In Section 594, page 4, line 57, before the word "no," insert the following: "after January 1st, 1908."

Amendment adopted.

Also:

In Section 594, page 4, line 64, before the word "no," insert the following: "after January 1st, 1908."

Amendment adopted.

Also:

In Section 594, page 4, line 71, before the word "no," insert the following: "after January 1st, 1908."

Amendment adopted.

Also:

In Section 594, page 4, line 79, insert after the word "stock" the word "required."

Amendment adopted.

Also:

On pages 4 and 5, Section 594, strike out lines 86, 87, 88, 89, 90, 91, and 92, and insert in lieu thereof the following: "The capital stock must be exclusive of all liabilities for losses reported, expenses, taxes, and reinsurance of all outstanding risks as provided in Section 602 of the Political Code."

"Every company, corporation, or association, organized or formed under the laws of any other state or country as a mutual or as a joint stock and mutual company having a capital stock of not less than \$100,000.00 must have in lieu of such capital stock available cash assets of at least \$200,000.00 above all liabilities for losses reported, expenses, taxes and reinsurance of all outstanding risks as provided in Section 602 of the Political Code of this State."

Amendment adopted.

Also:

In Section 594a, on page 5, line 1, after the word "company," insert the following: "organized or existing under the laws of any country outside of the United States."

Amendment adopted.

Also:

In Section 594a, page 5, line 7, strike out the word "settled," and insert in lieu thereof the word "unsettled."

Amendment adopted.

Also:

In Section 594a, page 5, line 11, strike out commencing with the word "with," down to and including the word "then," in line 17.

Amendment adopted.

Also:

In Section 595, page 7, line 26, strike out the period after the word "purpose" and insert in lieu thereof a comma, and the following words: "and the printing of said report and all other printing required by the insurance department shall be exempt from the provisions of Article 12, Chapter 3, Title 1, Part 3 of the Political Code."

Amendment adopted.

Also:

In Section 594a, page 5, line 22, between the word "the" and second word "amount," insert the word "minimum."

Amendment adopted.

Also:

In Section 594a, on page 6, strike out commencing with the word "such," on line 41, down to and including the word "company," in line 43, and insert in lieu thereof the following: "Such deposits must be for the benefit of all the policyholders of the company in the United States."

Amendment adopted.

Also:

In Section 594a, on page 6, line 60, strike out the word "certificate," and insert in lieu thereof the word "order."

Amendment adopted.

Also:

In Section 595, on page 7, line 13, strike out the word "validity," and insert in lieu thereof the word "invalidity."

Amendment adopted.

Also:

In Section 595, on page 7, in line 15, insert after the word "State" and before the word "enforce" the word "and."

Amendment adopted.

Also:

In Section 595, on page 7, line 16, strike out the sentence commencing with the word "he" down to and including the word "then," in line 19.

Amendment adopted.

Also:

On page 7, Section 595, line 36, after the word "newspaper," insert the phrase "of general circulation."

Amendment adopted.

Also:

On page 9, in Section 596, line 33, strike out the words "at current rates."

Amendment adopted.

Also:

In Section 596a, page 10, line 6, strike out the word "and" and insert in lieu thereof the word "or."

Amendment adopted.

Also :

In Section 597, page 10, line 3, strike out the word "three" and insert in lieu thereof the words "twenty-five."

Amendment adopted.

Also :

In Section 597, on page 10, line 10, after the word "authority," insert the words "other than renewals."

Amendment adopted.

Also :

In Section 597, on page 11, line 6, strike out the word "has" and insert in lieu thereof the words "shall have."

Amendment adopted.

Also :

In Section 597, page 11, line 33, strike out "all such examinations" and insert in lieu thereof "whenever the Commissioner shall deem such examination necessary the same."

Amendment adopted.

Also :

Strike out Section 597a and 597b.

Amendment adopted.

Also :

On page 12, in Section 498, line 1, change 498 to 598.

Amendment adopted.

Also :

In Section 598, page 12, line 1, strike out the word "pledger" and insert in lieu thereof the word "pledgee."

Amendment adopted.

Also :

In Section 598, page 12, lines 3 and 4, strike out commencing with the word "or," in line 3, down to and including the word "policy," in line 4.

Amendment adopted.

Also :

In Section 598, page 12, line 4, strike out the words "place before" and insert in lieu thereof the words "file with."

Amendment adopted.

Also :

In Section 598, on page 13, line 23, strike out the word "company" and insert in lieu thereof "said agent."

Amendment adopted.

Also :

In Section 601, page 14, line 2, strike out the word "the" and insert in lieu thereof the word "a."

Amendment adopted.

Also :

In Section 601, page 14, line 3, strike out the words "three cents" and insert in lieu thereof the words "one cent."

Amendment adopted.

Also:

In Section 602, page 15, lines 42 and 43, strike out "December 31st." and insert in lieu thereof "January 1st."

Amendment adopted.

Also:

Insert all of Section 612a as Section 602a.

Amendment adopted.

Also:

In Section 603, on page 16, in line 6, strike out the word "Personally."

Amendment adopted.

Also:

In Section 604, page 16, strike out the sentence commencing with the word "if," on line 7, down to and including the word "entered," on line 13, and insert in lieu thereof the following: "if on the trial of any such action it appears to the court that such company is insolvent, before causing judgment to be entered the court may direct the corporation and the officers thereof to levy an assessment on the capital stock sufficient to enable the defendant corporation to pay its debts, and in such order shall give full directions as to the manner of levying such assessment and the amount thereof, and such assessment must be levied before judgment is entered."

Amendment adopted.

Also:

In Section 604a, page 17, line 7, strike out the word "providing" and insert in lieu thereof the word "provided."

Amendment adopted.

Also:

In Section 605, on page 17, strike out the period after the word "dollar," and insert in lieu thereof a semicolon and add the following: "(11) For attaching the seal of office on any paper or document not herein specified, \$1.00; for issuing any other certificate, \$2.00."

Amendment adopted.

Also:

In Section 607, on page 18, in line 20, strike out the word "Chapter" and insert in lieu thereof the word "Article."

Amendment adopted.

Also:

In Section 612, page 20, line 1, strike out the words "fire, marine and inland," and insert in lieu thereof "other than life."

Amendment adopted.

Also:

In Section 612, on page 20, in lines 2 and 3, strike out commencing with the word "or" down to and including the word "code."

Amendment adopted.

Also:

In Section 612a, on page 23, on line 43, strike out the word "his" and insert in lieu thereof the word "its."

Amendment adopted.

Also:

In Section 613, on page 26, line 31, strike out the words "December 31st, 1891," and insert in lieu thereof "January 1st, 1892."

Amendment adopted.

Also:

In Section 613, on page 27, line 72, strike out the words "risks written" and insert in lieu thereof the words "business done."

Amendment adopted.

Also:

In Section 617, on page 29, in line 4, strike out the words "the statements and" and insert in lieu thereof "any statements or."

Amendment adopted.

Also:

In Section 618, on page 30, after the word "mortgage," in line 37, insert a new paragraph as follows:

"If the deposit is of mortgages it shall be accompanied by full abstracts of title or policies of title insurance or certificates of title issued by a duly organized title insurance company authorized to transact business under the laws of California, and the fees for examination of title, unless accompanied by such certificates of title or policies of title insurance, and the fees for the appraisal of property shall be paid by the company making the deposit. If the deposit is of stocks or bonds it shall be accompanied by the fees necessary for the appraisal thereof."

Amendment adopted.

Also:

In Section 620, on page 30, in line 4, strike out the words "holders thereof," and insert in lieu thereof "Insurance Commissioner."

Amendment adopted.

Also:

Section 620, line 11, on page 30, after the word "deposited," insert the following: "provided, however, that pending such examination the securities requested to be withdrawn may, at the discretion of the commissioner, be delivered to the depositor upon the condition that the applicant deposit with the commissioner securities of like value."

Amendment adopted.

Also:

In Section 629, on page 34, line 14, strike out the words "December 31st, 1891," and insert in lieu thereof "January 1st, 1892."

Amendment adopted.

Also:

In Section 630, on page 35, in line 1, after the word "councils," insert the following: "incorporated or organized for the purpose of mutual protection and relief of their members and for the payment of stipulated sums of money to their members or to beneficiaries of deceased members."

Amendment adopted.

Also:

In Section 634a, on page 37, after "1897," insert: "or to any corporation doing or transacting the business of mutual insurance on the assessment plan as defined in Section 453d of the Civil Code of the State of California. The words 'capital stock,' as referred to in this title, shall be deemed to include the capital of any firm or association."

Amendment adopted.

Also:

In Section 2, on page 38, in line 3, strike out the words "rights, causes of action, actions," and insert in lieu thereof: "causes of action and actions for."

Amendment adopted.

Also:

After Section 12, on page 38, insert the following:
"Sec. 3. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 802—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 814—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, title, line 2, strike out the period after the figures "1872," and insert in lieu thereof: "relating to keeping, residing in, and letting disorderly houses and inns, houses of public resort, rooms, apartments, and tenements, and houses of prostitution."

Amendment adopted.

Also:

On page 1, Section 1, line 1, insert after the word "Code," the words "of California."

Amendment adopted.

Also:

On page 1, Section 2, line 4, insert after the word "resort" the words "room, apartment or tenement."

Amendment adopted.

Also:

On page 1, Section 2, line 1, insert after the word "Code," the words "of California."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 402—An Act to amend Sections 90, 91, 92, 128, and 131, and to add certain new sections, to be known as and numbered Sections 108 and 128a, all of and to the Civil Code of the State of California, relating to divorce, the kinds thereof, and the grounds therefor.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 3, line 3, strike out the words "either absolute or from bed and board."

Amendment adopted.

Also:

On page 2, Section 4, lines 1 to 10, strike out the words beginning with "Sec. 4," on line 1, down to and including the words "two years," on line 10.

Amendment adopted.

Also:

On page 2, Section 5, line 1, strike out the figure "5" after the word "Sec." and insert in lieu thereof the figure "4."

Amendment adopted.

Also:

On page 3, Section 5, lines 15 to 29, strike out the words beginning with the word "provided," on line 15, down to and including the words "arose," on line 29.

Amendment adopted.

Also:

On page 3, Section 6, lines 1 to 5, strike out the words beginning with the word and figure "Sec. 6," on line 1, down to and including the word "void," on line 5.

Amendment adopted.

Also:

On page 3, Section 7, line 1, strike out the figure "7," after the word "Sec.," and insert in lieu thereof the figure "5."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 855—An Act to amend Section 3495 of the Political Code of the State of California, relating to the public lands.

During second reading of the bill, the following amendment was submitted by committee:

On page 1, Section 1, line 4, strike out the word "section."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 664—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered Section 1271a, relating to the subject of escheated estates.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, Section 1, line 24, strike out after the word "roll" the word "of," and insert in lieu thereof the word "to."

Amendment adopted.

Also:

On page 2, Section 2, line 1, strike out the words "Sec. 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 502—An Act to appropriate \$20,000 out of any money in the State treasury not otherwise appropriated to permanently drain Lake Earl, in Del Norte County.

During second reading of the bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 502.

An Act to provide for permanently draining Lake Earl, in Del Norte County, and making an appropriation therefor.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is hereby made the duty of the Commissioner of Public Works, without unnecessary delay, to proceed to prepare plans and specifications and estimates of cost for the construction of a canal for the purpose of draining Lake Earl, Del Norte County, into the Pacific Ocean.

SEC. 2. Whenever the Governor of the State of California is informed by the auditor of Del Norte County that there has been paid into the treasury of Del Norte County the full sum of (\$15,000) fifteen thousand dollars for the purpose mentioned in this Act, then the Governor shall direct the Commissioner of Public Works to proceed with the construction and completion of said canal.

SEC. 3. It shall be the duty of the Commissioner of Public Works to approve all claims for labor done on, and for all material furnished for, the construction of said canal, and certify the same to the proper public officer. All claims against the funds in the treasury of Del Norte County shall be examined, audited, allowed, and paid by the same officers and in the same manner as county charges are examined, audited, allowed, and paid. All claims against the funds hereinafter appropriated by this Act shall be examined, audited, allowed, and paid by the same officers and in the same manner as charges against the State for similar claims are examined, audited, allowed, and paid. All public officials herein mentioned are hereby required to receive and disburse the

moneys herein mentioned and to perform the duties herein imposed without any fee, perquisite, extra salary or compensation or any charge except the fees and salary now allowed such officers and all of such duties shall be deemed and considered as a part of the official duties of such officers, and, for the faithful performance of such duties, each of said officers shall be liable on his official bond.

SEC. 4. None of the moneys herein mentioned shall be used for the payment of any officer, or employé, except for materials and appliances furnished and for manual labor, and no clerk, superintendent, overseer, boss, or secretary may be appointed or employed or paid out of any of such moneys.

SEC. 5. For the purpose of carrying out the provisions of this Act there is hereby appropriated the sum of (\$15,000) fifteen thousand dollars.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 806—An Act to pay the claim of John E. Toler, and making an appropriation therefor.

During second reading of the bill, the following substitute was submitted by committee:

An Act to pay the claim of John E. Toler against the State of California, and making an appropriation therefor.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of fifteen hundred dollars is hereby appropriated out of any other money in the State Treasury not otherwise appropriated to pay the claim of John E. Toler against the State of California, and the State Controller is hereby directed to draw his warrant in favor of John E. Toler for said sum of fifteen hundred dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 2. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 82—An Act to encourage the propagation of striped bass in the State of California, and making an appropriation of \$10,000 therefor.

During second reading of the bill, the following amendments were submitted by committee:

Amend in the title; strike out the figures "10,000," and insert in lieu thereof the figures "5,000."

Amendment adopted.

Also:

Amend on page 1, Section 1 of the printed bill; strike out all after the words "Section 1," and insert in lieu thereof the following: "The sum of five thousand dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated to establish and maintain a hatchery for the striped bass in the State of California for the purpose of stocking and replenishing the public waters of this State."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 109—An Act to appropriate the sum of ten thousand dollars to pay the claim of Harve O. Waterman, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

During second reading of the bill, the following amendments were submitted by committee:

Strike out the words "ten thousand" in the title, and insert in lieu thereof the words "fifteen hundred."

Amendment adopted.

Also:

On line 3, Section 1, page 1 of the printed bill, strike out the words "ten thousand," and insert in lieu thereof the words "fifteen hundred."

Amendment adopted.

Also:

Strike out all of line 4, Section 1, page 1 of the printed bill, and insert in lieu thereof the words "against the State of California."

Amendment adopted.

Also:

Strike out, on line 3, Section 2, page 1 of the printed bill, the words "ten thousand," and insert in lieu thereof the words "fifteen hundred."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 134—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.

During second reading of the bill, the following amendment was submitted by committee:

On line 3, Section 1, page 1 of the printed bill, strike out the word "seventy," and insert in lieu thereof the word "forty."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 152—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River, in Tuolumne County, and making an appropriation therefor.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, Section 1, strike out all after the word "Section 1," and insert in lieu thereof the following: "The Board of Fish Commissioners of this State are hereby authorized and empowered to construct upon the Stanislaus River, at a point above the forks thereof, to be determined by said board, a suitable fish repository for the protection of trout during the time of distribution."

Amendment adopted.

Also:

On page 2, Section 3, line 1, strike out the word "thousand," and insert in lieu thereof the word "hundred."

Amendment adopted.

Also:

In Section 3, page 2, line 6, strike out the word "hatchery," and insert in lieu thereof the word "repository."

Amendment adopted.

Also:

In Section 4, page 2, line 4, strike out the word "hatchery," and insert in lieu thereof the word "repository."

Amendment adopted.

Also:

In Section 4, page 2, after the last word in said section, insert the following: "*provided further, that after the completion of said repository, the same shall be thereafter maintained at the expense of Tuolumne County.*"

Amendment adopted.

Also:

Amend the title to read as follows: "To authorize the Board of Fish Commissioners of the State to construct a fish repository on the Stanislaus River, in Tuolumne County, and making an appropriation therefor."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

COMMITTEE SUBMITS SUBSTITUTE FOR FIVE BILLS.

Senate Bill No. 3—An Act making an appropriation for searching for beneficial insects.

Senate Bill No. 266—An Act to provide for the investigation of the nature of the disease known as pear blight, and walnut blight, and to prevent, eradicate, and procure a cure for the same; and to cause to be prosecuted experimental and research work in the field of viticulture, and directing publication of the results of such experiments and investigation, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Senate Bill No. 278—An Act making an appropriation for searching for beneficial insects.

Senate Bill No. 412—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State laboratory of plant pathology, and the appointment of a State Plant Pathologist for this purpose, and making an appropriation therefor.

Senate Bill No. 524—An Act appropriating \$40,000 for carrying out the purposes of an Act approved March 18, 1905, and entitled "An Act providing for the establishment and maintenance of a pathological laboratory for the investigation of tree and plant diseases and pests, and branch agricultural experiment stations, and making an appropriation therefor."

During second reading of the bills, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 3, 266, 278, 412, AND 524.

An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State laboratory of plant pathology, and the appointment of a State Plant Pathologist for this purpose, and for investigations in the field of viticulture, and making an appropriation therefor.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The laboratory of plant pathology of the agricultural experiment station of the University of California is hereby designated the State Laboratory of Plant Pathology, and the plant pathologist of the said agricultural experiment station of the University of California shall be known as the State Plant Pathologist.

SEC. 2. It shall be the office of said laboratory of plant pathology, and the duty of the plant pathologist, under the direction and control of the President and Board of Regents of the University of California, to carry on scientific studies, investigations, and demonstrations on the cause, nature, and means of control of such fungus, bacterial and other diseases of cultivated plants as may from time to time demand such investigation; to continue and extend more permanently investigations of a similar nature to

those conducted heretofore by said plant pathologist of the University of California under special State appropriations and private subscriptions; and in general, to provide for other portions of the State the facilities for the investigation of plant diseases now furnished for the southern part by the Southern California Pathological Laboratory at Whittier (likewise conducted by said Department of Plant Pathology of the University of California); and render unnecessary the continual and growing demand for special appropriations for the investigation of various plant diseases which occur destructively from year to year in various portions of the State.

It shall particularly be the duty of the plant pathologist in the immediate future to make, or cause to be made, in the pear and peach growing districts of the State, investigations and demonstrations concerning the nature and means of control of the diseases known as pear blight and peach blight, in continuance of the operations of this nature now being carried on by the department of plant pathology of the University of California. He shall cooperate with and assist the State and county horticultural quarantine officers in their efforts to control the disseminations of these and other similar pests, but shall have no power or duties whatsoever relating to the enforcement of quarantine regulations.

SEC. 3. The plant pathologist shall employ such assistants as the available funds will allow, to aid in the investigation of plant diseases. Such assistants shall be expert plant pathologists of proper training, and shall be stationed by the plant pathologist in such portions of the State as the demands of the work may require. To facilitate the work of said assistants he may also establish such temporary or branch headquarters or laboratories in those portions of the State not benefited by the Southern California Pathological Laboratory, as the most urgent needs of plant investigation in the various fruit-growing sections may demand.

SEC. 4. The Regents and the President of the University of California shall also cause to be prosecuted with all possible diligence, in connection with the work heretofore carried on by the Agricultural Experiment Station, experimental and research work in the field of viticulture, including both cultural and industrial processes. They are directed to ascertain the adaptation of the various kinds of vines to the several climatic and soil conditions of the State, with special reference to those stocks for propagating purposes, resistant to phylloxera, and to further their adaptability and utility as grafting stocks for producing wine, raisin, and table grapes. They are directed to ascertain the best methods of grafting and propagating said stocks and vines, together with the most important methods of vinification and preparation, manufacture and application of yeasts in vinification and distillation. They are further directed to report upon the utilization of the by-products of the vineyard and winery, the study and treatment of the vine diseases, and all matters appertaining to the viticultural industry pertinent to the successful conduct of the business and that may be of general public interest, use, and profit.

SEC. 5. All appointments and expenditures under this Act shall be made under the authority of the Regents of the University of California.

SEC. 6. The results of these investigations shall be published from time to time as bulletins of the agricultural experiment station of the University of California.

SEC. 7. There is hereby appropriated, out of any money in the State treasury not otherwise appropriated, the sum of thirty thousand dollars, to be expended by the Regents of the University of California in carrying out the provisions of this Act, viz: for the increased facilities and equipment in plant pathology, three thousand dollars; for salaries, maintenance, and traveling expenses in plant pathology, July 1, 1907, to July 1, 1909, twelve thousand dollars; for viticultural investigations, fifteen thousand dollars. The State Controller is hereby authorized and directed to draw his warrant for the same, payable to the Regents of the University of California, out of funds of the State of California not otherwise appropriated, and the Treasurer of the State is hereby directed to pay such warrant.

SEC. 8. This Act is exempted from the provisions of Section 672 of the Political Code.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 270—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 293—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, to be expended by and under the direction of said board, for the purpose of purchasing and operating necessary dredges and machinery to be used in deepening and rectifying the channels of the Sacramento, San Joaquin, and Feather

rivers, and other river channels of the State, and in improving the navigability of such streams.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 293.

An Act appropriating money to be expended by and under the directions of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of one hundred and twenty-five thousand dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to be paid to the Department of Engineering, to be expended for rectifying and improving the channels of the Sacramento, San Joaquin, and Feather rivers, and such other river channels of the State as the Department of Engineering may determine, and to improve the navigability of said streams; *provided, however*, that before any expenditure shall be made or contracts awarded by said board, the work to be done shall be approved by the proper officers of the Government of the United States having charge of river work in California.

SEC. 2. All expenditures hereunder for labor, materials, machinery, or in payment, in whole or in part, of any contract, shall, before being paid, be audited by the State Board of Examiners as provided by law.

SEC. 3. Of the sum of money herein appropriated one half thereof shall become available on the 1st day of July, 1907, and the other half thereof on the 1st day of July, 1908.

SEC. 4. This Act shall take effect immediately from and after its passage.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 720—An Act to amend Section 7 of an Act entitled "An Act to appropriate money for the support of orphans and abandoned children," approved March 25, 1880, relating to the age of the children referred to therein.

WITHDRAWAL OF BILL.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 720.

Senate Bill No. 720 withdrawn and ordered stricken from the file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 343—An Act to amend an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals or produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold, to improve the quality of dairy products of the State; to prevent the deception in the sale of dairy products, and to appropriate money for enforcing its provision," by amending Sections 2 and 12, making provisions for enforcing the above Act as amended by appropriating money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 844—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants and prescribing their powers and duties.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 726—An Act to secure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California; to provide for the creation of a board of five members, who shall act under and in accordance with the provisions of this Act; to provide for their appointment and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March, 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.

During second reading of the bill, the following amendments were submitted by committee:

On page 6, Section 8, line 11, strike out the period (.) after the word "State," and insert in lieu thereof the following: ", nor to employes of licensed veterinarians legally qualified to practice as such under the provisions of this Act."

Amendment adopted.

Also:

On page 6, Section 7, line 14, strike out the period (.) after the word "indirectly," and insert in lieu thereof the following: "; provided nothing in this Act shall be construed to prohibit members of the medical profession from prescribing for domestic animals in case of emergency, and collecting a fee therefor, nor to prohibit gratuitous services in an emergency, nor prevent any person from practicing veterinary medicine on any animal belonging to himself or herself."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 733—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, and 2112, all of the Political Code of the State of California, relating to the National Guard.

During second reading of the bill, the following amendment was submitted by committee:

On page 13, Section 21, line 8, strike out the word "Untied," and insert in lieu thereof the following: "United."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 534—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of such drainage district; defining the powers, duties, and compensation of such officers, and providing for the creating, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the land within said drainage district," approved March 20, A. D. 1905.

Bill read second time, considered engrossed, and ordered on file for third reading.

COMMITTEE SUBMITS SUBSTITUTE FOR TWO BILLS.

Senate Bill No. 273—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Senate Bill No. 342—An Act providing for the organization and management of mutual fire insurance companies.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 273 AND SENATE BILL NO. 342.

An Act providing for the organization and management of mutual fire insurance companies.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Private corporations may be formed for the purpose of insuring the property of their members in accordance with and on the properties designated in this Act, and not otherwise. Such corporations may be formed and organized as provided in Part Four, Division First, of the Civil Code of the State of California.

SEC. 2. Any such corporation may be formed for the purpose of transacting fire insurance business, and in one of the following lines, to wit:

1. Lumber yards, factories and mills.

2. Mercantile risks, dwelling houses, churches, schools, and farm buildings, and contents.

SEC. 3. Each person or corporation accepting a policy in any such mutual insurance corporation shall thereby become a member of such corporation and shall be liable for his pro rata share of losses and operating expenses, except as hereinafter provided.

SEC. 4. No policy shall be issued by such corporation until not less than two hundred thousand dollars of insurance, in not less than two hundred separate risks, have been subscribed for and entered on its books, and until it shall have a cash reserve fund of fifty thousand dollars. No officer or other person whose duty it is to determine the character of risks, and upon whose decision the application shall be accepted or rejected by such corporation, shall receive as any part of his compensation a commission upon the premium, but his compensation shall be a fixed salary and such share of the net profits as the directors may determine.

SEC. 5. Every member shall be notified of the time and place of holding its meeting by a written notice, or by an imprint upon the back of each policy receipt or certificate of renewal, and shall be entitled to a vote as provided by law.

SEC. 6. Such company may issue policies, *provided* the term of any policy does not exceed the time limited for the existence of the charter, but not for an amount in excess of twenty-five hundred dollars on any one risk; *provided, however*, that one thousand dollars additional insurance may be written on any one risk for each million dollars of total insurance outstanding on the books of the company in excess of one million dollars; *provided further*, that two or more buildings situated in the same city block, or separated by less than one hundred feet, shall be deemed to be one risk.

SEC. 7. When any number of citizens or corporations not less than one hundred owning insurable property in this State desire to insure in a mutual company incorporated under the laws of some other state, they shall petition the Insurance Commissioner to grant such company a license to transact business in this State. Such corporation before being licensed in this State must file with the Insurance Commissioner its last annual statement signed by its president and secretary under oath, showing that the company is solvent and possessed of not less than two hundred thousand dollars bona fide premium notes or contingent liabilities of its members, and not less than seventy-five thousand dollars available cash assets over and above all liabilities or losses reported, expenses, taxes, and reinsurance on all outstanding risks estimated at fifty per cent. of the premiums received and receivable on all risks. Such company must also file a copy of its articles of incorporation and a certificate from the Insurance Commissioner of the state in which such company is incorporated, in which certificate the Insurance Commissioner must certify that such company's annual statement is correct. Any mutual insurance company incorporated under the laws of any other state, after complying with the provisions of this section, shall be granted a license by the Insurance Commissioner of this State, granting such company full power to transact business under this Act.

SEC. 8. Each policy holder shall be liable to pay his proportionate part of any assessment which may be levied by the company, in accordance with the law and his contract, on account of losses and expenses incurred while he is a member. Mutual insurance companies shall charge and collect upon its policies the full premium in cash or notes, absolutely payable, and may, in its by-laws, fix the liability of its members for the payment of the losses and expenses not provided for by its cash funds; *provided*, that the liability of a member shall not be less than a sum equal to the cash premium written in his policy. The total amount of the liability of a policy holder shall be plainly and legibly stated upon the back of each policy.

SEC. 9. Whenever such company is not possessed of cash funds above its permanent cash reserve fund hereinafter provided, sufficient for the payment of accrued losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses, upon its members liable to assessment therefor, in proportion to their several liabilities. The company shall cause to be recorded in a book kept for that purpose the order for such assessment, together with a statement which shall set forth the condition of the company at the date of the order, the amount of its cash assets, and of its premium notes, or other contingent funds liable to assessment and the amount the assessment calls for. Such record shall be made and signed by the directors who voted for the order before any part of the assessment is collected, and any person liable to assessment may inspect and take a copy of the same.

SEC. 10. Any member of any such corporation may withdraw at any time by surrendering his policy or certificate of insurance to the corporation, and giving thirty days written notice of his intention to withdraw and by paying his share of all losses which shall have accrued by the end of the time specified in the notice, and all assessments, due, accrued, or pending at the time of his withdrawal, but the company may retain the rate usually charged by standard insurance companies for a short term policy; *provided, also*, that the corporation shall have power to cancel or determine any policy by giving the insured five days written notice to that effect, and returning to the insured his pro rata of the unearned premium.

SEC. 11. No mutual fire insurance corporation formed under this Act may make any dividend except from profits in hand after retaining unimpaired:

1. The sum of fifty thousand dollars.
2. A fund equal to one half the amount of all premiums on risks not terminated at the time of making such dividend.
3. A sufficient sum to pay all losses reported, or in course of settlement, and all liabilities for expenses and taxes.

SEC. 12. Nothing in this Act shall be construed to restrict or affect the provisions of "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

SEC. 13. The general provisions applicable to all corporations as expressed in Part Four of Division First of the Civil Code of the State of California, also all provisions of the Political Code so far as compatible with the provisions of this Act, are hereby made applicable to corporations provided for by this Act.

Committee substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 703—An Act to amend Sections 1925, 1928, 1934, and 1956, and to repeal Section 1930, 1932, and 2004, of Chapter II, of Title IV, of an Act entitled "An Act to establish a Political Code of the State of California," relating to the National Guard.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 854—An Act entitled "An Act to amend Section 737 of the Political Code, relating to salaries of superior judges."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 803—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title of real property partitioned by decree of court.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 809—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1243 thereof, relative to the place in court in which actions in eminent domain must be brought.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 789—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 859—An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California.

During second reading of bill, the following amendments were submitted by the committee:

On page 1, Section 1, line 9, insert between the words "construction" and "by" the following: "and maintenance."

Amendment adopted.

Also:

On page 2, Section 3, line 1, strike out the words "in beginning," and insert in lieu thereof the following: "upon filing the complaint in."

Amendment adopted.

Also:

On page 2, Section 3, lines 1 and 2, strike out the words "It is expressly understood that."

Amendment adopted.

Also:

On page 2, Section 3, line 4, strike out the word "and," and all following down to and including the word "liability," in line 8.

Amendment adopted.

Also:

On page 2, Section 5, strike out all of Section 5.

Amendment adopted.

Also:

On page 2, Section 6, line 1, strike out figure "6" after the word "Sec." and insert the figure "5."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 403—An Act to add a new section to the Penal Code of the State of California, to be known as and numbered Section 360a, relating to connivance, collusion, and fraud in connection with actions of divorce, and providing a punishment therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 404—An Act to add a new section to the Penal Code of California, to be known as and numbered Section 284a, relating to adultery, extreme cruelty, desertion, willful neglect, and habitual intemperance, and providing a punishment therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 405—An Act to amend Section 132 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a subdivision, to be designated as Subdivision 7 of said section of said Act, relating to the duties of the district attorney.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 406—An Act to amend Section 411 and to add certain new sections, to be known and numbered Sections 1018 and 1019, all of and to the Code of Civil Procedure of the State of California, relating to the service of process, pleadings, notices, and papers in actions for divorce and intervention of such actions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 473—An Act to add a new section to the Code of Civil Procedure, the said section to be designated eleven hundred and sixty-six a (1166a), relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form

of the complaint, the form and amount of the undertaking, and the form of the writ of ejectment, and the manner of executing and serving the writ.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 816—An Act to define the term "caucus"; to declare the holding of a caucus unlawful; to provide for the calling and assembling of a free caucus by a member of certain legislative bodies in the State of California, and to declare violations of the provisions of this Act a misdemeanor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 709—An Act to change the boundaries of the County of Los Angeles.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 888—An Act to provide for the classification of supervisors in counties of the fifteenth class, where they are not now classified; so that all of them shall not go out of office at the same time.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 872—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 741—An Act to amend Section 3788 of the Political Code, and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3778, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817, and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818, of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and re-sale of such property, and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 741.

An Act to amend section three thousand seven hundred eighty-eight of the Political Code, relating to sale of public lands and delinquent taxes due on assessment thereof.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three thousand seven hundred eighty-eight of the Political Code is hereby amended so as to read as follows:

3788. When State lands, upon which the full purchase price has not been paid, and the deed therefor to the State provided for in section thirty-seven hundred and eighty-five of this Code, has been forwarded to and filed with the Surveyor General, the said lands shall again become subject to entry and sale, in the same manner, and subject to the same conditions, as apply to other State lands of like character, except that the former possessors of the lands thus deeded to the State, their heirs or assigns, shall be preferred purchasers thereof for the period of six months after the deeds are filed with the Surveyor General; but the Surveyor General shall not permit an entry, or make a sale of any lands thus deeded to the State, except upon the previous payment into the State treasury, as other moneys are required to be paid therein, in addition to the price of

said lands as compared with the price fixed for other State lands of like character, by the person or persons proposing to make the entry or purchase, of a sum equal to the delinquent taxes, penalties, costs, and accruing costs, by virtue whereof the State became a purchaser of the lands thus sought to be entered or purchased, and also all delinquent taxes, penalties and costs which may have accrued upon such lands to the date of the deed to the State. The money thus paid into the treasury shall be distributed in the manner prescribed in section thirty-eight hundred and sixteen; *provided*, the moneys received for twenty per cent of the purchase money and accruing interest, together with the principal in case of full payment on the lands, shall be distributed by the Surveyor General, in the manner now provided by law for such distribution.

SEC. 2. All Acts and parts of Acts heretofore passed in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 360—An Act to amend Section 1476 of the Penal Code, relating to the issuance of writs of habeas corpus and admission to bail, pending the determination thereof.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 212—An Act to amend Sections 832, 836, 845, 848, 855, 859, 866, 867, 887, 892, 893, 895, 905, and 906 of the Code of Civil Procedure, and to repeal Section 837 thereof, all relating to civil action in justices' courts.

During second reading of bill, the following amendments were submitted by committee:

On page 1, title, line 4, strike out the words "eight hundred and fifty-nine."

Amendment adopted.

Also:

On page 2, Section 1, line 7, strike out after the word "township," and insert the following: "of the county."

Amendment adopted.

Also:

On page 4, Section 8, strike out all of Section 8 of the printed bill.

Amendment adopted.

Also:

On page 4, Section 9, line 1, strike out the figure "9," and insert in lieu thereof the following: "8."

Amendment adopted.

Also:

On page 5, Section 10, line 1, strike out the figure "10," and insert in lieu thereof the following: "9."

Amendment adopted.

Also:

On page 5, Section 11, line 1, strike out the figure "11," and insert in lieu thereof the following: "10."

Amendment adopted.

Also:

On page 5, Section 12, line 1, strike out the figure "12," and insert in lieu thereof the following: "11."

Amendment adopted.

Also :

On page 6, Section 13, line 1, strike out the figure "13," and insert in lieu thereof the following: "12."

Amendment adopted.

Also :

On page 6, Section 14, line 1, strike out the figure "14," and insert in lieu thereof the following: "13."

Amendment adopted.

Also :

On page 6, Section 15, line 1, strike out the figures "15," and insert in lieu thereof the following: "14."

Amendment adopted.

Also :

On page 7, Section 16, line 1, strike out the figure "16," and insert in lieu thereof the following: "15."

Amendment adopted.

Also :

On page 7, Section 16, line 19, strike out the word "either," and insert in lieu thereof the following: "Any."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 328—An Act to amend Sections 656, 658, 659, 660, 661, and to renumber and amend Section 663½ of the Code of Civil Procedure, all relating to new trials.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, title, lines 1 and 2, strike out the words "six hundred and fifty-eight."

Amendment adopted.

Also :

On page 1, title, line 3, strike out the words "six hundred and sixty-one."

Amendment adopted.

Also :

On pages 1 and 2, Section 2, strike out all of Section 2 of printed bill.

Amendment adopted.

Also :

On page 2, Section 3, line 2, strike out the word "ammended," and insert in lieu thereof the following: "amended."

Amendment adopted.

Also :

On page 2, Section 3, line 9, strike out the colon ":" after the word "tions," and insert in lieu thereof the following: "or a statement of the case."

Amendment adopted.

Also :

On page 2, Section 3, insert the following between lines 26 and 27: "3. If the motion is to be made upon a statement of the case, the moving party must, within ten days after service of the notice, or such further time as the court in which the action is pending, or the judge thereof may allow, prepare a draft of the statement, and serve the

same, or a copy thereof, upon the adverse party. If such proposed statement be not agreed to by the adverse party, he must, within ten days thereafter, prepare amendments thereto, and serve the same, or a copy thereof, upon the moving party. If the amendments be adopted, the statement shall be amended accordingly, and then presented to the judge who tried or heard the cause, for settlement, or be delivered to the clerk of the court for the judge. If not adopted the proposed statement and amendments shall, within ten days thereafter, be presented by the moving party to the judge, upon five days' notice to the adverse party, or delivered to the clerk of the court for the judge; and thereupon the same proceedings for the settlement of the statement shall be taken by the parties, and the clerk, and judge, as are required for the settlement of bills of exceptions by Section 650. If the action was heard by a referee, the same proceedings shall be had for the settlement of the statement by him as are required by that section for the settlement of bills of exception by a referee. If no amendments are served within the time designated, or if served, are allowed, the proposed statement and amendments, if any, may be presented to the judge or referee, for settlement, without notice to the adverse party. When the notice of the motion designates, as the ground of the motion, the insufficiency of the evidence to justify the verdict or other decision, the statement shall specify the particulars in which such evidence is alleged to be insufficient. When the notice designates, as the ground of the motion, errors in law occurring at the trial, and excepted to by the moving party, the statement shall specify the particular errors upon which the party will rely. If no such specifications be made, the statement shall be disregarded on the hearing of the motion. It is the duty of the judge, or referee, in settling the statement, to strike out of it all redundant and useless matter, and to make the statement truly represent the case, notwithstanding the assent of the parties to such redundant or useless matter, or to any inaccurate statements. When settled, the statements shall be signed by the judge, or referee, with his certificate to the effect that the same is allowed, and shall then be filed with the clerk."

Amendment adopted.

Also:

On page 2, Section 3, line 27, strike out the figure "3" and insert in lieu thereof the following: "4."

Amendment adopted.

Also:

On page 3, Section 4, lines 13 and 14, strike out the words "and by him read at the hearing of the motion."

Amendment adopted.

Also:

On pages 3 and 4, Section 5, strike out all of Section 5.

Amendment adopted.

Also:

On page 4, Section 6, line 13, strike out the words "less than ten nor more than twenty," and insert in lieu thereof the following: "more than sixty."

Amendment adopted.

Also:

On page 2, Section 3, line 1, strike out the figure "3," and insert the figure "2."

Amendment adopted.

Also:

On page 3, Section 4, line 1, strike out the figure "4," and insert in lieu thereof the figure "3."

Amendment adopted.

Also:

On page 4, Section 6, line 1, strike out the figure "6," and insert in lieu thereof the figure "4."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 316—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, and 459 of the Code of Civil Procedure, all relating to pleadings in civil actions.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the word "section."

Amendment adopted.

Also:

On page 5, Section 10, line 6, insert after the word "passage," the following: "In pleading the performance of conditions precedent under a statute or an ordinance of a county or municipal corporation, or of a right derived therefrom, it is not necessary to state the facts showing such performance, but it may be stated generally that the party duly performed all the conditions on his part required thereby; if such allegations be controverted the party pleading must establish on the trial the facts showing such performance."

Amendment adopted.

Also:

On page 5, Section 9, line 22, insert the following after the word "thereof": "When the State, or any county thereof, or any officer of the State, or of any county thereof, in his official capacity is plaintiff, the complaint need not be verified."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 319—An Act to amend Sections 539, 553, 554, and 555 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, line 16, insert after the word "after," the word "actual."

Amendment adopted.

Also:

On page 3, Section 5, line 4, insert after the word "attorney," the following: "or the officer who levied the writ."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 322—An Act to amend Sections 581 and 585 of the Code of Civil Procedure, to repeal Section 582 thereof, as approved March 11, 1872, and to add two new sections thereto, to be numbered 582 and 583, all relating to judgments.

During second reading of bill, the following amendments were submitted by committee:

On page 1, title, line 1, after the word "eighty-one" insert the words "five hundred and eighty-two."

Amendment adopted.

Also:

On page 1, title, lines 2, 3, and 4, strike out the words "to repeal section five hundred and eighty-two thereof, as approved March 11, 1872, and."

Amendment adopted.

Also:

On page 1, title, line 4, strike out the word "two" and insert in lieu thereof the following: "a."

Amendment adopted.

Also :

On page 1, title, lines 5 and 6, strike out the words "two and five hundred and eighty-three," and insert in lieu thereof the following: "one a."

Amendment adopted.

Also :

On page 1, Section 1, line 7, insert the following: "his," before the word "coste."

Amendment adopted.

Also :

On page 2, Section 2, line 2, strike out the word "two," and insert in lieu thereof the following: "one a."

Amendment adopted.

Also :

On page 2, Section 2, line 3, strike out the figures "582," and insert in lieu thereof the following: "581a."

Amendment adopted.

Also :

On page 3, Section 3, line 1, strike out the words "a new section," and insert in lieu thereof the following: "Section five hundred eighty-two."

Amendment adopted.

Also :

On page 3, Section 3, lines 1 and 2, strike out the words "added to said Code, to be numbered five hundred and eighty- three, and," and insert in lieu thereof the following: "amended."

Amendment adopted.

Also :

On page 3, Section 3, line 3, strike out the figures "583," and insert in lieu thereof the following: "582."

Amendment adopted.

Also :

On page 4, Section 4, line 34, strike out the word "president," and insert in lieu thereof the following: "defendant."

Amendment adopted.

Also :

On page 4, Section 5, strike out all of Section 5.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 323—An Act to amend Sections 602 and 615 of the Code of Civil Procedure, both relating to jury trials.

Bill read second time, considered engrossed, and ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Wolfe:

Resolved, That Senate Bills Nos. 869 and 870 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Greenwell, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Wolfe, and Wright—28.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 869—An Act to provide for the loan from the School Land Fund to the State of California of the sum of \$250,000; providing for the transfer of said amount from the School Land Fund to the General Fund, and for the repayment of said amount with interest thereon, and authorizing the Controller to transfer moneys from the School Land Fund to the General Fund, and from the General Fund to the School Land Fund, and from the General Fund to the State School Fund, to carry out the purposes of this Act.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 869 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Greenwell, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CASE OF URGENCY.

Senate Bill No. 870—An Act to provide for the reconstruction and repair by the Board of State Harbor Commissioners of wharves, piers, docks, bulkheads, sheds, streets, and seawalls, the property of the State of California, situated on the water front of the City and County of San Francisco, and making an appropriation therefor.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 870 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Greenwell, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PORTER IN THE CHAIR.

At three o'clock and fifty minutes P. M., Lieutenant-Governor Warren R. Porter in the chair.

BILL RECALLED FROM ENGROSSMENT FOR THE PURPOSE OF AMENDMENT.

On motion of Senator Carter, Senate Bill No. 709 was recalled from engrossment for the purpose of amendment.

Senate Bill No. 709—An Act to change the boundaries of the County of Los Angeles.

Bill having been recalled from engrossment, the following amendment was offered by Senator Carter:

Strike out all after the word "to wit:" on line 3, page 1, of the printed bill and insert the following:

Beginning at the point where the township line between Townships 4 S. and 5 S., Range 12 W., S. B. B. M., intersects the dividing line as now established between the County of Los Angeles and the County of Orange; thence running easterly along said township line to the northeast corner of Section 4 in Township 5 S., R. 11 W., S. B. B. M.; thence southerly along section line one and one half miles to half section line running east and west; thence easterly along said half section line one half mile to the center of Section 10, Township 5 S., R. 11 W., S. B. B. M.; thence southerly along half section line one mile to center Section 15, Township 5 S., R. 11, S. B. B. M.; thence westerly along half section line one half mile to section line running north and south between Sections 15 and 16, Township 5 S., R. 11, S. B. B. M.; thence southerly along said section line two miles to half section line, running east and west; thence easterly along said half section line through center Sections 27 and 26 two miles to the section line running north and south between Sections 25 and 26, Township 5, R. 11 W., S. B. B. M.; thence southerly along said section line one and one half miles to southwest corner of Section 36, Township 5 S., R. 11, S. B. B. M.; thence easterly one mile to southeast corner of Section 36, Township 5 S., R. 11 W., S. B. B. M.; thence southerly along the section and township line two miles to the southeast corner Section 12, Township 6 S., R. 11 W., S. B. B. M.; thence easterly along section line one mile to northeast corner Section 18, Township 6 S., R. 10 W., S. B. B. M.; thence southerly along said section line to a point in Pacific Ocean three miles distant from the shore line; thence proceeding in a northwesterly direction to a point in the Pacific Ocean three miles distant from the shore where the line as at present established between Orange and Los Angeles County intersects; thence proceeding along said line between Los Angeles and Orange County in a general northeasterly direction to the point of beginning.

SEC. 2. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Welch asked for and was granted unanimous consent to have Assembly Constitutional Amendment No. 5 recalled from print and taken up for the purpose of amendment.

Assembly Constitutional Amendment No. 5—Amending the Constitution providing for free public school books.

Senator Welch moved to amend as follows:

By inserting after the word "State," line 9, Section 7, page 1, the words: "and in all organized private schools."

Also, amend line 14, same section and page, by inserting the words: "and in all organized private schools."

Amendment refused adoption.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 850, the same was taken up for consideration.

Senate Bill No. 850—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions for such submission.

Read third time.

The question being on the passage of the bill.

During the consideration of the bill, Senator Sanford read the following telegram, which was ordered printed in the Journal:

UKIAH, CALIFORNIA, February 25, 1907.

Senator J. B. Sanford, Sacramento, California.

Ukiah wants the State Capitol building. Will give State 1,000-acre tract of land for site, which will make a good playground for the non-working attachés. Location on the summit of the Coast Range Mountains—east of the State Asylum—1,000° above zero. Just half way between the North Pole and a point 16 degrees south of the Equator, and half way between Honolulu and some point in the Atlantic Ocean. In addition to above, have raised "\$23," which will be thrown in to help erect the building. Don't come home without the building in your vest pocket.

(Signed) CHAMBER OF COMMERCE.

The following substitute was offered by Senator Sanford:

SUBSTITUTE FOR SENATE BILL NO. 850.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State treasury, not otherwise appropriated, the sum of two hundred thousand dollars (\$200,000), to be used for the purpose of constructing a large automobile upon which the State Capitol building shall be placed and hauled around over the State at the whim of disgruntled politicians and real estate boomers.

Substitute read, and ordered printed in Journal.

At five o'clock and thirty minutes P. M., Senator Wolfe moved that the Senate continue in session until a vote on the passage of Senate Bill No. 850 should be taken.

Motion carried.

The roll was called, and Senate Bill No. 850 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Broughton, Carter, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—Senators Bell, Belshaw, Boynton, Caminetti, Curtin, McKee, Rush, Sanford, and Welch—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At six o'clock and five minutes P. M., on motion of Senator Leavitt, the President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 915—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also: Senate Bill No. 861—An Act to amend the Civil Code by adding thereto a new section, to be numbered 290a, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository, or trustee.

Also: Senate Bill No. 896—An Act to add three new sections to the Code of Civil Procedure, to be known as Sections numbers 941a, 941b, and 941c of said Code, respectively, providing a new and alternative method by which appeals may be taken from judgments, orders, or decrees of the Superior Court of the State of California to the Supreme Court or District Courts of Appeal thereof.

Also: Senate Bill No. 899—An Act to add a new article to Chapter I of Title VIII of Part III of the Political Code, to be known as Article 11a, relating to the sale of lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made.

Also: Senate Bill No. 913—An Act to amend Section 1386 of the Civil Code, relating to succession to the property of deceased persons.

Also: Senate Bill No. 922—An Act to repeal Article XIV of Chapter III of Title I of Part III of the Political Code, relating to sealers of weights and measures.

Also: Senate Bill No. 921—An Act to add a new article to Chapter III of Title I of Part III of the Political Code, to be known as Article XIV thereof, relating to the State Mining Bureau and a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the board of trustees of said bureau.

Also: Senate Bill No. 897—An Act to add a new chapter to Title VII of Part III of the Political Code, to be known as Chapter XIVa, relating to a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State.

Also: Senate Bill No. 898—An Act to add a new chapter to Title VII of Part III of the Political Code, to be known as Chapter XIVb, relating to a police relief, health, and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State.

Also: Assembly Bill No. 700—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered Section 1271a, relating to the subject of escheated estates.

Also: Assembly Bill No. 672—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LUKENS, Chairman.

Assembly Bills Nos. 915 and 700 ordered on Assembly special file for second reading.

Senate Bills Nos. 861, 896, 899, 913, 922, 921, 897, and 898 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator McCartney asked for and was granted unanimous consent to have Assembly Bill No. 672 taken up for consideration.

Assembly Bill No. 672—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Bill read second time, and ordered on Assembly special file for third reading.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 1025—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 838²—An Act defining the character of imitation butter and imitation cheese, providing for the prevention of deception in the manufacture or sale of butter or cheese, to secure its enforcement, defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses, providing that the State Veterinarian shall be ex officio State Dairy Commissioner, and shall also perform, in addition to his duties as fixed by law, the duties of State Dairy Commissioner, designating and prescribing the duties of such State Dairy Commissioner, providing that no action can be maintained to recover on account of any sale or contract made in violation hereof, providing for the issuance and service of search warrants, when necessary for the seizure of substances designed to be used contrary to the pro-

visions hereof, and repealing an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor," approved March 4, 1897—have had the same under consideration, and respectfully report the same back without recommendation.

BELSHAW, Chairman.

Assembly Bill No. 1025 ordered on Assembly special file for second reading.

Senate Bill No. 838 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 800—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks and employes of such officers, and for the compensation of such officers, their assistants, deputies, clerks and employes.

Also: Senate Bill No. 840—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of California, 1850 1907, inclusive.

Also: Senate Bill No. 783—An Act to add three new sections to the Code of Civil Procedure of the State of California, to be known as numbers 933a, 953b, and 953c, relating to a new and alternative method for the preparation of records to be used on appeals from judgments, orders, or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

Also: Senate Bill No. 11—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Also: Senate Bill No. 784—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV of Division Second, consisting of Sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, 1426q, and 1426r, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act relating to the working, rights of way, easement and drainage of mines within the State of California," approved March 31, 1891.

Also: Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 23, of Article IV thereof, relating to the compensation of the members of the Legislature, limiting the expense of the employes of the Senate and Assembly.

Also: Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employes of the Senate and Assembly.

Also: Senate Concurrent Resolution No. 10—Relative to the formation of rifle clubs throughout California under Act of Congress, approved March 3, 1905, and message of President of the United States, dated December 3, 1906.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 800, 840, 783, 784, and 11 ordered on file for third reading.

Senate Constitutional Amendments Nos. 32 and 16 ordered on file.

Senate Concurrent Resolution No. 10 ordered on file.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 138—An Act to add a new article to Part III, Title VI, Chapter II of the Political Code, designated Article IX, comprising 28 sections, numbered 2745 to 2772, inclusive, authorizing the formation of permanent road divisions for the construction and improvement of roads in such divisions and prescribing the method of such formation and of providing funds for said purposes—have had the same under consideration, and respectfully report the same back, and recommend that same do pass as amended.

MATTOS, Chairman.

Senate Bill No. 138 ordered on file for second reading.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 557—An Act entitled "An Act regulating the recordation of subscriptions to the capital stock of the Waters Users' Association—have had the same under consideration, and respectfully report a committee substitute for the same, and recommend that the substitute do pass.

Also: Assembly Bill No. 812—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, the Act or Acts supplemental or amendatory thereof, or the Act or Acts of which said Act is supplemental or amendatory; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of the said Act or Acts—have had the same under consideration, and respectfully report the same back, and recommend that same do pass as amended.

WILLIS, Chairman.

Senate Bill No. 557 ordered on file for second reading.

Assembly Bill No. 812 ordered on Assembly special file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 834—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction and to provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 21, 1905—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SAVAGE, Chairman.

Senate Bill No. 834 ordered on file for second reading.

ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Assembly Joint Resolution No. 7—Relative to the mining interests of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BOYNTON, Chairman.

Assembly Joint Resolution No. 7 ordered on Assembly special file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 909—An Act relating to high schools and providing for their support by the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 818—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of boards of school trustees and city boards of education—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ANDERSON, Chairman.

Senate Bills Nos. 909 and 818 ordered on file for second reading.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred the following:

Resolved, That the State Mineralogist, the State Highway Commissioner, and the President of the State Board of Prison Directors shall be a committee to investigate the feasibility of using the prisoners of the prisons of San Quentin and Folsom in the obtaining of road materials and building of highways, and to report thereon at the next legislative session.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

LYNCH, Chairman.

The following amendment to the resolution heretofore offered by Senator Price regarding a committee to investigate the feasibility of using the prisoners of the prisons of San Quentin and Folsom in obtaining road materials and building highways was submitted by Committee on Prisons and Reformatories:

On page 1, Section 1, line 1, after the word "Commissioner," insert: "or such other officer as by law may succeed to the duties and authority of the State Highway Commissioner."

Amendment adopted.

Report of committee and resolution, as amended, adopted.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Assembly Bill No. 1025 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Belshaw moved a call of the Senate.

Motion carried.

Time, eight o'clock and fifteen minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rolley, Rush, Sanford, Savage, Weed, Wolfe, and Wright—26.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eight o'clock and twenty minutes P. M., Senators Carter, Rambo, and Willis were brought to the bar of the Senate, and, on motion of Senator Belshaw, were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eight o'clock and twenty-one minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Belshaw.

The roll was called.

Whereupon the President announced that the resolution was adopted, and that Section 15 of Article IV of the Constitution was suspended by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Rush, Sanford, Savage, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 1025—An Act making an appropriation to pay the contingent expenses of the Assembly thirty-seventh session.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1025 finally passed by the following vote:

AYES—Senators Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McKee, Miller, Muentner, Nelson, Rambo, Rush, Savage, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Curtin was, on his own motion, granted leave of absence for the remainder of this day.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eight o'clock and forty-five minutes P. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF URGENCY-FILE BILLS.

Senate Bill No. 553—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 553 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Keane, Leavitt, Lynch, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 546—An Act to amend Section 16 of an Act entitled 'An Act to amend an Act entitled 'An Act defining and providing for the control, protection, and treatment of dependent delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence,' approved February 23, 1903," approved March 22, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 546 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Keane, Kennedy, Leavitt, McCartney, McKee, Miller, Muentner, Nelson, Price, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 759—An Act amending an Act entitled "An Act to provide for the appointment of a Board of Sutter's Fort Trustees, and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection, and improvement of said property," approved March 7, 1891.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 759 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Caminetti, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 728—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 728 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 747—An Act to amend Section 777 of the Penal Code of the State of California, relating to local jurisdiction of public offenses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 747 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Broughton, Caminetti, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—Senator Boynton—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 444—An Act to amend Section 634 of the Penal Code of the State of California, relating to the protection and preservation of fish.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 444 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Price, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 760—An Act to add a new section to the Political Code, to be numbered 759, relating to the appointment and employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 760 passed by the following vote:

AYES—Senators Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentzer, Nelson, Price, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 882—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered four hundred and seventy-six *a* (476*a*), relating to the making, drawing, uttering, or delivery of a bank check or draft for the payment of money by a person without funds or credit to meet the same upon presentation, and prescribing a penalty therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 882 passed by the following vote:

AYES—Senators Belshaw, Boynton, Broughton, Caminetti, Keane, Kennedy, Leavitt, Lukens, Markey, Mattos, McCartney, McKee, Miller, Muentzer, Price, Rolley, Rush, Sanford, Savage, Weed, Willis, Wolfe, and Wright—23.

NOES—Senators Black, Hartman, and Walker—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 824—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches a misdemeanor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 824 passed by the following vote:

AYES—Senators Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Miller, Muentzer, Nelson, Price, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 743—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Alaska-Yukon-Pacific Exposition, to be held in the City of Seattle, Washington, 1909, and to provide for a commissioner thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 743 passed by the following vote:

AYES—Senators Bell, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentzer, Price, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 721—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 721 passed by the following vote:

AYES—Senators Bell, Belshaw, Boynton, Broughton, Caminetti, Keane, Kennedy, Leavitt, Lukens, Markey, Mattos, McCartney, Miller, Muenter, Price, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 195—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and as amended June 13, 1906, by amending Section 2 thereof, relating to a license tax upon corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 195 passed by the following vote:

AYES—Senators Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Lukens, McCartney, McKee, Miller, Muenter, Nelson, Price, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—Senator Keane—1.

Title read.

During the reading of the title, the following amendment was offered by Senator Sanford:

On page 1, amend title by striking out the word "that," in last line of title, before the word "Act," and insert in lieu thereof the word "this."

Amendment adopted.

Title approved as amended.

Bill ordered to print and to the Assembly.

Senate Bill No. 761—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.

On motion of Senator Savage, Senate Bill No. 761 was temporarily passed on file, to retain its place.

Senate Bill No. 767—An Act to amend the Political Code by adding a new section thereto, to be numbered 1115a, requiring the county clerks and the registrar of voters of the City and County of San Francisco to furnish the Secretary of State with a certified copy of the index and supplements to the great register.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 767 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muenter, Nelson, Price, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 499—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers, to Hoopa Valley, Humboldt County, and also from a point along said routes up the Salmon River to Black Bear.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 499 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Carter, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 784—An Act to amend the Civil Code by adding a new title thereto, to be numbered Title X, in Part IV of Division Second, consisting of Sections 1426, 1426*a*, 1426*b*, 1426*c*, 1426*d*, 1426*e*, 1426*f*, 1426*g*, 1426*h*, 1426*i*, 1426*j*, 1426*k*, 1426*l*, 1426*m*, 1426*n*, 1426*o*, 1426*p*, and 1426*q*, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement, and drainage of mines within the State of California," approved March 11, 1891.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 784 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Miller, Muentner, Nelson, Price, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 246—An Act to authorize the Board of State Harbor Commissioners to execute and deliver and to receive grants in the name of the State of California, so as to settle the westerly line of East Street, in the block bounded by Drumm, Washington, Jackson, and East streets, in the City and County of San Francisco, with the owners of property in said block fronting thereon.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 246 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Irish, Keane, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 719—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 719 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Carter, Irish, Keane, Lynch, Markey, McCartney, McKee, Miller, Muentner, Rolley, Rush, Walker, Weed, Welch, Willis, Wolfe, and Wright—23.

NOES—Senator Mattos—1.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Boynton gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 719 was this day passed.

WITHDRAWAL OF BILL.

Senator Muentner asked for and was granted unanimous consent to withdraw Senate Bill No. 187—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Senate Bill No. 187 withdrawn, and ordered stricken from the file.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 786—An Act to provide for the construction and maintenance of a fire boat for the protection of shipping, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 786 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Price, Rolley, Walker, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 11—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 11 passed by the following vote:

AYES—Senators Anderson, Belshaw, Black, Broughton, Carter, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—22.

NOES—Senators Bell, Boynton, Caminetti, Cartwright, Price, Rolley, Rush, and Sanford—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 651—An Act to amend Section 2580 of the Political Code of the State of California, relating to the powers of the State Board of Harbor Commissioners for the Bay of San Diego—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Concurrent Resolution No. 3—Relative to the appointment of committees to investigate and report upon the conditions of the harbors of the State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 221—An Act to amend Section 2576 of the Political Code of the State of California, relating to the establishment of a Board of Harbor Commissioners for the Bay of San Diego.

Also: Senate Bill No. 250—An Act to amend Section 2605 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the Harbor Commissioners for the Bay of San Diego, and extending their powers.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

ROLLEY, Chairman.

Senate Bills Nos. 651, 221, and 250 ordered on file for second reading.
Senate Concurrent Resolution No. 3 ordered on file.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 616—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law February 25, 1901, by amending Section 2 thereof, and by adding a new section thereto, validating bonds heretofore issued for wharf purposes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SAVAGE, Chairman.

Assembly Bill No. 616 ordered on Assembly special file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Anderson asked for and was granted unanimous consent to have Senate Bill No. 768 taken up for the purpose of amendment.

Senate Bill No. 768—An Act to promote the horticultural interests of the State by providing county commissions of horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 31, 1897, and amended and approved March 20, 1905.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Anderson moved to refer to Senator Willis, as a special committee of one, to amend as follows:

By inserting in Section 5, line 2, after the word "three," the words "and one half."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 768, with instructions to amend, respectfully reports the same back, amended as per instructions.

WILLIS, Special Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Willis, the Secretary was directed to issue a rush order for printing Senate Bill No. 768.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Welch asked for and was granted unanimous consent to have Senate Bill No. 457 taken up for the purpose of amendment.

Senate Bill No. 457—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Welch moved that a special committee of one be appointed to amend Senate Bill No. 457, as follows:

Amend the title in printed bill so as to read as follows: "An Act to regulate the business of detectives, guards, and watchmen in the State of California, and prescribing penalties for violation thereof."

Also: Strike out all following the enacting clause in printed bill and insert in lieu thereof the following:

SECTION 1. It shall be unlawful for any person in this State to engage in the business, or act in the capacity of detective, watchman or guard, and bear arms in such capacity, unless such person shall have been a resident of the State of California for at least six months.

SEC. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor.

SEC. 3. This Act shall take effect immediately.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 457, with instructions to amend, respectfully reports the same back, amended as per instructions.

LYNCH, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

SECOND READING OF ASSEMBLY BILLS.

On motion of Senator Leavitt, the second-reading file was taken up for consideration.

Assembly Bill No. 352—An Act to amend Section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of State hospitals.

During second reading of bill, the following amendments were offered by Senator Muentert:

Amend by inserting after the enacting clause, on page 1 of printed bill, the following: SECTION 1. Section two thousand one hundred and forty-four of the Political Code of the State of California is hereby amended to read as follows:

Amendment adopted.

Also:

Amend by striking out of line 1, on page 1, of printed bill the word "Section."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 663—An Act to amend Section 608 of the Penal Code and to add two new sections thereto, to be numbered 608a and 608b, all relating to the burning, injuring or setting adrift rafts or vessels.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 785—An Act to amend Section 324 of the Civil Code, relating to the transfer of stock in corporations.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 13—An Act to provide for taking down the Agricultural Pavilion, now located in Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said park from said material, and such additional material as may be necessary, two exhibition buildings, to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 79—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans, who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California, for the fifty-ninth and sixtieth fiscal years.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 222—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State."

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 712—An Act appropriating \$1,500 for restoring certain records and refitting and refurnishing the offices of the Clerk of the Supreme Court in the City of San Francisco.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 713—An Act to add a new section to the Political Code of the State of California, to be designated and numbered Section 751½, authorizing the Clerk of the Supreme Court to employ two assistant deputy clerks, and fixing the compensation of such assistant deputy clerks.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 545—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 107—An Act to provide for a topographical survey in the San Joaquin Valley of Tulare Lake and streams flowing therein, for the purpose of determining the best method of reclaiming lands inundated by the waters of said lake.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 461—An Act to amend Sections 1, 3, 4, 5, 6, 7, 9, 10, 13, 14, and 20 of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 549—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensations of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, A. D. 1905.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 455—An Act providing that in any city, or city and county, in this State where by general law or by charter the board of police commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulations violated, and providing that such penalty shall in all cases be reasonable and that the same shall be couched in plain and concise language and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department, and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also, providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

During second reading of bill, the following amendment was submitted by committee:

Amend the title by adding after the words "any city," on the first line of the title, the words "of the first class."

Amendment adopted. ⁴

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 415—An Act providing that in any city, or city and county, in this State, where by general law or by charter the board of police commissioners of such city, or city and county, is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

During second reading of bill, the following amendment was submitted by committee:

Amend the title by adding after the words "any city," on the first line of the title, the words "of the first class."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 536—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 19—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 1247, relating to the transcription of testimony taken at the trial of a criminal case.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 4, insert after the word "demand" the words "of defendant or his counsel."

Amendment adopted.

Also:

On page 1, Section 1, line 4, strike out the ":" after the figures "1247," and insert in lieu thereof a period.

Amendment adopted.

Also, offered by Senator Rolley:

Amend by inserting on line 4 of printed bill, after the word "demand," the following: "of defendant or his counsel."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 144—An Act to provide for making repairs, and for additional equipment at the State Normal School at San Diego, and making appropriation therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 271—An Act to amend Section 2158 of the Political Code of the State of California, relating to the contingent fund at State hospitals.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 478—An Act making an appropriation to pay the claim of Frank Higgins for legal services rendered and expenses incurred by him as special counsel for the State of California from July 10 to October 21, 1905, in the matter of the extradition of George D. Collins from British Columbia (the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law).

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 486—An Act to appropriate money for the general improvement and completion of survey of the Lake Tahoe wagon road, and for the construction of restraining walls, culverts, bridges, and milestones thereon.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 626—An Act appropriating money for the purchase of books for the library of the Whittier State School.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 847—An Act to provide for the completion of a water tower at the Mendocino State Hospital, and to make an appropriation therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 850—An Act to provide for the furnishing and equipment of a cottage for female patients to be erected on the premises of the Mendocino State Hospital, and making an appropriation therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 799—An Act to amend Section 1817 of the Political Code, relating to county, and city and county, school tax.

During second reading of bill, the following amendment was submitted by committee:

On lines 26 and 28, page 2 of the printed bill, strike out the word "eight" and in lieu thereof insert the word "seven."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 800—An Act to amend Section 1770 of the Political Code, relating to duties of county boards of education.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 659—An Act to provide for the change of name of high school districts and union high school districts, and the manner of making such change.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 409—An Act to provide for work upon public roads, streets, avenues, boulevards, lanes, and alleys, not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing, and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 844—An Act to repeal Title XVI, of Part IV, of Division First, of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 662—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602*a*, relating to corporations sole.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 677—An Act to amend Section 249 of the Penal Code, relating to punishment of libel.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 765—An Act to amend Section 20 of an Act entitled "An Act to provide for the work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 261—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 867—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate, approved March 17, 1897, by amending Section 6 of said Act, and by adding a new section thereto, to be known as Section 6*a*, the latter relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by 'An

Act to provide for the establishment and quieting of titles to real estate in cases of the loss or destruction of public records," approved June 16, 1906.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 893—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written up pass-book or bank-book or statements of his deposit account within a certain time, or be concluded thereby.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 894—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349½, relating to books or records of any bank, banker, trust company, or savings and loan society that have been lost or destroyed by conflagration, earthquake, or other public calamity, and prescribing a time within which certain actions shall be commenced.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 801—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 177—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known and designated as Section 995, relating to the sale and transfer of hops and the amount to be deducted as tare.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 258—An Act to authorize the State Board of Charities and Corrections to send its secretary and any of its members as delegates to the National Conference of Charities and Corrections, and to the National Prison Congress of the United States, and to visit the charitable and correctional institutions of other states, and to pay the necessary expenses thereof.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 420—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes, and for the supervision of all societies or organizations engaged in such work, and known as children's home-finding societies.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 784—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the terms of existence of corporations.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 561—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 442½, relating to the wearing of the uniform of

the United States Army or Navy, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of California, by any person other than an officer or enlisted man of the National Guard or Naval Militia of the State of California, or of any other state, or of the United States Army, Navy, Marine Corps, or Revenue Service, or inmate of any veterans' or soldiers' home, or persons of the theatrical profession.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 552—An Act providing for the disposition of actions and proceedings in which the proceedings upon the trial thereof have been lost or destroyed by conflagration or other public calamity.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 2, after the word "trial," insert the following: "in action or proceeding."

Amendment adopted.

Also:

On page 1, Section 1, line 5, after the word "proceeding," insert the following: "is."

Amendment adopted.

Also:

On page 2, Section 1, line 16, strike out the word "a," and insert in lieu thereof the following: "such."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 353—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 466—An Act to amend Section 574 of the Civil Code, relating to savings and loan corporations.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

On motion of Senator Leavitt, Assembly Bill No. 6 was temporarily passed on file, to retain its place.

Assembly Bill No. 152—An Act to amend Section 753 of the Political Code, relating to disposition of fees of Clerk of the Supreme Court.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 151—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of jurors.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 557—An Act to amend section one hundred and seventy (170) of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the Acts amendatory thereof, relating to the compensation of county and township officers of counties of the thirteenth class.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 855—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 156—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes, the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposition of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1901.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 934—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, printed bill, strike out the word "Section."

Amendment adopted.

Also:

On page 1, Section 1, line 3, printed bill, insert after the word "registering," the following: "and of transferring registration."

Amendment adopted.

Also:

On page 2, strike out the semicolon after the word "registration," on line 16, Section 1, and all following down to and including line 28, Section 2, and insert in lieu thereof the following: "In case any elector shall have declined to designate or shall have changed his political affiliation prior to the close of registration for primary elections, he is entitled to have such change recorded upon application to the county clerk or

registrar of voters. In case any elector shall have declined to designate or shall have changed his political affiliations prior to the close of registration, he may appear in person before the county clerk or registrar of voters, at the office of the county clerk or registrar of voters, and not elsewhere, and make affidavit substantially in the following form:

STATE OF CALIFORNIA,
COUNTY OF } ss.

..... being duly sworn, deposes and says that he is registered on the great register of the said county of, as a (insert former party affiliation, or that he had declined to designate his party affiliation); that since the date of such registration he has changed his political views, and in good faith declares his affiliation with the party.

Subscribed and sworn to before me, this day of, 190...

The county clerk or registrar of voters shall take such affidavit without charge and file the same. Nothing in this section shall be construed to prevent any elector, who has registered before this Act takes effect, from voting at such primary election.

Amendment adopted.

Also:

On page 2, Section 3, line 1 printed bill, strike out the figure "3," and insert in lieu thereof the following: "2"

Amendment adopted.

Also:

On page 2, Section 3, lines 1 and 2, printed bill, strike out the words "from and after the first day of January, 1908," and insert in lieu thereof the following: "thirty-five days after its passage."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 866—An Act to regulate the conduct of election campaigns, and repealing an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, lines 15 and 16, printed bill, strike out the word "There," on line 15, and all down to and including the period on line 26.

Amendment adopted.

Also:

On page 2, Section 1, lines 39 and 40, printed bill, strike out the words "and affidavit."

Amendment adopted.

Also:

On page 3, Section 2, lines 8 and 9, printed bill, strike out the comma, and the words "which statement shall be verified by his oath."

Amendment adopted.

Also:

On page 5, Section 5, line 12, printed bill, strike out the words "or affidavit."

Amendment adopted.

Also:

On page 5, Section 5 line 13, printed bill, strike out the words "or affidavit."

Amendment adopted.

Also:

On page 5, Section 5, line 24, printed bill, strike out the words "and affidavit."

Amendment adopted.

Also:

On page 6, Section 9, lines 1 to 3, printed bill, strike out the words "any person who shall willfully and knowingly swear falsely any of the oaths, shall be guilty of perjury, and."

Amendment adopted.

Also:

On page 6, Section 9, line 4, printed bill, strike out the word "other."

Amendment adopted.

Also:

On page 7, Section 9, line 5, printed bill, strike out the words "all persons guilty of either of these crimes shall."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 578—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of such commission, and by amending Section 9 thereof, relating to the tenure of such commission.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 875—An Act to amend Sections 1908, 1914, 1916, 1922, 1923, all of the Political Code of the State of California, relating to the enrolled militia.

Assembly Bill No. 875 was temporarily passed on file.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to have Assembly Bill No. 825 taken up for the purpose of amendment.

Assembly Bill No. 825—An Act to define the duties of and to license land surveyors, and to repeal an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

During second reading of the bill, the following amendments were submitted by committee:

On page 2, line 22 of the printed bill, strike out the word "five," and insert in lieu thereof the word "twelve."

Also: Strike out the figures "500.00," on said line 22, page 1 of the printed bill, and insert in lieu thereof the figures "1,200.00."

Amendment adopted.

Also:

Amend by adding after Section 1, page 2 of the printed bill, the words "Bank Commissioners, two thousand dollars," and the figures "\$2,000.00" in parentheses.

Amendment adopted.

Also:

In line 1, Section 1, page 1 of the printed bill, strike out the words "eleven thousand nine hundred," and insert in lieu thereof the words "fourteen thousand six hundred."

Amendment refused adoption.

Also, offered by Senator Belshaw:

On page 2, of printed bill, between lines 14 and 15 thereof, insert the following: "Board of Equalization, printing annotated revenue laws, five hundred dollars (500)."

Amendment adopted.

Also:

Amend Section 1 of the printed bill by striking out the words "eleven thousand nine hundred," in line 1, and insert in lieu thereof the words "fifteen thousand one hundred."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senator Savage asked for and was granted unanimous consent to have Senate Bill No. 737 taken up for consideration.

Senate Bill No. 737—An Act providing for the appointment of a highway commission in any county in the State, declaring the powers and duties of such commission, and providing for the laying out, construction, straightening, improvement, and repair of main public highways, providing for the acceptance of donations, and for voting, issuing and selling county bonds to pay for such work and improvements, and authorizing cities and towns to improve the portions of such public highways within their corporate limits, and to issue and sell bonds therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 737 passed by the following vote:

AYES—Senators Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Irish, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Muentner, Nelson, Rush, Sanford, Savage, Weed, Wolfe, and Wright—21.

NOES—Senator Willis—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At ten o'clock and five minutes P. M., on motion of Senator Boynton, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Friday, March 1, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by Rev. Herbert B. Johnson.

LEAVE OF ABSENCE.

Senator Welch was, on motion of Senator Price, granted leave of absence for this day.

READING OF JOURNAL.

During the reading of the Journal of Thursday, February 28, 1907, the further reading was dispensed with, on motion of Senator Mattos.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 669—An Act to repeal Title I of Part II of the Political Code and to substitute therefor a new title, to be known as Title I of Part II of said Code, relating to the chief political divisions of the State.

Also: Assembly Bill No. 781—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, to the increase and diminution of their capital stock and to the creation or increase of bonded indebtedness of corporations, including the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Also: Assembly Bill No. 883—An Act to amend Sections 405 and 408 of the Civil Code, relating to corporations.

Also: Assembly Bill No. 287—An Act to amend Sections 2006, 2024, 2025, 2026, 2036 and 2037 of the Code of Civil Procedure, to repeal Sections 2023 and 2034 thereof, and to add two new sections thereto, to be numbered 2022 and 2023, all relating to depositions.

Also: Assembly Bill No. 618—An Act to amend Section 1192 of the Code of Civil Procedure, relative to the liens of mechanics, miners, and others, upon real property.

Also: Assembly Bill No. 974—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Also: Assembly Bill No. 957—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of the State of California, 1850-1907, inclusive.

Also: Assembly Bill No. 935—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Also: Assembly Bill No. 404—An Act to amend Title I of Part IV of the Civil Code of the State of California by adding a new section thereto, to be numbered Section 1002, prohibiting the acquisition of real property by aliens.

Also: Assembly Bill No. 145—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the Bay of San Diego.

Also: Assembly Bill No. 853—An Act to increase the number of judges of the Superior Court of the City and County of San Francisco, State of California, and for the appointment of such additional judges.

Also: Assembly Bill No. 517—An Act to appropriate \$20,000 out of any money in the State treasury not otherwise appropriated to permanently drain Lake Earl, in Del Norte County.

Also: Assembly Bill No. 814—An Act to insure the betterment of education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act, to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.

Also: Assembly Bill No. 864—An Act to amend the Political Code by adding a new section thereto, to be numbered 1115a, requiring county clerks, and the registrar of voters of the City and County of San Francisco to furnish the Secretary of State with a certified copy of the index and supplements to the Great Register.

Also: Senate Bill No. 590—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employes thereof,

defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works defining his duties and powers and fixing his compensation," approved February 9, 1900 and all Acts and parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897 and all Acts or parts of Acts amendatory thereof.

Also: Senate Bill No. 93—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Also: Senate Bill No. 363—An Act authorizing the transfer of moneys from the salary fund of the State Normal School at San Francisco to the printing fund of said school.

Also: Senate Bill No. 611—An Act providing for the maintenance of a residence for the Governor of the State of California, and providing the salaries of the necessary employees and servants selected and employed by the Governor therein, and for the appropriation of necessary moneys for such purpose, and directing the State Controller to issue warrants upon the General Fund, and directing the State Treasurer to pay said warrants.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 669, 781, 883, 287, 618, 404, and 853 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 974, 957, 935, and 145 read first time, and referred to Committee on Finance.

Assembly Bill No. 517 read first time, and ordered on Assembly special file without reference to committee.

Assembly Bill No. 814 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 864 read first time, and referred to Committee on Elections and Election Laws.

Senate Bills Nos. 590, 93, 363, and 611 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day amended and passed as amended Senate Bill No. 12—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said court, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys and a stenographer, and providing for their appointment.

Also: Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

Also: Senate Bill No. 23—An Act to amend Section 1329 of the Penal Code, relating to the payment of witnesses in criminal cases.

Also: Senate Bill No. 401—An Act providing for the extermination of the *Boophilus annulatus* tick, defining certain crimes, and providing for certain civil and criminal actions.

Also: Senate Bill No. 229—An Act to provide for the location, survey, and construction of the State highway in Trinity County, connecting the present county road systems of Trinity and Humboldt counties, and making an appropriation therefor.

Also: Senate Bill No. 607—An Act to amend Section 2521 of the Political Code, relating to employes of the State Harbor Commission of the Port of San Francisco.

Also: Senate Bill No. 433—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, relating to the practice of pharmacy and providing a penalty for the violation thereof and for the appointment of a board to be known as the California State Board of Pharmacy.

And ask your honorable body to concur in said amendments.

CLIO LLOYD, Chief Clerk of the Assembly.

By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 12?"

After the word "jurisdiction," in line 27, page 2 of the printed bill, strike out the period and insert a semicolon, and insert as follows: "except criminal cases arising upon violation of the provisions of the city charter or ordinances, which shall be prosecuted by said prosecuting attorney and assistants when requested by the city attorney of said city, who may deputize said prosecutors for such purposes."

The roll was called, and the above Assembly amendment to Senate Bill No. 12 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Caminetti, Carter, Greenwell, Irish, Keane, Lynch, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Rolley, Sanford, Savage, Walker, Willis, and Wolfe—24.

NOES—None.

Senate Bill No. 12 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 54?"

Amend by striking out the word "ten," Section 1, on line 3, first page, printed bill, and inserting in lieu thereof the following: "seven"; and after the word "thousand" insert "five hundred."

The roll was called, and the Senate refused to concur in above Assembly amendments to Senate Bill No. 54 by the following vote:

AYES—Senators Bell and Mattos—2.

NOES—Senators Anderson, Bates, Caminetti, Cartwright, Greenwell, Irish, Kennedy, Leavitt, Lynch, Markey, McCartney, Miller, Price, Rambo, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—23.

Whereupon the President directed the Secretary to request the Assembly to recede from its amendment to Senate Bill No. 54.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 23?"

Amend by inserting after the word "favor," on line 11, first page, printed bill, the following: "of the."

Also: Strike out the words "one dollar and fifty cents," in line 17, Section 1 of the printed bill, and insert in lieu thereof the words "two dollars."

Also: Strike out the following: "*provided, however,* that the court may disallow any fees to a witness unnecessarily subpoenaed," found in lines 22, 23, and 24 of Section 1 of the printed bill.

The roll was called, and the Assembly amendments to Senate Bill No. 23 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Caminetti, Carter, Cartwright, Greenwell, Irish, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Senate Bill No. 23 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 401?"

Amend Section 1, by striking out the period and inserting a comma after the word "misdemeanor," in line 5, Section 1, of the printed bill, and adding the following:

"Provided, however, that the moving or handling of cattle when same are to be immediately slaughtered shall not be deemed to be a willful or intentional exposing of such cattle as referred to in this section."

Also: Amend by striking out all of Section 10 after the figure "10," in line 1, and adding the following: "Whenever the State Veterinarian or his duly authorized deputy is satisfied that any cattle are in process of fattening, and that such cattle will be ready for slaughter within a period of one hundred and twenty days, he shall exempt such cattle from dipping, as provided in this Act."

The roll was called, and the above Assembly amendments to Senate Bill No. 401 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Caminetti, Carter, Cartwright, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Rambo, Rush, Walker, Weed, Willis, Wolfe, and Wright—26.
 NOES—None.

Senate Bill No. 401 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 229?"

Amend by adding a new section thereto, known as Section 5, which shall read as follows:

"Sec. 5. This Act shall take effect immediately."

Also: In Section 1 of the original bill, strike out from line 4 the words "in Trinity County"; strike out all of lines 5 and 6 and insert the following after the word "highway," in line 4: "Connecting the present county road systems of any one or all of the counties of Trinity, Tehama, and Shasta with the road system of Humboldt County, which will most conveniently accommodate the citizens of said counties."

Also: Amend by striking out all of the title of the printed bill after the words "An Act," and inserting in lieu thereof the following: "to provide for the survey, location, and construction of a State highway, connecting the present county road systems of any one or all of the Counties of Trinity, Tehama, and Shasta with the road system of Humboldt County, which will most conveniently accommodate the citizens of said counties, and making an appropriation therefor."

The roll was called, and the Assembly amendments to Senate Bill No. 229 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—31.
 NOES—None.

Senate Bill No. 229 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 607?"

Amend by striking out Section 2 of printed bill, on page 2 thereof.

The roll was called, and Assembly amendment to Senate Bill No. 607 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—32.
 NOES—None.

Senate Bill No. 607 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 433?"

Mr. Hartman moved that the title of Senate Bill No. 433 be amended as follows: By striking out after the figures "1905," in parentheses, the following: "and to add a new section thereto, to be numbered 18½, all."

Also, Mr. Hartman moved that a select committee of one be appointed to amend Senate Bill No. 433, as follows: By striking out on page 9, the lines 1, 2, 3, 4, 5, 6, and 7 of the printed bill.

The roll was called, and the above Assembly amendments to Senate Bill No. 433 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Irish, Kennedy, Leavitt, Lynch, Mattos, McCartney, Miller, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Senate Bill No. 433 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON BANKING.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 903—An Act to add a new section to the Civil Code, to be numbered 580, relating to banking corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BATES, Chairman.

Senate Bill No. 903 ordered on file for second reading.

ON FORESTRY AND WATER PRESERVATION.

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: Your Committee on Forestry and Water Preservation, to whom was re-referred Assembly Bill No. 106—An Act to create a State Board of Forestry, to prescribe its duties, to establish a forestry fund, to provide for the enforcement of forest protection laws, and to repeal an Act approved March 18, 1905, entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WEED, Chairman.

Assembly Bill No. 106 ordered on Assembly special file for second reading.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Assembly Bill No. 35—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

RUSH, Chairman.

Assembly Bill No. 35 ordered on Assembly special file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 846—An Act to insure the better education of practitioners of chiropractic, and to regulate the practice thereof in the State of California, and providing penalties for the violation of the same.

Also: Assembly Bill No. 531—An Act to regulate traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

McKEE, Chairman.

Senate Bill No. 846 ordered on file for second reading.

Assembly Bill No. 531 ordered on Assembly special file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

That the Sergeant-at-Arms be allowed the sum of \$335 for checking up, branding and storing furniture of the Senate, now in Red Men's Hall, and in the different outside committee rooms, and removing partitions, bill boxes, railings, electric fixtures, etc.; also burrying, packing, removing and storing furniture now in the Lieutenant-Governor's room at the close of the session; and the Controller is hereby directed to draw his warrant for the same, and the Treasurer to pay the same out of the Contingent Fund of the Senate.

Also:

MR. PRESIDENT: Your special committee appointed to visit the public institutions of this State under resolution of January 29, 1907, respectfully report that the committee visited the fisheries at Sisson and made a thorough and careful inspection of same; that their actual expenses in so doing amounted to one hundred and fifteen dollars and twenty-five cents.

Resolved, That the sum of \$115.25 be, and the same is hereby ordered paid out of the Contingent Fund of the Senate to Sergeant-at-Arms J. L. Martin, to pay the expenses of each member, and the Controller is hereby directed to draw his warrant for the same, and the Treasurer directed to pay the same.

Also:

Resolved, That the Controller be, and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate, and the Treasurer is hereby authorized to pay the same for the sum of \$973.61 in favor of Hugh Braunton, same being for the payment of the following attached bills for labor and material:

J. LOUIS MARTIN, Sergeant-at-Arms, of the Senate, Dr.,
To Hugh Braunton, 109 O'Farrell Street, San Francisco.

Account Senate Chamber.

Moving and raising Chief Clerk's counter, night work, 1.....	\$12 00
Fitting cover over pigeon holes, day work, 1.....	6 00
Building 4 platforms, night work, 1.....	12 00
Building 2 sets of steps, night work, 1.....	12 00
Disconnecting electric wires, and removing and replacing electric globes, night work, ½.....	6 00
Making 2 shelves to put cases on, day work, ½.....	3 00
Filling in platform and closing doors, night work, ½.....	6 00
Making shelf in rear hall, and putting on brackets, day work.....	4 00
Braces for posts of railing, 2 tables 2' 0" x 4' 0", day work, 2.....	12 00
Moving and raising President's platform, night work, 5.....	60 00
Railing and gates, Sunday work, 6.....	72 00

Account Bill Clerk's and Sergeant-at-Arms' Room.

Raising cases to seventh floor and setting up same, day work, 5.....	30 00
Taking down cases, moving same up stairs and setting up at front of eighth floor, night work, 3½.....	42 00
Putting moulding around top of cases and railing and gate, day work, 4.....	24 00
1 shelf, 14 ft. long, day work, 1.....	6 00
Cutting down and filling in 1 16 ft. case, night work, 2.....	24 00
Covering stairway, day work, 1.....	6 00

Account Rear Room, Top Floor.

Putting in partition, night work, 1.....	12 00
1 Door, 2 ft. 4 in. x 7 ft. 0 in. and casing for same, night work, 1.....	12 00

Account Store Room.

1 section of shelving covering stairs, Sunday work, 2.....	24 00
--	-------

Account Hat Room, Fourth Main Floor.

Putting up hat hooks, day work, 3.....	18 00
Putting up shelf in telephone locker, day work, ½.....	3 00
Removing doors, day work, 1.....	6 00
Putting up 6 extra shelves, day work, ½.....	3 00
Putting up towel racks, day work, ½.....	3 00
Putting up blackboard in hall, day work, ½.....	3 00

Account McCall's Office, Fourth Floor.

Railing and gate, Sunday work, 1½.....	18 00
Shelf for same, Sunday work, ½.....	6 00
2 extra shelves, night work, ½.....	6 00
1 double locker, day work, 1½.....	9 00
2 shelves for locker, day work, 1.....	6 00
2 lockers in Clerk's desk, etc., night work, 2½.....	30 00
1 case of pigeon holes for pamphlets, day work, 2.....	12 00

Account Engrossing Clerk's Room.

Covering stairs, night work, 2.....	\$20 00
Putting springs and hooks on toilet-room doors, day work, $\frac{3}{4}$	4 00

Account Basement Storeroom.

Putting up partition 7x10, day work, $1\frac{1}{2}$	9 00
Hanging 2 doors, day work, $\frac{3}{4}$	4 00
Putting up 2 shelves, day work, 4 hours.....	3 00
1 locker, day work, $\frac{1}{2}$	4 00
Going to State Capitol and taking down postoffice, day work, $1\frac{1}{4}$	7 50
Setting up same, Sunday work, $1\frac{1}{2}$ days.....	18 00

Account Senate Chamber.

Putting in drawer for Chaplain, day work, $\frac{1}{2}$	3 00
Fixing drawer in Lieutenant-Governor's desk, day work, $\frac{1}{2}$	3 00
Fixing up Senator Irish's desk, hours' work, 2.....	1 50
Putting two drawers in Clerk's desk, day work, 1.....	3 00
Fixing drawers in Clerk's desk, day work, $\frac{1}{2}$	1 50
Making two drawers and putting same in Chief Clerk's table, night work, $1\frac{1}{2}$	10 00
Putting up coat hooks and coat strips, day work, 1.....	6 00

Account of Sergeant-at-Arms' Room.

Putting casters on typewriting desks, day work, 1.....	6 00
Putting up hooks for coats, day work, $\frac{3}{4}$	4 00
Putting on door checks, day work, $1\frac{1}{2}$	9 00
Fixing typewriting desks in room 5, day work, $\frac{1}{2}$	3 00
Putting locks on drawers, day work, 1.....	6 00

Account of Red Room.

Fixing typewriting desks, hours 2.....	1 50
Putting up hooks in committee rooms, day work, $\frac{3}{4}$	4 00
Raising table to top floor, night work, 1.....	12 00
Making 2 drawers and putting same in table as per order by McCall, day work, 1.....	6 00
Partition in basement, at ladies' toilet, day work, 1.....	6 00
Nails and screws.....	4 00
2 lights of glass.....	4 00
Bill W. F. Knox.....	\$136 19
Bill R. O. Kimbrough.....	58 73
Bill Waterman, Davis & Curtiss.....	11 10
Bill Schneider, Chappell & Jones.....	42 25
Bill Robertson Planing Mill.....	54 34
	<hr/> 302 61

Total amount of bills.....\$973 61

* Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Kennedy Leavitt, Lynch, Mattos, McCartney, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

RESOLUTIONS.

The following resolution was offered:

By Senator Mattos:

Resolved, That Senate Bill No. 929 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Lynch, Mattos, McCartney, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 929—An Act to amend Section 5 of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors of certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 929 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Lynch, Mattos, McCartney, Miller, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS—(RESUMED).

By Senator Sanford:

Resolved, That Senate Joint Resolution No. 7, and the substitute therefor, be recalled from committee, and placed upon the Senate general file.

Resolution read.

The question being on the adoption of the resolution.

The ayes and noes were demanded by Senators Sanford, Caminetti, and Bell.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Anthony, Bell, Black, Caminetti, Cartwright, Curtin, Kennedy, Miller, Nelson, Rambo, Sanford, and Savage—12.

NOES—Senators Anderson, Bates, Broughton, Carter, Greenwell, Hartman, Keane, Leavitt, Lynch, Mattos, McCartney, Price, Reily, Rolley, Walker, Weed, Willis, Wolfe, and Wright—19.

SPECIAL ORDER SET.

Senator Willis moved that the consideration of Senate Bills on Code Revision be made a special order for this day immediately after the consideration of the Members' Urgency File at eight o'clock P. M.

Motion carried.

BILL RECALLED FROM COMMITTEE AND ORDERED ON FILE.

On motion of Senator Rolley, Assembly Bill No. 838—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Alaska-Yukon Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof—was recalled from Committee on Finance and ordered on Assembly special file.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 440, the same was taken up for consideration.

Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Read third time on a previous day.

Refused passage.

Vote reconsidered.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Anthony moved a call of the Senate.

Motion carried.

Time, eleven o'clock and forty minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—35.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and forty-five minutes A. M. further proceedings under call of the Senate were dispensed with, on motion of Senator Anthony.

The roll was called.

Whereupon the President announced that Senate Bill No. 440 was passed by the following vote:

AYES—Senators Anderson, Anthony, Black, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Markey, McCartney, Miller, Muentner, Nelson, Price, Reily, Rush, Savage, Walker, Weed, Willis, and Wolfe—22.

NOES—Senators Bates, Bell, Curtin, Hartman, Irish, Kennedy, Leavitt, Lynch, Mattos, Rambo, Rolley, Sanford, and Wright—13.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and fifty minutes A. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER ON MOTION TO RECONSIDER.

The hour having arrived for the consideration of the special order heretofore set for this day, and in compliance with his notice given on February 21, 1907, Senator Irish moved that the vote whereby Assembly Constitutional Amendment No. 8—Resolution to amend Section 6 of Article IX of the Constitution of California—was finally adopted, be now reconsidered.

Motion duly seconded.

The roll was called, and the motion lost by the following vote:

AYES—Senators Carter and Irish—2.

NOES—Senators Anderson, Anthony, Bates, Bell, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

Assembly Constitutional Amendment ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 407—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State—the same was taken up for consideration.

Senator Savage moved that Senate Bill No. 407 be withdrawn and stricken from the file, and Assembly Bill No. 69 be substituted therefor.

Motion carried.

Assembly Bill No. 69—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 69 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Boynton, Caminetti, Carter, Greenwell, Hartman, Keane, Leavitt, Lynch, Markey, Mattos, Miller, Nelson, Price, Rambo, Reily, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER LAID ON TABLE.

In compliance with his notice given on previous day, Senator Mattos moved that the vote whereby Assembly Bill No. 371—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same—was finally passed, be now reconsidered.

The motion was duly seconded.

Senator Mattos thereupon moved that the motion to reconsider the vote whereby Assembly Bill No. 371 was finally passed, be laid on the table.

Motion carried.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 2 of Article IV thereof, relating to sessions of the Legislature and the limitation of pay of members thereof in extraordinary sessions.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 28 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 1 of Article IV thereof, relating to the legislative power and to certain reservations thereof by the people.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 25 was temporarily passed on file, to retain its place.

Senate Bill No. 457—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Senate Bill No. 457 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to Article II of the Constitution of California by amending Section 2½ thereof, relating to primary elections, so as to permit the direct or other nomination of candidates for public office without conventions.

On motion of Senator Belshaw, Senate Constitutional Amendment No. 19 was temporarily passed on file, to retain its place.

Senate Bill No. 265—An Act to amend Sections 626, 626*a*, 626*d*, 626*g*, 626*j*, 627*b*, and 637*a* of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637*b*, all relating to the protection and preservation of game and fish.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 265 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Nelson, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—Senator Irish—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 464—An Act to amend the Political Code of the State of California, by adding eight new sections thereto, to be numbered 338, 338*a*, 338*b*, 339, 339*a*, 339*b*, 340, 340*a*, under a new article to be numbered thirteen (XIII), to be added to Chapter Two (2), Title One (1), Part Three (3) of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statement of expenses incurred in connection with said employment to be filed with the Secretary of State.

On motion of Senator Sanford, Senate Bill No. 464 was temporarily passed on file, to retain its place.

Senate Bill No. 462—An Act amending an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, for municipal improvements, and regulating the acquisition, construction, or completion thereof," approved February 25, 1901, by amending Sections 2, 5, and 9 thereof.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Carter asked for and was granted unanimous consent to withdraw Senate Bill No. 462, and substitute therefor on file Senate Bill No. 800.

Senate Bill No. 462 withdrawn and ordered stricken from the file, and Senate Bill No. 800 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 800—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 800 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 442—An Act to amend an Act entitled "An Act to establish the fees of the county, township, and other officers, and of jurors and witnesses, in this State," approved March 28, 1895, by adding thereto a new section, to be numbered Section 5.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Carter asked for and was granted unanimous consent to withdraw Senate Bill No. 442, and substitute therefor on file Senate Bill No. 831.

Senate Bill No. 442 withdrawn and ordered stricken from the file, and Senate Bill No. 831 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 831—An Act to provide for the survey, location, plans, and estimates of costs of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 831 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Carter, Greenwell, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Price, Reily, Rolley, Rush, Sanford, Savage, Weed, Willis, Wolfe, and Wright—27.

NOES—Senators Belshaw, Hartman, and Walker—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 489—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3½, providing for a petition of remonstrance and written objection, hearings thereon, and the determination thereof by the city council.

On motion of Senator Keane, Senate Bill No. 489 was temporarily passed on file, to retain its place.

Senate Bill No. 490—An Act to amend Section 4 of an Act entitled "An Act to provide for a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Keane asked for and was granted unanimous consent to withdraw Senate Bill No. 490, and substitute therefor on file Assembly Bill No. 545.

Senate Bill No. 490 withdrawn and ordered stricken from the file, and Assembly Bill No. 545 substituted therefor on file.

THIRD READING OF BILLS--(RESUMED).

Assembly Bill No. 545—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 545 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 589—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof."

On motion of Senator Leavitt, Senate Bill No. 589 was temporarily passed on file, to retain its place.

Senate Bill No. 347—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of said commission, and by amending Section 9 thereof, relating to the tenure of said commission.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Rolley asked for and was granted unanimous consent to withdraw Senate Bill No. 347 and substitute therefor on file Assembly Bill No. 578.

Senate Bill No. 347 withdrawn and ordered stricken from the file, and Assembly Bill No. 578 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 578—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of such commission, and by amending Section 9 thereof, relating to the tenure of such commission.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 578 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Irish, Keane, Leavitt, Lynch, Markey, Muenier, Nelson, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Wolfe, and Wright—24.

NOES—Senator Caminetti—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 711—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the terms of existence of corporations.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator McCartney asked for and was granted unanimous consent to withdraw Senate Bill No. 711 and substitute therefor on file Senate Bill No. 716.

Senate Bill No. 711 withdrawn and ordered stricken from the file, and Senate Bill No. 716 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 716—An Act to add a new section to the Penal Code, to be numbered Section 628*e*, to prevent the catching of surf fish, yellow fin or spot-fin croaker, and providing penalties therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 716 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Caminetti, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 708—An Act to amend Section 608 of the Penal Code, and to add two new sections thereto, to be numbered 608*a* and 608*b*, all relating to the burning, injuring, or setting adrift rafts or vessels.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 708 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 648—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county and township officers in counties of the fourth class.

On motion of Senator Black, Senate Bill No. 648 was temporarily passed on file, to retain its place.

Senate Bill No. 584—An Act making an appropriation of two hundred and fifty dollars for the purchase of a certain spring of water near the Marshall monument, at Coloma, and for piping the water to the ground surrounding said monument.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Caminetti asked for and was granted unanimous consent to withdraw Senate Bill No. 584, and substitute therefor on file Senate Bill No. 805.

Senate Bill No. 584 withdrawn and ordered stricken from the file, and Senate Bill No. 805 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 805—An Act to amend Section 1662 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Read third time.

SPECIAL ORDER SET.

Senator Leavitt moved that the further consideration of Senate Bill No. 805 be made a special order for this day at three o'clock and thirty minutes P. M.

Motion carried.

LEAVE OF ABSENCE FOR COMMITTEE.

On motion of Senator Belshaw, leave of absence was granted for this day, from two o'clock to three o'clock and thirty minutes P. M., to the members of the Finance Committee, as follows: Senators Belshaw, Leavitt, Wolfe, Muentner, Lynch, McKee, Welch, Carter, Greenwell, Keane, Rolley, Curtin, Sanford, Savage, and Irish.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 891—An Act to add a new section to the Political Code, to be numbered Section 1671a, relating to the issue of bonds for the support of county high schools—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

ANDERSON, Chairman.

Assembly Bill No. 891 ordered on Assembly special file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 426—An Act to amend Section 593 of the Civil Code, relating to the formation of corporations for purposes other than profit—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 512—An Act to add a new section to the Civil Code of the State of California, to be known and numbered as Section 633, relating to corporations that furnish light and power for public use—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BROUGHTON, Chairman.

Assembly Bill No. 426 ordered on Assembly special file for second reading.

Senate Bill No. 512 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Reily:

Resolved, That the Sergeant-at-Arms provide for the use of the Press Mailing Clerks \$100 worth of postage stamps, the same payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant for, and the Treasurer to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

CONSIDERATION OF DAILY SPECIAL FILE—THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 543—An Act to amend Section 5 of "An Act regulating the employment and duties of the text-book committee."

On motion of Senator Mattos, Assembly Bill No. 543 was temporarily passed on file, to retain its place.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 1.

A resolution to propose to the people of the State of California an amendment to Section I of Article II of the Constitution, in relation to the rights of suffrage.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session, commencing on the seventh day of January, Anno Domini one thousand nine hundred and seven, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that Section I of Article II of the Constitution of the State of California be amended as follows:

SECTION 1. Every native citizen of the United States, every person who shall have

acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he or she claims to vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language, and write his or her name, shall ever exercise the privilege of an elector in this State; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requirements, nor to any person who now has a right to vote, nor to any person who shall be thirty years of age and upward at the time this amendment shall take effect.

Assembly Constitutional Amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 1 refused final adoption by the following vote:

AYES—Senators Anderson, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Keane, Kennedy, Mattos, Rambo, Rolley, Rush, Sanford, Walker, and Wright—18.

NOES—Senators Anthony, Hartman, Leavitt, Markey, McCartney, Nelson, Price, Reilly, Weed, Willis, and Wolfe—11.

NOTICE OF MOTION TO RECONSIDER.

Senator Leavitt gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 1 was this day refused adoption.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Constitutional Amendment No. 7—Relative to county and township offices.

During the consideration of the constitutional amendment, the following amendment was offered by Senator Caminetti:

Amend Assembly Constitutional Amendment No. 7 by inserting on line 8, Section 5, page 1, printed copy, after the word "duties," the following: "and may also establish fees to be charged and collected by such officers for services performed in their respective offices, in the manner and for the uses provided by law."

Amendment adopted.

Assembly Constitutional Amendment ordered to print.

Assembly Bill No. 566—An Act adding a new section to the Code of Civil Procedure, to be numbered and designated as Section 1124, relating to contesting elections in case of a tie.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 566 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Black, Boynton, Broughton, Cartwright, Hartman, Keane, Kennedy, Markey, McCartney, Miller, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 788—An Act to amend an Act entitled "An Act for the certification of land titles, and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof, and by adding three new sections thereto, to be numbered 114a, 114b,

and 114c, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund, and the determination and disposition of claims against the same.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 788 finally passed by the following vote:

AYES—Senators Bates, Bell, Black, Boynton, Broughton, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Miller, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School," by amending Sections 8, 11, 16, 17, 18, and 20 thereof, and by adding a new section thereto, to be numbered Section 13½, providing for the appointment, duties, and compensation of a secretary of said school.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 628 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Hartman, Keane, Kennedy, Mattos, McCartney, Miller, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 591—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 591 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Boynton, Broughton, Caminetti, Cartwright, Hartman, Keane, Kennedy, Leavitt, Mattos, McCartney, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, and Wolfe—22.

NOES—Senators Miller and Price—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

EXPLANATION OF VOTE.

Senator Price, in explanation of his vote on Assembly Bill No. 591, stated that he voted "no" on the passage of the bill because he took exception to the action of the author of the companion bill (Senate Bill

No. 573) in amending the Assembly bill on the floor of the Senate, at the time when a contest was pending in the Committee on Drainage, Swamp and Overflowed Lands over the corresponding Senate bill—the author of the Senate bill thus securing what the aforesaid committee was at the time considering the advisability of recommending.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 266—An Act to amend an Act entitled “An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes,” approved March 31, 1897, by amending Sections 14, 15, 17, 20, 22, 35, 47, 56, 57, 60, and 61, by repealing Section 18, and by adding a new section, to be known as Section 55a.

On motion of Senator Willis, Assembly Bill No. 266 was temporarily passed on file, to retain its place.

Assembly Bill No. 672—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 672 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Hartman, Keane, Kennedy, Leavitt, Mattos, McCartney, Miller, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY JOINT RESOLUTION No. 7,
Relative to the mining interests of the State of California.

WHEREAS, Mining is one of the paramount industries of California, in which large amounts of capital are invested; in which a very large portion of the people are interested; which offers large opportunities for high-priced and well-paid labor, creates and sustains enormous manufacturing, trading and other business interests; and

WHEREAS, There are great areas of the State still unworked and which will if worked yield great values in gold, create great demand for labor at extremely remunerative wages, maintain a large population, and cause greatly increased and continued activity in manufactures, trading and business of all kind, and contribute very greatly to the general welfare of the entire people of the State; and

WHEREAS, Under the decisions of courts, alleged injury to the rights of others, the business of mining has been greatly hampered to the great injury to the people of the mining localities specially and the people of the State generally; and

WHEREAS, It is in the power of the United States Government to devise ways and means whereby mining can be rehabilitated; therefore, be it

Resolved, by the Senate and Assembly of the State of California, jointly, That Congress be requested to enact such legislation and devise such ways and means as will allow unrestricted prosecution of mining without injury to private or public interests.

Resolved, That a committee of three persons to be selected by the mining interests of California, approved by the Governor of the State, be authorized to proceed to the Congress and urge such legislation as will effectuate the object of the resolution; provided, that the State of California shall in no wise be responsible, nor pay any expense whatever incurred by such committee; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby requested to mail a copy of this resolution to each of our Senators and Representatives in Congress.

Assembly Joint Resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Keane, Kennedy, Leavitt, Mattos, McCartney, Miller, Reily, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

Assembly Bill No. 663—An Act to amend Section 608 of the Penal Code, and to add two new sections thereto, to be numbered 608a and 608b, all relating to the burning, injuring, or setting adrift rafts or vessels.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 663 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Keane, Kennedy, Leavitt, Mattos, Miller, Price, Reily, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 785—An Act to amend Section 324 of the Civil Code, relating to the transfer of stock in corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 785 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Keane, Kennedy, Leavitt, Mattos, Reily, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 13—An Act to provide for taking down the Agricultural Pavilion, now located in Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said park from said material, and such additional material as may be necessary, two exhibition buildings, to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 13 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Keane, Kennedy, Leavitt, Mattos, Miller, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 79—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans, who served honor-

ably during the civil war, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California, for the fifty-ninth and sixtieth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 79 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Keane, Kennedy, Leavitt, Mattos, Miller, Nelson, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 222—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 222 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Keane, Kennedy, Leavitt, Mattos, McCartney, Miller, Nelson, Reily, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 712—An Act appropriating \$1,500 for restoring certain records and refitting and refurnishing the offices of the Clerk of the Supreme Court in the City of San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 712 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Keane, Leavitt, Mattos, McCartney, Miller, Nelson, Reily, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 713—An Act to add a new section to the Political Code of the State of California, to be designated and numbered Section 751½, authorizing the Clerk of the Supreme Court to employ two assistant deputy clerks, and fixing the compensation of such assistant deputy clerks.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 713 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Keane, Kennedy, Leavitt, Markey, Miller, Nelson, Reily, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—Senator Mattos—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the further consideration of Senate Bill No. 805—An Act to amend Section 1662 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872—the same was taken up for consideration, and, on motion of Senator Caminetti, was temporarily passed, to retain its place on the Senate general file.

WITHDRAWAL OF BILL.

Senator McKee asked for and was granted unanimous consent to withdraw Senate Bill No. 497—An Act to provide for taking down the Agricultural Pavilion, now located in Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said park from said material, and such additional material as may be necessary, two exhibition buildings, to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor.

Senate Bill No. 497 withdrawn, and ordered stricken from the file.

SENATOR LEAVITT IN THE CHAIR.

At four o'clock and twenty-five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF MEMBERS' URGENCY FILE—THIRD READING OF BILLS.

Senate Bill No. 595—An Act to amend Section 1050 of the Code of Civil Procedure.

On motion of Senator Anderson, Senate Bill No. 595 was temporarily passed on file, to retain its place.

Senate Bill No. 661—An Act to amend Section 61 of the Civil Code, relating to marriage contracts during life of former husband or wife, and to repeal Sections 131 and 132 of the Civil Code, relating to judgments in actions for divorce.

Read third time.

The question being on the passage of the bill.

The roll was called.

MOTION FOR CALL OF THE SENATE LOST.

Pending the announcement of the vote, Senator Irish moved a call of the Senate.

Motion lost.

Whereupon the Acting President announced that Senate Bill No. 661 was refused passage by the following vote:

AYES—Senators Black, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Keane, Leavitt, Miller, Muenter, Price, Reilly, Rush, Savage, and Weed—15.

NOES—Senators Anderson, Anthony, Bates, Beil, Belshaw, Boynton, Hartman, Irish, Kennedy, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Rambo, Rolley, Sanford, Walker, Willis, and Wolfe—21.

NOTICE OF MOTION TO RECONSIDER.

Senator Irish gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 661 was this day refused passage.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 920—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter 1a, relating to the California Home for the Care and Training of Feeble-Minded Children.

Also: Senate Bill No. 923—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter 1b, relating to the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Senate Bill No. 924—An Act to add a new article to Chapter I of Title III of Part III of the Political Code, to be known as Article VII, relating to education.

Also: Senate Bill No. 925—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter 11a, relating to the support and maintenance of orphans, half orphans, and abandoned children.

Also: Senate Bill No. 926—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter IVa, relating to the State Commission of Horticulture, prescribing the powers, duties, and compensation of the State Commissioner of Horticulture, and providing methods, means, and penalties for the enforcement of such powers and duties.

Also: Senate Bill No. 927—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter IVb, relating to the promotion of the horticultural interests of the State by providing for county boards of horticulture.

Also: Senate Bill No. 928—An Act to add a new article to Chapter II of Title VI of Part III of the Political Code, to be known as Article X, relating to the Department of Highways, defining its duties and powers, and providing for the appointment and compensation of the officers and employees thereof.

Also: Assembly Bill No. 287—An Act to amend Sections 2006, 2024, 2025, 2026, 2036, and 2037 of the Code of Civil Procedure, to repeal Sections 2033 and 2034 thereof, and to add two new sections thereto, to be numbered 2022 and 2023, all relating to depositions.

Also: Assembly Bill No. 781—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, to the increase or diminution of their capital stock, and to the creation or increase of bonded indebtedness of corporations, including the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Also: Assembly Bill No. 883—An Act to amend Sections 405 and 408 of the Civil Code, relating to foreign corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 640—An Act to add a new section to the Political Code, to be numbered Section 2295a, and relating to supplying the State Library with State publications for exchange purposes.

Also: Senate Bill No. 422—An Act to amend Section 1117 of the Penal Code of California, relating to the discharge of a jury where the facts do not constitute an offense,

and an amendment of the indictment or information without the discharge of the jury in certain cases.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

LUKENS, Chairman.

Senate Bills Nos. 920, 923, 924, 925, 926, 927, 928, and 422 ordered on file for second reading.

Assembly Bills Nos. 287, 781, 883, and 640 ordered on Assembly special file for second reading.

ON INSURANCE AND INSURANCE LAWS.

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 901—An Act to amend Section 2757 of the Civil Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LEAVITT, Chairman.

Senate Bill No. 901 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 873—An Act making an appropriation to pay the deficiency in the appropriation for the maintenance of the Sonora and Mono road, a State highway under the supervision of the Department of Highways, for the fifty-eighth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BELSHAW, Chairman.

Senate Bill No. 873 ordered on file for second reading.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 876—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, 2112, all of the Political Code of the State of California, relating to the National Guard—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

ANTHONY, Chairman.

Assembly Bill No. 876 ordered on Assembly special file for second reading.

BILL RECALLED FROM COMMITTEE AND ORDERED ON FILE.

On motion of Senator Anderson, Assembly Bill No. 601—An Act to amend Section 1050 of the Code of Civil Procedure—was recalled from Committee on Judiciary and ordered on Assembly special file.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Willis:

Resolved, That Senate Bills Nos. 861, 896, 899, 913, 922, 921, 897, 920, 923, 924, 925, 926, 927, 928, 898, and 422 present a case of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Weed, Willis, Wolfe, and Wright—35.

NOES—None.

SPECIAL ORDER SET.

Senator Willis moved that the consideration of Senate Bills Nos. 861, 896, 899, 913, 922, 921, 897, 920, 923, 924, 925, 926, 927, 928, 898, and 422, as cases of urgency, be made a special order for this day immediately after the consideration of the Members' Urgency File at eight o'clock P. M.

Motion carried.

RESOLUTIONS—(RESUMED).

By Senator McCartney:

Resolved, That Section 2 of Article IV of the Constitution and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator McCartney be and he is hereby permitted to introduce Senate bill, to be numbered 933; Senator Savage be and he is hereby permitted to introduce Senate bill, to be numbered 934; Senator Belshaw be and he is hereby permitted to introduce Senate bill, to be numbered 935; Senator Sanford be and he is hereby permitted to introduce Senate bill, to be numbered 936; Senator Reily be and he is hereby permitted to introduce Senate bills, to be numbered 937 and 938.

Resolution read.

The question being on the adoption of the same.

The roll was called, and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wolfe—32.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bills were introduced:

By Senator McCartney: Senate Bill No. 933—An Act granting to municipal corporations of the State of California, rights of way over public lands of the State for the location, construction, and maintenance of water works and power plants; and the right to take material from such land for the construction of such works, and to take any waters belonging to the State for the purpose of supplying such municipalities and its inhabitants with water.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Savage: Senate Bill No. 934—An Act to amend Section 757 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to eligibility to office in cities of the fifth class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Belshaw (by request): Senate Bill No. 935—An Act providing the conditions upon which maps outlining the subdivisions of tracts or lots of land for residence or other purposes shall be recorded in the office of the county recorder.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 936—An Act to amend Section 4115 of the Political Code, relating to the filling of vacancies in offices.

Bill read first time, and referred to Committee on Judiciary.

By Senator Reily: Senate Bill No. 937—An Act authorizing and empowering the State Board of Harbor Commissioners to construct artesian wells along the water front in the City and County of San Francisco, and appropriating \$25,000 therefor.

Bill read first time, and referred to Committee on Finance.

Senate Bill No. 938—An Act declaring the emission of noxious gases or of poisonous vapors from manufactories a public nuisance, and providing a penalty therefor.

Bill read first time, and referred to Committee on Public Health and Quarantine.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER SET.

In compliance with his notice given on previous day, Senator Boynton moved that the vote whereby Senate Bill No. 719—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice—was passed be now reconsidered.

The motion was duly seconded.

Senator Boynton moved that further consideration of motion to reconsider the vote whereby Senate Bill No. 719 was passed, be postponed and made a special order for Monday, March 4, 1907, at twelve o'clock M.

Motion carried.

RECESS.

At five o'clock and ten minutes P. M., on motion of Senator Wolfe, the Acting President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Mattos asked for and was granted unanimous consent to have Senate Bill No. 639 taken up for the purpose of amendment.

Senate Bill No. 639—An Act to amend Section 2644 of the Political Code of the State of California, relating to the allowing of claims by the board of supervisors.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Mattos moved to refer to Senator McCartney as a special committee of one, to amend as follows:

By inserting after the word "used," on line 9 of the printed bill, the following: "But if said labor shall be performed under the direction of a foreman or timekeeper, said foreman or timekeeper shall, in his report, cover all work performed under his direction."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 639, with instructions to amend, respectfully reports the same back, amended as per instructions.

MCCARTNEY, Special Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 619—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Sections 2, 3, 4, and 6 of said Act, and by adding thereto a new section, to be numbered 8a—have had the same under consideration, and respectfully report the same back, without recommendation.

BELSHAW, Chairman.

Assembly Bills Nos. 975 and 619 ordered on Assembly special file for second reading.

SPECIAL ORDER SET.

Senator Belshaw moved that the consideration of Assembly Bill No. 975, with amendments to be submitted by committee, be made a special order for Saturday, March 2, 1907, at eleven o'clock A. M.

Motion carried.

MOTION.

On motion of Senator Belshaw, the amendments to Assembly Bill No. 975, prepared by Committee on Finance, were ordered printed in the Journal, as follows:

On page 3, line 60 of printed bill, strike out the word "thirty-five," and insert in lieu thereof the word "fifty."

Also: On page 3, lines 71 and 72, strike out the words "twenty-four hundred," and insert in lieu thereof the words "three thousand."

Also: On page 4, line 91, after the word "thousand," and before the word "dollars," insert the words "two hundred and fifty."

Also: On page 4, after line 108, insert the following: "For salary of expert to Board of Examiners, four thousand eight hundred dollars."

Also: On page 4, lines 113 and 114, strike out the words "one thousand seven," and insert in lieu thereof the words "two thousand two."

Also: On page 4, after line 117, insert the following: "For purchase from the Federal Government of photo lithographs, copies of topographical sheets gotten out under State and Government cooperation, to be sold at cost by the State, four thousand dollars."

Also: On page 5, line 136, strike out the second word "four," and insert in lieu thereof the word "five."

Also: On page 5, line 143, strike out the word "six," and insert in lieu thereof the word "eight."

Also: On page 5, line 146, strike out the word "ten," and insert in lieu thereof the word "twelve," and after the word "dollars" insert the words "exempt from Section 4 of this Act."

Also: On page 5, lines 150 and 151, strike out the words "one thousand two hundred," and insert in lieu thereof the words "two thousand."

Also: On page 5, after line 162, insert the following: "For repairs to Capitol building and furniture, exempt from Section 4 of this Act, five thousand dollars."

"For purchase of carpets and furniture, exempt from Section 4 of this Act, twelve thousand dollars."

Also: On page 6, line 172, strike out the word "twenty," and insert in lieu thereof the word "twenty-five."

Also: On page 6, line 179, strike out the word "five," and insert in lieu thereof the word "twelve."

Also: On page 6, lines 194 and 195, strike out the words "one thousand five hundred," and insert in lieu thereof the words "two thousand."

Also: On page 7, line 215, strike out the words "one thousand," and insert in lieu thereof the words "fourteen hundred."

Also: On page 7, line 229, after the word "thousand," insert the words "four hundred."

Also: On page 9, line 286, strike out the word "twelve," and insert in lieu thereof the word "fifteen."

Also: On page 9, line 297, after the word "thousand," insert the words "six hundred."

Also: After line 297, on page 9, insert the following:

"For care of State Armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant General, five thousand dollars."

Also: On page 10, line 316, strike out the words "five thousand" and insert in lieu thereof the words "two thousand five hundred."

Also: On page 10, line 325, strike out the word "four," and insert in lieu thereof the word "six."

Also: On page 11, line 338, after the word "thousand" insert the words "two hundred."

Also: On page 11, lines 340 and 341, strike out the words "two thousand five hundred," and insert in lieu thereof the words "five thousand."

Also: On page 11, line 357, strike out the word "two," and insert in lieu thereof the word "three."

Also: On page 11, line 361, strike out the word "six," and insert in lieu thereof the word "eight."

Also: On page 11, lines 362 and 363, strike out the words "three thousand six hundred," and insert in lieu thereof the words "five thousand four hundred."

Also: On page 11, strike out all of lines 364, 365, 366, 367, and 368.

Also: On page 12, line 395, strike out the words "eight hundred and fifty," and insert in lieu thereof the words "one thousand."

Also: On page 12, line 401, after the word "thousand" insert the words "five hundred."

Also: On page 13, line 411, after the word "thousand" insert the words "five hundred."

Also: On page 13, strike out from lines 415 to 434, both inclusive, and insert in lieu thereof the following:

"FOR DEPARTMENT OF ENGINEERING.

"For salary of the State Engineer, Department of Engineering, nine thousand six hundred dollars.

"For salary of the State Architect, Department of Engineering, eight thousand dollars.

"For salary of the two Assistant State Engineers, Department of Engineering, twelve thousand dollars.

"For salary of the three Draughtsmen, Department of Engineering, twelve thousand dollars.

"For salary of the Secretary and Stenographer, Department of Engineering, three thousand six hundred dollars.

"For salary of the Porter, Department of Engineering, nine hundred and sixty dollars.

"For contingent and traveling expenses, Department of Engineering, ten thousand dollars.

"For improvements and maintenance of Mono Lake Basin road, two thousand five hundred dollars.

"For improvement and maintenance of Sonora and Mono road, twelve thousand dollars.

"For improvement and maintenance of Lake Tahoe wagon road, ten thousand dollars.

"For printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office for the Department of Engineering, one thousand five hundred dollars."

Also: On page 13, line 438, strike out the word "thirty-five," and insert in lieu thereof the word "forty."

Also: On page 13, line 441, strike out the words "two thousand five hundred," and insert in lieu thereof the words "five thousand."

Also: On page 14, strike out lines 442 to 453, both inclusive.

Also: On page 14, line 456, strike out the word "eighty-seven," and insert in lieu thereof the word "eighty."

Also: On page 14, lines 459 and 460, strike out the words "two hundred and seventy-one thousand four hundred and forty," and insert in lieu thereof the words "two hundred and sixty-four thousand nine hundred and forty."

Also: On page 14, line 464, strike out the words "forty-five thousand," and insert in lieu thereof the words "thirty-nine thousand four hundred."

Also: On page 14, line 468, strike out the words "forty (four) thousand," and insert in lieu thereof the words "thirty-eight thousand three hundred."

Also: On page 14, lines 472 and 473, strike out the words "two hundred and four thousand two hundred and fifty," and insert in lieu thereof the words "one hundred and ninety-eight thousand and fifty."

Also: On page 15, line 477, strike out the words "five thousand," and insert in lieu thereof the words "two thousand four hundred."

Also: On page 15, after line 480, insert the following: "For salaries and contingent expenses of State Lunacy Commission, thirty-three thousand six hundred dollars."

Also: On page 15, line 501, strike out the words "seven thousand nine hundred and twenty," and insert in lieu thereof the words "ten thousand eight hundred."

Also: On page 15, line 504, after the word "thousand," insert the words "five hundred."

Also: On page 16, line 511, after the word "thousand," insert the words "five hundred."

Also: On page 16, line 518, strike out the word "sixty-five," and insert in lieu thereof the word "seventy-three."

Also: On page 16, line 520, after the word "sixty," insert the word "five."

Also: On page 16, line 535, strike out the word "thirty-five," and insert in lieu thereof the word "forty."

Also: On page 17, line 544b, strike out the word "six," and insert in lieu thereof the word "twelve."

Also: On page 17, line 554, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "nine hundred."

Also: On page 17, line 564, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "nine hundred."

Also: On page 17, line 573, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "nine hundred."

Also: On page 18, line 583, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "nine hundred."

Also: On page 18, line 591, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "nine hundred."

Also: On page 18, line 596, strike out the word "fifty-two," and insert in lieu thereof the word "sixty-two."

Also: On page 19, line 612, strike out the second word "seven," and insert in lieu thereof the word "nine."

Also: On page 19, line 616, strike out the words "twenty-five hundred," and insert in lieu thereof the words "three thousand."

Also: On page 19, line 633, strike out the word "twenty-five," and insert in lieu thereof the word "forty."

Also: On page 19, line 637, strike out the word "one," and insert in lieu thereof the word "two."

Also: On page 20, line 647, strike out the word "thirty," and insert in lieu thereof the word "fifty."

Also: On page 20, after line 654, insert the following: "For travelling expenses of the Directors of the State Agricultural Society, one thousand five hundred dollars."

Also: On page 20, line 657, strike out the word "five," and insert in lieu thereof the word "six."

Also: On page 22, line 7, strike out the words "board of."

SECOND READING OF BILLS.

On motion of Senator Leavitt, the second-reading file was taken up for consideration.

Assembly Bill No. 190—An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 184—An Act to repeal Title VIII, of Part III, of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said Code, relating to escheated estates.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 196—An Act to amend Section 1452 of the Code of Civil Procedure, relating to the possession of the property of deceased persons.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 275—An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 276—An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 277—An Act to amend Sections 1622 and 1636 of the Code of Civil Procedure, and to repeal Sections 1623, 1624, 1625, and 1640 thereof, all relating to accounts of executors and administrators and the settlement of such accounts.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 279—An Act to amend Sections 1658, 1660, 1661, 1665, 1668, and 1669, and to repeal Section 1663 of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 288—An Act to amend Section 2012 of the Code of Civil Procedure, relating to affidavits.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 291—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 427—An Act to amend Section 954 of the Code of Civil Procedure, relating to the dismissal of appeals.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 273—An Act to amend Sections 1582, 1583, 1584, 1587, and 1589 of the Code of Civil Procedure, all relating to actions by or against executors or administrators.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 278—An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 280—An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of estates of deceased persons.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 282—An Act to repeal Sections 1733 and 1734, and to amend Section 1737 of the Code of Civil Procedure, all relating to public administrators.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 283—An Act to amend Sections 1750, 1753, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807, and 1809 of the Code of Civil Procedure, to repeal Sections 1752 and 1774 thereof, and to add a new section thereto, to be numbered 1760, all relating to guardians.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 284—An Act to repeal Title XIII, of Part III, of the Code of Civil Procedure, and to substitute a new Title XIII to take the place thereof in said Code, relating to estates of missing persons.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 289—An Act to amend Sections 2043 and 2054 of the Code of Civil Procedure, both relating to the examination of witnesses.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 290—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 759—An Act to amend Sections 227, 228, and 229 of the Political Code, and to repeal Section 230 thereof, relating to the election of members of the Legislature.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 782—An Act to amend Section 1499 of the Code of Civil Procedure of the State of California, relating to claims against the estates of deceased persons.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 816—An Act to amend Section 1232 of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 817—An Act to amend Section 3198 of the Political Code, relating to the recording of trademarks.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 818—An Act to amend Section 1279 of the Code of Civil Procedure, relating to the filing in the office of the Secretary of State of a certified copy of a decree of court changing the name of a person or corporation.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 819—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 607—An Act to add two new sections to the Political Code, to be known as Sections 444 and 461 thereof, both relating to the general fund.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 608—An Act to add a new section to the Political Code, to be known as Section 4653a thereof, relating to donations to the State.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 611—An Act to amend Section 501 of the Political Code, relating to fees to be collected by the Register of the State Land Office.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 613—An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons.

Bill read second time, and ordered on Assembly special file for third reading.

CASES OF URGENCY.

On motion of Senator Leavitt, the following bills were taken up for consideration as cases of urgency, in accordance with the resolution heretofore offered this day by Senator Willis, suspending Section 15 of Article IV of the Constitution:

Senate Bill No. 861—An Act to amend the Civil Code by adding thereto a new section, to be numbered 290a, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository, or trustee.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 861 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Leavitt, Lynch, Markey, McKee, Nelson, Rambo, Rush, Sanford, Walker, and Willis—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 896—An Act to add three new sections to the Code of Civil Procedure, to be known as sections numbers 941a, 941b, and 941c of said Code, respectively, providing a new and alternative method by which appeals may be taken from judgments, orders, or decrees of the Superior Court of the State of California to the Supreme Court or District Courts of Appeal thereof.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 896 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 899—An Act to add a new article to Chapter I, of Title VIII, of Part III, of the Political Code, to be known as Article IIa, relating to the sale of lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 899 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 913—An Act to amend Section 1386 of the Civil Code, relating to succession to the property of deceased persons.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 913 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 922—An Act to repeal Article XIV, of Chapter III, of Title I, of Part III of the Political Code, relating to sealers of weights and measures.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 922 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 921—An Act to add a new article to Chapter III, of Title I, of Part III, of the Political Code, to be known as Article XIV thereof, relating to the State Mining Bureau and the State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the board of trustees of said bureau.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 921 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 897—An Act to add a new chapter to Title VII, of Part III, of the Political Code, to be known as Chapter XVIa, relating to a fireman's relief, health, and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 897 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muenter, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 920—An Act to add a new chapter to Title V of the Political Code, to be known as Chapter 1a, relating to the California Home for the Care and Training of Feeble-Minded Children.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 920 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 923—An Act to add a new chapter to Title V. of Part III, of the Political Code, to be known as Chapter 1b, relating to the Industrial Home of Mechanical Trades for the Adult Blind.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 923 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—29.

NOES—None.

Senate Bill No. 924—An Act to add a new article to Chapter I. of Title III, of Part III, of the Political Code, to be known as Article VII, relating to education.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 924 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 925—An Act to add a new chapter to Title V, of Part III, of the Political Code, to be known as Chapter 11a, relating to the support and maintenance of orphans, half orphans, and abandoned children.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 925 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 926—An Act to add a new chapter to Title V, of Part III, of the Political Code, to be known as Chapter IVa, relating to the State Commission of Horticulture, prescribing the powers, duties, and compensation of the State Commissioner of Horticulture, and providing methods, means, and penalties for the enforcement of such powers and duties.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 926 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 927—An Act to add a new chapter to Title V, of Part III, of the Political Code, to be known as Chapter IVb, relating to the promotion of the horticultural interests of the State, by providing for county boards of horticulture.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 927 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, and Willis—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 928—An Act to add an article to Chapter II, of Title VI, of Part III, of the Political Code, to be known as Article X, relating to the Department of Highways, defining its duties and powers, and providing for the appointment and compensation of the officers and employés thereof.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 928 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 898—An Act to add a new chapter to Title VII, of Part III, of the Political Code, to be known as Chapter XIVb, relating to a police relief, health, and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 898 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 422—An Act to amend Section 1117 of the Penal Code of the State of California, relating to the discharge of a jury where the facts do not constitute an offense, and an amendment of the indictment or information without the discharge of the jury in certain cases.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 422 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL CODE REVISION FILE—THIRD READING OF BILLS.

Senate Bill No. 738—An Act to add a new title to Part III of the Penal Code, to be known as Title Ia, relating to State schools of industry and reform for juvenile offenders.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 738 passed by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 783—An Act to add three new sections to the Code of Civil Procedure of the State of California, to be known as numbers 953a, 953b, and 953c, relating to a new and alternative method for the preparation of records to be used on appeals, judgments, orders, or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 783 passed by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 318—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 318 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 206—An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 206 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 214—An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 214 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 327—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 327 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 358—An Act to amend Section 1467 of the Penal Code of the State of California, relating to the taking, hearing, and determination of appeals to the Superior Court in criminal actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 358 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 356—An Act to amend Section 687 of the Penal Code of the State of California, relating to prosecutions for the same offense after prior convictions or acquittal in criminal actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 356 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 326—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 326 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 329—An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 329 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 796—An Act to amend Section 2349 of the Political Code, and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 796 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 750—An Act to add a new section to the Political Code, to be known as Section 625a, relating to information to be furnished each county clerk by the Insurance Commissioner.

Also: Senate Bill No. 739—An Act authorizing the Governor to appoint a commission, to consist of himself, a Senator, an Assemblyman of the thirty-seventh session of the Legislature of the State of California, and two citizens at large, of which commission the Governor shall be ex officio a member and chairman thereof, to investigate the fish and fishing industry and the wild game of the State, relative to the propagation, preservation, and better protection thereof, and to recommend to the thirty-eighth session of the Legislature a plan for the propagation, preservation and better protection of such fish and game; to provide for the creation of said commission and to define its powers, and making an appropriation therefor.

Also: Senate Bill No. 839—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Also: Senate Bill No. 841—An Act to provide for the organization, incorporation, disincorporation, consolidation and government of municipal corporations, and to amend an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, by adding a new section thereto, to be known as Section 4a, relating to the disincorporation and the reorganization and consolidation of municipalities, and by amending Section 8 of said Act, relating to consolidation of municipal corporations.

Also: Senate Bill No. 842—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," by adding a new section thereto, to be numbered Section 9½, providing for the disposition of money raised by the sale of bonds under said Act, whenever it appears to be impracticable to use said money for the purpose for which the bonds were voted.

Also: Senate Bill No. 832—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices courts and justices of the peace.

Also: Senate Bill No. 730—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a new section, to be numbered Section 25c, authorizing boards of supervisors to acquire and maintain parks, and to issue bonds therefor.

Also: Senate Bill No. 843—An Act to repeal Article XVI, of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and Sections 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.

Also: Senate Bill No. 802—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.

Also: Senate Bill No. 270—An Act authorizing the regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 343—An Act to amend an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals or produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold, to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions," by amending Sections 2 and 12, making provisions for enforcing the above Act as amended by appropriating money therefor.

Also: Senate Bill No. 844—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties.

Also: Senate Bill No. 534—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creating, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the land within said drainage district," approved March 20, A. D. 1905.

Also: Senate Bill No. 703—An Act to amend Sections 1925, 1928, 1934, and 1956, and to repeal Sections 1930, 1932, and 2004 of Chapter II, of Title IV, of an Act entitled "An Act to establish a Political Code of the State of California," relating to the National Guard.

Also: Senate Bill No. 854—An Act entitled "An Act to amend Section 737 of the Political Code," relating to salaries of superior judges.

Also: Senate Bill No. 803—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title of real property partitioned by decree of court.

Also: Senate Bill No. 809—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1243 thereof, relative to the place and court in which actions in eminent domain must be brought.

Also: Senate Bill No. 789—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Also: Senate Bill No. 403—An Act to add a new section to the Penal Code of the State of California, to be known as and numbered Section 360a, relating to connivance, collusion, and fraud in connection with actions of divorce, and providing a punishment therefor.

Also: Senate Bill No. 404—An Act to add a new section to the Penal Code of the State of California, to be known as and numbered Section 284a, relating to adultery, extreme cruelty, desertion, willful neglect, and habitual intemperance, and providing a punishment therefor.

Also: Senate Bill No. 405—An Act to amend Section 132 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a subdivision, to be designated as Subdivision 7 of said section of said Act, relating to the duties of the district attorney.

Also: Senate Bill No. 406—An Act to amend Section 411 and to add certain new sections, to be known as and numbered Sections 1018 and 1019, all of and to the Code of Civil Procedure of the State of California, relating to the service of process, pleadings, notices, and papers in actions for divorce and intervention of such actions.

Also: Senate Bill No. 25—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

Also: Senate Bill No. 613—An Act to add a new section to the Civil Code, to be numbered Section 423, relating to deposits for the protection of policy holders by insurance companies engaged in the business of insuring or indemnifying employers and others against loss or damage for personal injury or death resulting from accidents to employés or persons other than employés.

Also: Committee Substitute for Senate Bill No. 600—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission, to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.

Also: Senate Bill No. 328—An Act to amend Sections 656, 659, 660, and to renumber and amend Section 663½ of the Code of Civil Procedure, all relating to new trials.

Also: Senate Bill No. 473—An Act to add a new section to the Code of Civil Procedure, the said section to be designated 1166a, relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, the form and amount of the undertaking, and the form of the writ of ejectment, and the manner of executing and serving the writ.

Also: Senate Bill No. 888—An Act to provide for the classification of supervisors in counties of the fifteenth class, where they are not now classified, so that all of them shall not go out of office at the same time.

Also: Senate Bill No. 816—An Act to define the term "caucus"; to declare the holding of a caucus unlawful; to provide for the calling and assembling of a free caucus by a member of certain legislative bodies in the State of California, and to declare violations of the provisions of this Act a misdemeanor.

Also: Senate Bill No. 872—An Act to provide for the maintenance and operating expenses of the forestry station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Also: Senate Bill No. 323—An Act to amend Sections 602 and 615 of the Code of Civil Procedure, both relating to jury trials.

Also: Senate Bill No. 845—An Act to amend Section 3680 of the Political Code of the State of California, relating to sale of land for taxes.

Also: Senate Bill No. 785—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 19, 1903, and March 20, 1905, by amending Section 162 thereof, relating to the fees and salaries of county and township officers in counties of the fifth class.

Also: Senate Bill No. 322—An Act to amend Sections 581, 582, and 585 of the Code of Civil Procedure, to add a new section thereto, to be numbered 581a, all relating to judgments.

Also: Senate Bill No. 316—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, and 459 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Also: Senate Bill No. 319—An Act to amend Sections 539, 553, 554, and 555 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 750, 739, 839, 841, 842, 832, 730, 843, 802, 270, 343, 844, 534, 703, 854, 803, 809, 789, 403, 404, 405, 406, 25, 613, 600, 328, 473, 888, 816, 872, 323, 845, 785, 322, 316, and 319 ordered on file for third reading.

CONSIDERATION OF MEMBERS' URGENCY FILE—THIRD READING OF BILLS.

Senate Bill No. 765—An Act to accept from E. F. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of the improvements, buildings and furnishings therein at La Tour Soda Springs, in Shasta County, and appropriating the sum of \$3,000 for the purpose of purchasing ten acres or more of land, and for the improvements thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States Army, to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 765 passed by the following vote:

AYES—Senators Anderson, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Lynch, Markey, Muentz, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 600—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert on taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers and making an appropriation therefor," approved March 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 600 passed by the following vote:

AYES—Senators Anderson, Anthony, Belshaw, Black, Boynton, Broughton, Curtin, Greenwell, Hartman, Keane, Lynch, Markey, Mattos, McCartney, Miller, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 803—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title of real property partitioned by decree of court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 803 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 613—An Act to add a new section to the Civil Code, to be numbered 423, relating to the deposits for the protection of policy holders by insurance companies engaged in the business of insuring or indemnifying employers and others against loss or damage for personal injury or death resulting from accidents to employés or persons other than employés.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

By striking out of Section 1, line 16, page 2 of the bill, the figures "\$100,000" and the parentheses.

Also: Strike out the period after the part of the word "sioner," in line 21, page 2 of the bill, and insert a comma, and after the comma add the following: "*provided, however, that a company transacting life, health, or accident insurance business shall not be permitted to engage in the business of insuring or indemnifying employers and others against loss or damage for personal injury or death resulting from accidents to employés or persons other than employés.*"

Also: Amend the title by adding after the word "employés," on line 7 of the title, the following: "*and to prohibit life, health, or accident insurance companies from engaging in such business.*"

Also: Strike out the period after the word "employés," on line 9 of the title, and insert a comma.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 613, with instructions to amend, respectfully reports the same back amended as per instructions.

CURTIN, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

SENATE CONSTITUTIONAL AMENDMENT No. 36.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 3 of Article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties.

The Legislature of the State of California, at its regular session, commencing the 7th day of January, in the year one thousand nine hundred and seven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that Section 3 of Article XI of the Constitution of the State of California be amended so as to read as follows:

Section 3. The Legislature, by general and uniform laws, may provide for the alteration of county boundary lines, and for the formation of new counties; *provided, however, that no new county shall be established which shall reduce any county to a population of less than twenty-five thousand; nor shall a new county be formed containing a less population than eight thousand; nor shall any line thereof pass within five miles of the exterior boundary of the city or town in which the county seat of any county proposed*

to be divided is situated. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

Senate constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 36 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Senate constitutional amendment ordered transmitted to the Assembly.

Senate Bill No. 33—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 33 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 441—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 441 passed by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Keane, Kennedy, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 26—An Act making an appropriation for the construction of an annex to the hospital at the Veterans' Home of California, located at Yountville, Napa County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 26 passed by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Keane, Kennedy, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 572—An Act to add a new section to the Civil Code, to be numbered Section 365, and relating to contributions of corporate funds for political purposes.

Read third time.

On motion of Senator Sanford, Senate Bill No. 572 was temporarily passed on file, to retain its place.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Sanford:

Resolved, That Senate Bills Nos. 864, 880, and 881 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Kennedy, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

CASES OF URGENCY.

Senate Bill No. 864—An Act to provide for the completion of a cottage for female patients at the Mendocino State Hospital, and making an appropriation therefor.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 864 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Kennedy, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 880—An Act making an appropriation of twenty thousand dollars (\$20,000), to be expended by the Board of Capitol Commissioners for making alterations, repairs, improvements, and for otherwise completing and embellishing the State Capitol, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled 'An Act authorizing and directing the Board of Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an appropriation therefor,' approved March 18, 1905, and exempting such appropriation from the provisions of an Act entitled 'An Act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 23, 1876, and all Acts amendatory thereof.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 880 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 881—An Act to amend Section 386 of the Political Code, relating to salary of Executive Secretary of the Governor.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 881 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Savage, Walker, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 34—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 34 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 350—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 350 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Caminetti asked for and was granted unanimous consent to have Senate Bill No. 918 taken up for consideration.

Senate Bill No. 918—An Act to regulate the use of highways in the State of California; any violations of the provisions of the same a misdemeanor.

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 785—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 19, 1903, and March 20, 1905, by amending Section 162 thereof, relating to the fees and the salaries of county and township officers in counties of the fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 785 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Mattos, McCartney, McKee, Muentner, Nelson, Reily, Rolley, Walker, Willis, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 787—An Act to dissolve Protection District No. 2 of Yuba County, California, and providing for the liquidation and winding up of said dissolved district.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 787 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Reily, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 844—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 884 refused passage by the following vote:

AYES—Senators Bates, Bell, Belshaw, Boynton, Caminetti, McCartney, McKee, Muentner, Nelson, Rush, Sanford, and Wright—12.

NOES—Senators Anderson, Anthony, Broughton, Cartwright, Curtin, Greenwell, Hartman, Leavitt, Lynch, Markey, Mattos, Rolley, Savage, Walker, and Wolfe—15.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Assembly Bill No. 456 taken up for consideration.

Assembly Bill No. 456—An Act to repeal Article XVI of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and Sections 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.

Bill read second time, and ordered on Assembly special file for third reading.

Senator Curtin asked for and was granted unanimous consent to have Senate Bill No. 873 taken up for consideration.

Senate Bill No. 873—An Act making an appropriation to pay the deficiencies in the appropriation for the maintenance of the Sonora and Mono road, a State highway, under the supervision of the Department of Highways, for the fifty-eighth fiscal year.

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 713—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation, at the Port of Wilmington and Bay of San Pedro," approved March 19, 1889.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 713 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McKee, Muentner, Nelson, Rush, Savage, Walker, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 409—An Act to provide for work upon public roads, streets, avenues, boulevards, lanes, and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of side-walks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing, and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 409 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Rush, Savage, Walker, Willis, Wolfe, and Wright—24.

NOES—Senator Mattos—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 758—An Act to create a reclamation district, to be called "Reclamation District No. 800," and providing for the control and management thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 758 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Greenwell, Hartman, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Muentner, Nelson, Rush, Savage, Walker, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 237—An Act to amend Section 1200 of the Code of Civil Procedure, relating to mechanics' liens.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 237 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Greenwell, Hartman, Keane, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Rush, Sanford, Savage, Walker, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Sanford asked for and was granted unanimous consent to have Senate Bill No. 829 taken up for the purpose of amendment.

Senate Bill No. 829—An Act to add a new section to the Political Code, to be numbered Section 1361, and to amend Section 1367 of the Political Code, in relation to primary elections.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Sanford moved to refer to Senator Caminetti as a special committee of one, to amend as follows:

By striking out of Section 2, line 13, all after the word "vote," and all of lines 14 and 15, and line 16 down to and including the word "election."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 829, with instructions to amend, respectfully reports the same back, amended as per instructions.

CAMINETTI, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 518—An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of said gardener.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 518 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Sanford, Willis, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 840—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of California, 1850-1907, inclusive.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 840 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Rush, Sanford, Savage, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 750—A new section is hereby added to the Political Code to be known as Section 625a, relating to information to be furnished each county clerk by the Insurance Commissioner.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 750 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Muentner, Rush, Savage, Walker, Willis, Wolfe, and Wright—21.

NOES—None.

Title read.

During the reading of the title, the following amendment was offered by Senator Lynch:

Amend the title by adding at the beginning thereof before the words "a new section" the following: "An Act to add," and strike out the words "is hereby added."

Amendment adopted.

Title approved as amended.

Bill ordered to print, and to the Assembly.

Senate Bill No. 682—An Act to amend an Act entitled "An Act to repeal Section 427 of an Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance may be invested," approved March 21, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 682 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McKee, Nelson, Rush, Walker, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 681—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 3, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 681 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McKee, Muentner, Nelson, Reily, Rolley, Rush, Walker, Willis, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RE-REFERRED TO COMMITTEE.

On motion of Senator Savage, Senate Bill No. 872—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County, and making an appropriation therefor—was referred to Committee on Finance.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 36—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 36 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Black, Boynton, Broughton, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McKee, Muentner, Rolley, Rush, Sanford, Savage, Walker, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 43—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 43 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McKee, Muentner, Nelson, Rush, Sanford, Walker, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 680—An Act to repeal Section 444 of the Civil Code, relating to investments by certain life, health, and accident insurance corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 680 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, Nelson, Rush, Sanford, Savage, Walker, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 744—An Act to add a new section to the Political Code, to be numbered Section 2295a, and relating to supplying the State Library with State publications for exchange purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 744 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McKee, Nelson, Reilly, Rush, Sanford, Savage, Walker, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 761—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.

Read third time.

APPOINTMENT OF SPECIAL COMMITTEE.

On motion of Senator Savage, the President appointed Senators Belshaw, Willis, and Wolfe as a special committee to consider Senate Bill No. 761 and report same back with recommendation.

CONSIDERATION OF CODE REVISION BILLS—(OUT OF ORDER).

Senator Willis asked for and was granted unanimous consent to have Senate Bills Nos. 328, 316, 319, 322, and 323 taken up for consideration.

Senate Bill No. 328—An Act to amend Sections 656, 658, 659, 660, 661, and to renumber and amend Section 663½ of the Code of Civil Procedure, all relating to new trials.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 328 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lynch, Mattos, Muenter, Nelson, Reily, Sanford, Savage, Walker, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 316—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, and 459 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 316 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lynch, Mattos, Muenter, Nelson, Reily, Sanford, Walker, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 319—An Act to amend Sections 539, 553, 554, and 555 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 319 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lynch, Mattos, Muenter, Nelson, Reily, Sanford, Walker, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 322—An Act to amend Sections 581 and 585 of the Code of Civil Procedure, to repeal Section 582 thereof, as approved March 11, 1872, and to add two new sections thereto, to be numbered 582 and 583, all relating to judgments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 322 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lynch, Mattos, Muentner, Nelson, Reily, Sanford, Walker, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 323—An Act to amend Sections 602 and 615 of the Code of Civil Procedure, both relating to jury trials.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 323 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lynch, Mattos, Muentner, Nelson, Reily, Sanford, Walker, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

On motion of Senator Wright, the second-reading file was taken up for consideration.

Senate Bill No. 259—An Act appropriating two hundred and fifty thousand dollars (\$250,000) to aid in the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California; also for providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by striking out the word "two," and inserting in lieu thereof the word "one"; also, by striking out the figures "250,000.00," in parenthesis, in said title, and inserting in lieu thereof the figures "150,000.00."

Amendment adopted.

Also:

In line 1, Section 1, page 1 of the printed bill, strike out the word "two," and insert in lieu thereof the word "one"; also, in line 2, Section 1, page 1 of printed bill, strike out the figures "250,000.00," in parenthesis, and insert in lieu thereof the figures "150,000.00," in parenthesis.

Amendment adopted.

Also:

Strike out the " ; " at the end of line 10, Section 1, page 1 of the printed bill, and insert in lieu thereof a " . " ; and, also, strike out all of lines 11 and 12, Section 1, page 1, of printed bill.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 900—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 788—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the appropriation of water and the time in which to commence the excavation and construction.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 898—An Act to add a new chapter to Title VII, of Part III, of the Political Code, to be known as Chapter XIVb, relating to a police relief, health and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 838—An Act defining the character of imitation butter and imitation cheese, providing for the prevention of deception in the manufacture or sale of butter or cheese, to secure its enforcement, defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses, providing that the State Veterinarian shall be ex officio State Dairy Commissioner, and shall also perform, in addition to his duties as fixed by law, the duties of State Dairy Commissioner, designating and prescribing the duties of such State Dairy Commissioner, providing that no action can be maintained to recover on account of any sale or contract made in violation hereof, providing for the issuance and service of search warrants, when necessary for the seizure of substances designed to be used contrary to the provisions hereof, and repealing an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor," approved March 4, 1897.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 557—An Act entitled "An Act to regulate the recordation of the subscriptions to the capital stock of the water users' association."

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 557.

An Act to provide for the recordation of contracts and subscriptions, agreements to stock in water users' associations, organized in conformity with an Act of Congress, approved June 17, 1902, and to regulate recorders' fees for filing, recording, and indexing same.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All county recorders in this State are hereby authorized and directed to accept from any incorporated water users' association organized under the laws of the State of California for the purpose of securing the benefits of an Act of Congress approved June 17th, 1902, known as the "Reclamation Act," books containing printed copies of agreements with the United States, or with such water users' association, in relation to the lands affected by the projects provided for by said Act, and copies of blank forms of subscription agreements to the capital stock of such water users' associations, or the transfer thereof, or other documents necessary to be recorded by such associations and to use such form books or such form blanks for the purpose of recording the same; and recorders shall charge for filing, recording, and indexing such documents, papers, writings or contracts the sum of twenty-five cents for each document.

SEC. 2. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 834—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 21, 1905.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 909—An Act relating to high schools, and providing for their support by the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 818—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of boards of school trustees and city boards of education.

During second reading of bill, the following amendments were submitted by committee:

Strike out the period after the word "districts," in line 25, page 2, printed bill, insert in lieu thereof a comma, and add the following: "to install a system for ventilating each school room, to fumigate each school room and all books, supplies and apparatus therein contained at least twice each year, to provide an adequate water supply for all school buildings, to see that all outbuildings, toilets, and sewerage are kept in proper sanitary condition, to make and enforce such rules as may be necessary to preserve the good health and encourage the physical development of the children of the school; and, generally to exercise all powers which may be incidental or necessary to the proper conduct and management of the schools within their respective districts."

Amendment adopted.

Also:

Strike out all of subdivision ninth of the printed bill, lines 75 to 102, inclusive, and in lieu thereof insert the following: "Ninth. To exclude from schools children under six years of age: *provided* that in cities and towns in which the kindergarten has been adopted, or may hereafter be adopted, as a part of the public primary schools, children may be admitted to such kindergarten classes at the age of four years."

Amendment adopted.

Also:

Amend by striking out all of subdivision seventh after the word "teachers" in line 36, page 2, printed bill; insert a period after the word "teachers," and add the following: "Unless otherwise prescribed by law, the salaries of all officers, teachers or other employés of the school department in incorporated cities having boards of education must be fixed at an annual sum, payable in twelve equal monthly installments not later than the fifth day of every calendar month, and the secretary of the board of education must immediately notify the county superintendent of schools, in writing, of the election of all officers, teachers or other employés, stating the annual salary of each, and naming the credentials or grade of certificate held by those elected to teach in the department."

"Trustees of school districts lying outside the limits of incorporated cities having boards of education must immediately notify the county superintendent of schools, in writing, of the employment of all teachers within their respective districts, naming the annual salary to be paid and the grade of certificate or credentials held by the teachers employed; *provided*, that no board of trustees shall enter into any contract with any employé to extend beyond the thirtieth day of June next ensuing."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 221—An Act to amend Section 2576 of the Political Code of the State of California, relating to the establishment of a Board of Harbor Commissioners for the Bay of San Diego.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 250—An Act to amend 2605 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the Harbor Commissioners for the Bay of San Diego and extending their power.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 651—An Act to amend Section 2580 of the Political Code of the State of California, relating to the powers of the State Board of Harbor Commissioners for the Bay of San Diego.

Bill read second time, considered engrossed, and ordered on file for third reading.

SPECIAL ORDER SET.

Senator Anthony moved that the consideration of Senate Concurrent Resolution No. 15 be made a special order for Saturday, March 2, 1907, at eleven o'clock A. M.

ADJOURNMENT.

At eleven o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Saturday, March 2, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by Rev. Colin Anderson.

LEAVE OF ABSENCE.

Senator Welch was, on motion of Senator Price, granted leave of absence for this day.

READING OF JOURNAL.

During the reading of the Journal of Friday, March 1, 1907, the further reading was dispensed with, on motion of Senator Rambo.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate Amendment No. 3 to Assembly Bill No. 491—An Act amending an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," which became a law under constitutional provision without Governor's approval, February 25, 1901, by amending Sections 2, 5, 7 and 9 thereof—and requests that your honorable body recede therefrom, and that in case of non-receding the Assembly has appointed Assemblymen Stanton, Fransue, and Johnson of Sacramento as a Committee on Conference on behalf of the Assembly to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day concurred in Senate Amendments No. 1 and No. 2 to Assembly Bill No. 491—An Act amending an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," which became a law under constitutional provision without Governor's approval, February 25, 1901, by amending Sections 2, 5, 7, and 9 thereof.

Also: Refused passage to Senate Bill No. 49—An Act to amend an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Also: Adopted Senate Concurrent Resolution No. 13—Approving an amendment to the charter of the city of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose, on the first day of August, 1906.

Also: Passed Assembly Bill No. 340—An Act to prevent the giving of rebates or special favors as an inducement to taking out of any life insurance policy within the State of California, and providing penalties for the violation hereof.

Also: Assembly Bill No. 649—An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California, and of the California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma County, to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said institutions, and to provide for their compensation.

Also: Assembly Bill No. 704—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California where the same has been destroyed by conflagration or other public calamity.

Also: Assembly Bill No. 701—An Act adding a new section to the Political Code of the State of California to be numbered Section 1532a, defining the meaning of the words "average daily attendance."

Also: Assembly Bill No. 842—An Act to amend Section 1668 of the Political Code of the State of California, relating to physical culture and exercise in public schools.

Also: Assembly Bill No. 901—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended by amending Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 thereof, and by adding two new sections thereto, to be known as Sections 10a and 10b, relating to a license tax upon corporations, and making provision for settling the affairs of corporations where said tax has not been paid and providing a penalty for the violation thereof, approved June 13, 1906.

Also: Assembly Bill No. 861—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Also: Assembly Bill No. 872—An Act to create a fund to be known as the United States Forest Reserve Fund, and to provide for the payment out of such fund to the treasurers of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditures by the counties of the moneys so paid.

Also: Assembly Bill No. 38—An Act to prevent the destruction of young forest trees.

Also: Assembly Bill No. 932—An Act adding a new section to the Penal Code of California, to be numbered Section 1534, establishing the method of determining the average daily attendance of each common school district, of each high school, of each county, of each city and county, and of the State of California, and defining the words "average daily attendance," as used in this Code.

Also: Assembly Bill No. 490—An Act to amend Section 637a of the Penal Code of California, and to add thereto four new sections, to be numbered 637b, 637c, 637d, and 637e, all relating to protection of wild birds, other than game birds, and their nests and eggs.

Also: Assembly Bill No. 922—An Act to add a new section to the Penal Code, to be numbered 2716, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action for divorce, during the pendency of the action at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Also: Assembly Bill No. 828—An Act to pay the claim of Mrs. John F. Kidder against the State of California.

Also: Assembly Bill No. 446—An Act to pay the claim of the County of Sacramento against the State of California.

Also: Assembly Bill No. 789—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

Also: Assembly Bill No. 886—An Act to amend Section 530 of the Code of Civil Procedure of the State of California, relating to injunctions.

Also: Assembly Bill No. 845—An Act to add to the Code of Civil Procedure of the State of California a new section, to be numbered 553½, relating to injunctions.

Also: Assembly Bill No. 102—An Act to amend Section 384 of the Penal Code, and repeal Sections 384a and 384b of said Penal Code, all relating to forest fires.

Also: Assembly Bill No. 635—An Act to regulate the keeping of large trees and to forbid the growing and planting thereof in such places and in such manner as may endanger or damage adjoining property.

Also: Assembly Bill No. 966—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1243 thereof relative to the place and court in which actions in eminent domain must be brought.

Also: Assembly Bill No. 948—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1263a, relating to liens.

Also: Assembly Bill No. 952—An Act to amend Section 1194 of the Code of Civil Procedure of the State of California, relating to liens and the docketing of a deficiency.

Also: Assembly Bill No. 953—An Act to amend an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Also: Assembly Bill No. 537—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Also: Assembly Bill No. 987—An Act making an appropriation for the erection of a monument in St. Mary's Cemetery, in the City of Oakland, California, to the memory of Honorable John J. Burke, deceased, and appointing a commission to carry out the provisions for such appropriation.

Also: Assembly Bill No. 976—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino forest reserve, and to make an appropriation therefor.

Also: Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Also: Senate Bill No. 14—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

Also: Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Also: Senate Bill No. 492—An Act to amend Sections 1171 and 1174 of the Penal Code of California, relating to the preparation and settlement of bills of exception in criminal cases.

Also: Senate Bill No. 514—An Act to amend Section 2955 of the Civil Code of California, relating to what personal property may be mortgaged, by adding a new subdivision thereto, providing that saw-milling machinery and outfits used therewith may be mortgaged.

Also: Senate Bill No. 619—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454a, allowing the plaintiff in an action upon a contract of insurance, wherein exemption from liability is claimed by the defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.

Also: Senate Bill No. 620—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered 437a, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance.

Also: Senate Bill No. 512—An Act to amend Section 1490 of the Code of Civil Procedure of the State of California, relating to notice to creditors.

Also: Senate Bill No. 612—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602a, relating to corporations sole.

Also: Senate Bill No. 645—An Act making an appropriation of \$4,000, to be expended by the Trustees of the State Normal School at Los Angeles, for any assessments levied by the City of Los Angeles on the land of the State Normal School of Los Angeles, California, for pavement, sidewalk, curbs, gutters, and other improvements on Grand Avenue and Fifth Street, fronting on said property.

Also: Senate Bill No. 602—An Act to amend the Penal Code by adding thereto two new sections, to be designated as Sections 367b and 367c, to provide against the offense of hazing.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Concurrent Resolution No. 13 ordered to enrollment.

Assembly Bill No. 340 read first time, and referred to Committee on Insurance and Insurance Laws.

Assembly Bill No. 649 read first time, and referred to Committee on Hospitals and Asylums.

Assembly Bills Nos. 704, 922, 885, 966, and 537 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 701, 842, and 932 read first time, and referred to Committee on Education.

Assembly Bill No. 901 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 861 read first time, and referred to Committee on Public Morals.

Assembly Bills Nos. 872, 38, 102, 635, and 976 read first time, and referred to Committee on Forestry and Water Preservation.

Assembly Bill No. 490 read first time, and referred to Committee on Fish and Game.

Assembly Bills Nos. 828, 446, 789, and 987 read first time, and referred to Committee on Finance.

Assembly Bills Nos. 886, 948, 952, and 953 read first time, and ordered on file without reference to committee.

Senate Bills Nos. 240, 14, 100, 492, 514, 619, 620, 542, 612, 645, and 602 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as amended Senate Bill No. 650—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 20, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

Also: Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigation.

Also: Senate Bill No. 244—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Also: Senate Bill No. 174—An Act to amend Section 3414 of the Political Code, relating to actions to determine the right to purchase State lands.

Also: Senate Bill No. 501—An Act to amend Section 1771 of the Political Code, relating to the power of county boards of education.

Also: Senate Bill No. 629—An Act to amend Section 499 of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different managements.

And respectfully ask your honorable body to concur in said amendments.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 650?"

On page 8, printed bill, strike out all of Section 9.

Also: On page 4, line 38 of the printed bill, strike out the word "plastering."

Also: On page 4, line 39 of the printed bill, after the word "work," insert the following: "fourth, for the plastering work."

Also: On page 4, lines 39, 40, and 41 of the printed bill, strike out the words "fourth," "fifth," "sixth," and "seventh," and insert in lieu thereof the following: "fifth," "sixth," "seventh," and eighth."

The roll was called, and the above Assembly amendments to Senate Bill No. 650 concurred in by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

Senate Bill No. 650 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 58?"

Insert in line 21, page 2, printed bill, after the word "drainage" the words "five thousand dollars."

Also: Insert after the word "dollars," on line 18, second page, printed bill, the following: "also for the preparation of plans for the removal of seepage and surplus water by drainage, and investigations of the use of different kinds of power and appliances for drainage, five thousand dollars."

Also: Insert in the title, in line 3 thereof, after the word "State," as follows: "and providing for drainage and investigations of the use of different kinds of power and appliances for drainage."

Also: Amend by striking out in line 1, Section 3, page 2, printed bill, the words "sixty-eight," and insert in lieu thereof "seventy-three."

The roll was called, and the Senate refused to concur in above Assembly amendments to Senate Bill No. 58 by the following vote:

AYES—None.

NOES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Leavitt, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

Whereupon the President directed the Secretary to request the Assembly to recede from its amendments to Senate Bill No. 58.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 244?"

Amend Senate Bill No. 244 as follows: By adding after the word "newspaper," line 7, Section 1, first page of the printed bill, the words "of general circulation."

The roll was called, and the Assembly amendment to Senate Bill No. 244 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Leavitt, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—Senator Mattos—1.

Senate Bill No. 244 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 174?"

Amend by adding after the word "determined," in line 21, Section 1 of the printed bill, the following: "provided, that when any contest arises as provided for in this section and Section 3414 of this Code, there must be filed with the Surveyor-General a statement by the contestant of the grounds of contest, and such statement, other than as to matters of record or law, must be corroborated by the affidavit of some competent person having personal knowledge of the facts set forth therein.

"Sec. 2. This Act shall take effect immediately."

The roll was called, and the Assembly amendment to Senate Bill No. 174 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Senate Bill No. 174 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 501?"

Amend by striking out all of lines 36, 37, 38, and 39, second page, printed bill, and inserting in lieu thereof the following:

5. To adopt a list of books and apparatus for district libraries and books for supplementary use in primary and grammar schools in their respective counties and cities and counties, as required by section seventeen hundred and twelve of the Political Code; *provided*, that no pupil shall be required to purchase said supplemental books, and pupils must be expressly notified by teachers that it is not required or desirable that such books for such supplemental use be purchased by pupils or parent. When supplemental books are purchased they must be paid for by the school district. Except in cities having a city board of education, to prescribe and enforce in the public schools a course of study and the use of a uniform series of text-books.

Also: Amend by striking out all of lines 74, 75, 76, 77, 78, 79, and 80, on third page of printed bill, and inserting in lieu thereof the following:

8. Except in cities having boards of education, to issue diplomas of graduation from any of the public schools of the county, which diplomas shall be designated by the superintendent of public instruction, and be distributed as other blanks from his office. Said diplomas of graduation shall be signed by the president and secretary of the county board of education and by the principal and grade teacher of the school, and shall admit without examination the holder thereof to any high school in the State.

The roll was called, and the above Assembly amendments to Senate Bill No. 501 concurred in by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Mattos, McArthur, McKee, Miller, Muentner, Nelson, Price, Rambo, Reilly, Rush, Savage, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Senate Bill No. 501 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 629?"

Amend by striking out the words "a block, within the meaning of this section, shall be construed to mean a distance of six hundred feet, exclusive of cross streets and intersecting streets," on lines 15, 16, and 17, second page, printed bill.

The roll was called, and the Assembly amendment to Senate Bill No. 629 concurred in by the following vote:

AYES—Senators Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Mattos, McArthur, Muentner, Nelson, Price, Rambo, Reilly, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Senate Bill No. 629 ordered to enrollment.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 2, 1907.

To the Senate of the State of California:

I respectfully return to you, without my approval, Senate Bill No. 427, entitled "An Act to declare the highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley, to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road, a State highway."

The entire absence of the verb in the first sentence of Section 1 makes the Act meaningless. I presume it was the intention of the Legislature to declare the road described in the Act to be henceforth a State highway.

In the absence of this defect in the phraseology of the bill, I consider it most unwise for the State to accept any road as a State highway until there has been a full and complete investigation of the road by the Commissioner of Highways, both to determine its present condition as well as its future usefulness.

From the limited opportunity I have had to investigate this particular road, I am led to believe that a considerable portion of it exists only in the imagination. To complete the same and make it serviceable would require the expenditure of a vast sum of money with little benefit to the people of the State.

J. N. GILLET,
Governor of the State of California.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 427 sustained by the following vote:

AYES—Senator Caminetti—1.

NOES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Keane, Leavitt, Mattos, McCartney, Muentner, Nelson, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Wolfe, and Wright—22.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 2, 1907.

To the Senate of the State of California:

I have the honor to inform your honorable body that on March 1, 1907, I made the following appointment:

Geo. W. Reed, of Oakland, a member of the Board of Directors of the California Institution for the Deaf and Blind, vice A. J. Ralston, name withdrawn.

I respectfully ask the consent of the Senate to the above-named appointment.

J. N. GILLETT,
Governor of the State of California.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of the above message from the Governor be made a special order for Monday, March 4, 1907, at eleven o'clock A. M.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 582—An Act to provide for the protection and preservation of public highways from damage by storm and flood waters and from the filling up and changes in the channels of rivers or streams, and to authorize the expenditure of public moneys for the purpose thereof, and preventing such changing of channels and injury to roads and highways, and also repealing the Act of April 1, 1897; providing for the protection and preservation of public highways from damage by storm waters, and floods, etc., and all other Acts in conflict herewith—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 837—An Act relative to estrays, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

MATTOS, Chairman.

Assembly Bill No. 582 ordered on Assembly special file for second reading.

Senate Bill No. 837 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 2, 1907.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 862—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522a thereof, relating to the certification of the monthly statement of the secretary of the Board of State Harbor Commissioners to the State Controller, and the employment of a certified public accountant therefor—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

Also: Senate Bill No. 801—An Act to provide for the improvement, protection, and management of wharves, docks, piers, and certain of the water-front lands and premises at the City of Oakland, and for the possession and control thereof, defining the limits thereof; creating a Board of State Harbor Commissioners therefor; providing for the manner and time of their and their successors' appointment; defining their powers, jurisdiction, duties, and qualifications; fixing their terms, salaries, and bonds; providing

for the filling of vacancies in said board, for the appointment, salaries, and removal of officers and employés thereof, for the collection, deposit, and disbursement of the revenues and funds arising from the carrying into effect of this Act; creating the Oakland Harbor Improvement Fund; appropriating public moneys to carry this Act into effect; defining the duties of certain State officers with reference to said board, said lands and premises, said revenues and fund; declaring and defining a misdemeanor for, and providing for the punishment as a misdemeanor of any person upon conviction of the violation of the lawful rules or regulations of said board, and giving jurisdiction to any police court of the City of Oakland in cases of such misdemeanor—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute therefor do pass.

ROLLEY, Chairman.

Senate Bill No. 801 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to have Senate Bill No. 862 taken up for consideration.

Senate Bill No. 862—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522a thereof, relating to certification of the monthly statement by the Secretary of the Board of State Harbor Commissioners to the State Controller, and the employment of a certified public accountant therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

MOTION.

On motion of Senator Rolley, the substitute for Senate Bill No. 801 as prepared by Committee on Commerce and Navigation, was ordered printed in the Journal.

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 801.

An Act establishing a Board of State Harbor Commissioners for a part of the Bay of San Francisco lying in front of the City of Oakland, to be known as the Board of State Harbor Commissioners for the City of Oakland, and defining its jurisdiction, powers and duties.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A board, to be known as "The Board of State Harbor Commissioners for the City of Oakland," is hereby established, constituted as hereinafter set forth, with the powers and duties hereinafter prescribed, and such other powers and duties as may be granted to and imposed on the same by law.

Said board shall consist of the Governor of the State, the Mayor of the City of Oakland, and three persons appointed by the Governor of the State. At least two of the persons so appointed shall be citizens of the City of Oakland. The persons who for the time being are filling the offices respectively of Governor of the State and Mayor of the City of Oakland shall ex officio during the terms of their respective offices be members of said board. The other members of said board shall hold their offices for the term of two years and until their successors are appointed and qualified. A majority of said board shall constitute a quorum for the transaction of business. The board shall appoint a secretary, and such other officers and employés as from time to time may be deemed necessary. Such officers and employés shall hold for a term of two years from the date of their respective appointments, but may be removed by the board at any time, after due investigation, for causes affecting their official character or competency. The order for such removal, stating the grounds or causes therefor, must be entered on their minutes. In case of a vacancy in such offices, or any of them, by the expiration of a term, or for any other cause, the board must fill the same by an appointment for two years.

The secretary and the other officers and employés of the board shall perform such duties as the board may require and shall enforce and carry into effect such rules and regulations, as the board may from time to time adopt. The secretary shall safely keep and be responsible for all moneys paid into the office, and for all the books and papers of the board, attend their meetings and keep a perfect record of their proceedings, with the names of the commissioners present thereat. He must keep in proper books an account of all moneys received and paid, and on or before the fifth day of each month must send to the State Controller a statement thereof,

under oath, for the preceding month, showing the dates and sources from which such moneys were received, and the purposes for which they were paid, and must also report to the Controller the amount paid to the State Treasurer for the month covered by such statement. When money is received from any source, he must retain a stub corresponding in number, date and amount with the receipt given therefor, and he must require the person paying it to sign said stub. He must record at length all contracts and agreements made by the board, and keep a record of all personal property purchased, and its cost; and in case any be sold, the name of the purchaser, date of sale, and the price received therefor. Before entering on the duties of his office, he must give an official bond in the sum of ten thousand dollars, and take and subscribe an official oath. Said bond must be approved by the board by written endorsement thereon, and be filed with such oath in the office of the Secretary of State. The board may require any of its officers or employees to take and subscribe an official oath, and give such official bond as the board may require, subject to their approval, to be endorsed thereon. Said bond and oath must be filed in the office of the board. The board may when necessary employ an engineer, at a per diem not to exceed fifteen (15) dollars for each day actually employed.

SEC. 2. Said board shall have jurisdiction, possession and control, for the purposes set forth in this Act, and none other, of so much and such parts of the Bay of San Francisco, or the lands constituting the bed of the same, whether now submerged or reclaimed by natural or artificial causes, as may be owned by the State of California, in the County of Alameda, and within the following described boundaries, to wit:

That part of the Bay of San Francisco, bounded on the eastern side by the line of ordinary low tide as the same existed on May 1, 1852; on the western side by the pier-head line as the same is now or shall hereafter be lawfully established by or under the authority of the Government of the United States; on the southern end by the north jetty or training wall of San Antonio Estuary, and on the northern end by a line drawn parallel with and fifty feet north of the long wharf of Central Pacific Railway Company as the same is now located.

The jurisdiction of said board shall be for the following purposes to wit: the sole and exclusive possession, management and control of said lands and of the waters covering them and of all wharves and other structures thereon and of all rights, easements and appurtenances connected therewith or appertaining thereto, for the purposes herein mentioned and for such purposes only, saving and reserving, however, to all persons who occupy or exercise control over any such lands, wharves, or other structures under valid grants thereof, or of any right to occupy or use the same, whether indefinitely or for a fixed term, all rights so acquired or held, whether the same be derived through or from the State or the City of Oakland or by prescription against the State or said city.

SEC. 3. The commissioners may, by and with the consent and advice of the Attorney-General, institute and prosecute to final judgment actions in the name of the people of the State of California, for the possession of any and all parts of the lands and premises described in this Act, or for the enforcement of any agreement, lease or contract entered into by the commissioners in behalf of the State, by virtue hereof or of any general or special law, or for the collection of any money due, or that may become due by virtue of such general or special law or of this Act; and the commissioners may also institute and prosecute to final judgment, actions for the removal of all unlawful obstructions in or upon said premises, or for the removal of all or any unlawful obstructions in or upon the streets leading to or running upon or through the said premises. They may also remove any unlawful obstructions thereon after the owner, possessor, or occupant of such obstructions shall have five days' notice, in writing, to remove the same, either served on such owner, possessor, or occupant or posted upon said obstruction by the secretary of said board.

The board shall have power by and with the consent and advice of the Attorney-General, to begin and prosecute to final judgment in the name of the people of the State of California, actions in the proper courts against any and all persons claiming any lands, wharves, structures or easements within the boundaries herein specified, or maintaining any wharves, docks or other structures or obstructions therein, requiring such persons to set forth the nature and extent of their rights and interests; and said rights and interests may be determined by the judgment of the court rendered in such actions, in the same manner and to the same extent as in the case of actions brought under the provisions of the Code of Civil Procedure to determine adverse claims to real property; and said board generally to have power in like manner to commence and maintain in the name of the people of the State of California, all actions which may be necessary and proper to the execution of the powers and duties of said board, and to be entitled to all remedies allowed by law for the enforcement of any judgment recovered in any action brought under the provisions of this section.

SEC. 4. Within the area described in Section 2 of this Act the said board shall make leases of portions of said land, upon the terms and conditions and in the manner hereinafter stated, to any company or corporation owning or operating or bona fide engaged in constructing a railroad in whole or in part within the State of California, for the purposes of terminals and for other railroad and shipping purposes;

provided, that no such lease shall be made for a period of more than fifty years; *and provided further*, that not more than one thousand (1,000) feet of said land fronting upon the Bay of San Francisco within the said area shall be leased to or be held or occupied by any company or corporation owning or operating railroad lines wholly within the State of California, and that not more than twenty-five hundred (2,500) feet of the frontage of said land on the Bay of San Francisco shall be granted to or be held or occupied by any company or corporation owning or operating or incorporated for the purpose of owning and operating an interstate line of railway; *and provided further*, that no lease shall be granted to any company or corporation for a frontage of said lands upon said bay which, together with any frontage thereon then occupied or held by it under any claim of right, shall exceed the maximum for such corporation hereinbefore prescribed, but such company or corporation may, if it so elect, include such premises so claimed by it within its application for any such lease, and the acceptance of such lease including such premises by such company or corporation, shall not be deemed a waiver or surrender by it of any right of occupancy or use of such premises then validly held by it; *and provided further*, that no lease hereunder shall be made to any corporation whose road is leased in whole or in part to, or is operated or to be operated under agreements or otherwise by, another company or corporation which enjoys under this Act the extent of water frontage hereinbefore mentioned under any lease made by said board, or to any corporation in which a majority of the stock is owned or otherwise controlled by another corporation enjoying the said extent of water frontage hereunder, or in which a majority of the stock is owned or otherwise controlled by persons owning or controlling another corporation enjoying under the provisions of this Act such water frontage to the extent hereinbefore mentioned. Any lease which is made in violation of the terms of this Act shall be void, and the said board shall have the right of re-entry upon the premises leased.

The rental to be reserved in all leases made under the provisions of this section shall be at the rate of not more than one dollar per front foot per annum of the water frontage of the premises leased. No dockage, wharfage or tolls shall be imposed or collected by the State or the City of Oakland for the use of any dock, wharf or pier on any lands that may be leased pursuant to the terms of this Act during the term of any such lease; *provided* such dock, wharf or pier shall be or shall have been constructed and shall be maintained at the cost and expense of the railway company securing the said lease, or at the cost and expense of its predecessor in interest.

By "water frontage" or "frontage" in this Act is meant frontage on the Bay of San Francisco, within the boundaries above described, and all water frontage so leased under the provisions of this Act shall be measured on a line running due north from the west end of the north jetty or training wall of San Antonio Estuary as the same now exists.

SEC. 5. Said board shall have power to direct surveys to be made of any lands within said area, and may require any railroad company or corporation that may apply for any frontage or area of land to pay the costs of any survey of the lands embraced within the application of such railroad company or corporation, before final action is taken in the matter of such application.

SEC. 6. Before any lease for the purpose of terminals, or other railroad purposes, shall be made covering any part of said lands, an application shall be filed with the secretary of said board by the applicant desiring to lease such lands, verified by an officer of said corporation, setting forth the name of the applicant; the purposes for which it is incorporated; the number of miles of railroad owned and operated by it in the State of California and elsewhere; the number of miles which are in actual course of construction in the State of California and elsewhere; the amount and general description of the water frontage on said bay owned, held or enjoyed by it; the purposes and time for which the lease is desired; and a general description of the particular lands desired to be leased; and said application shall also contain a statement that the applicant has not leased and does not intend to lease in whole or in part, its railroad to any corporation already enjoying water frontage under this Act, and that a majority of its stock is not controlled, directly or indirectly, by any other corporation which already enjoys such frontage or by any person or persons who control such corporation already enjoying such frontage, with the further statement that the applicant does not enjoy (either through ownership, lease, license, agreement or otherwise, by itself or through other railroad corporations of which it has the management or the control, or which are managed or controlled by the same persons who manage or control the applicant, directly or indirectly) frontage on the Bay of San Francisco granted under the provisions of this Act to the maximum extent above mentioned.

SEC. 7. Upon receipt of said application the said board shall at its first meeting thereafter, fix a time and place for the hearing of said application, and shall direct notice of the time and place of said hearing to be given by the secretary by publishing in at least three papers of general circulation in the State of California in which legal notices may be published, one of which shall be a newspaper published in the City and County of San Francisco, and one of which shall be a newspaper published in the City of Oakland, for at least once a week for the period of thirty days, a notice of the time and place of hearing such application. Any persons may file objections to the granting of said lease, setting forth briefly the grounds of such

objections, at any time before the day of hearing set as aforesaid. Upon the day set for hearing or at any time to which the hearing may be continued, the board may hear the application and receive evidence relative to the said application and any objections urged against the same, and shall make the said lease on such terms as it may designate in accordance with the provisions of this section. The costs of all advertising and notices shall be paid by the applicant, and the secretary before filing any application shall demand such sum as he deems advisable to cover the necessary costs of such advertising and notice and shall refuse to file the same unless such costs are paid in advance.

Sec. 8. Priority of application shall not give priority in right in case of any application for a lease. If conflicting applications are made, the existing terminal facilities of the several companies shall be considered by the board, and preference shall be given to the company whose necessities for the facilities applied for shall be the greater, reasonable regard being had to the interests of the public as well as to the interests of the applicant, and preference in such case shall also be given to any corporation owning or operating railroads in more than one State as part of an entire system, or incorporated for the purposes of operating and owning railroads in more than one State as part of an entire system and either actually operating such interstate railroad or bona fide engaged in constructing such interstate railroad.

Sec. 9. No lease hereunder of any of the lands hereinbefore described shall be made to any corporation, unless the same is actually operating a line of railroad in the State of California of at least 50 miles in length, or unless such corporation has bona fide in course of construction at least one hundred miles of railroad in the State of California.

The board shall make no lease of any such land except for actual occupancy and use; such occupancy and use must be for railway terminal and ferry shipping purposes, and the lease shall be so conditioned; and if the land is not used for such purposes the lease may be forfeited by such board.

So long as any lessee hereunder shall in good faith comply with the terms and conditions of its lease and of this Act, it shall have the exclusive and undisturbed possession and control of the premises covered by its said lease.

All leases that may be made pursuant to the terms of this Act shall be subject to the condition that the improvements shall be of such nature as will not conflict with the paramount authority of the United States Government over the navigable waters of the bay.

Said board shall have power to lease a less frontage and area than may be prayed for by any applicant, or if several applicants shall make application for the same parcel of land, said board shall have power to apportion such area and frontage by making leases to said applicants in such manner as it may deem proper and for the best interests of commerce, subject to the provisions hereinbefore contained.

Sec. 10. Every lease made pursuant to the provisions of this Act shall be signed by a majority of the members of the board and attested by the secretary of the board.

Sec. 11. Every lessee of lands under this Act shall within six months from the date of its lease proceed to improve the premises leased for the purposes therein prescribed, and shall proceed with reasonable diligence to construct said improvements, and in the event of failure to so begin the improvement of the same and to proceed with reasonable diligence to construct said improvements, said lease shall be forfeited.

Sec. 12. All moneys collected under the provisions of this Act shall be paid into the State treasury, and be credited to a fund to be known as the "Oakland Harbor Improvement Fund," at least once each month, except so much thereof as may be necessary to pay the salaries of officers, office rent, cost of office furniture, books, stationery, lights, fuel, and other incidental expenses.

Sec. 13. The commissioners shall take vouchers for all sums of money by them expended under the authority of this Act, and safely keep the same on file in the office of the board. For all sums of money going into, and to be drawn from, the State treasury, under the authority of this Act, drafts shall be drawn by said board on the Controller of State, countersigned by the secretary of the board, and the Controller of State shall draw his warrant on the State Treasurer, who shall pay the same out of any money in said treasury credited to the Oakland Harbor Improvement Fund. No warrant shall be drawn by the Controller upon the Treasurer of the State, as provided in this section, unless the order bears the signature of three commissioners, and of the secretary of the board.

Sec. 14. The commissioners shall, on or before the first day of November, A. D. nineteen hundred and eight, and every two years thereafter, make to the Governor a full report of all moneys by them received or disbursed, stating, specifically, for what the same was received and for what purpose expended.

Sec. 15. All official bonds required to be given by the authority of this Act shall be to the people of the State of California.

Sec. 16. The board shall procure and adopt a seal.

Sec. 17. The commissioners shall act without compensation. The secretary shall receive a salary of two thousand dollars (\$2,000) per annum. The board shall fix the compensation of all other employes. Nothing herein contained shall be construed as creating the office of engineer, nor shall his employment extend beyond the particular service for which he is employed.

SEC. 18. The Attorney-General shall act as the attorney for said board; and said board or the Attorney-General shall have the power to begin and prosecute actions to enforce forfeitures and all other actions hereunder. All actions in which said board is an interested party shall be brought in the name of the people of the State of California.

SEC. 19. Except as to the appropriation provided for in Section 20 hereof, no greater amount of money shall be expended or contracted for in any one year than the income received for such year under the provisions of this Act.

SEC. 20. The sum of ten thousand dollars is hereby appropriated out of any funds belonging to the State coming to or remaining in the General Fund and not otherwise appropriated, in order to carry into effect the provisions of this Act, and said sum shall forthwith upon the passage of this Act be transferred by the State Treasurer to the Oakland Harbor Improvement Fund from any funds coming to or remaining in the General Fund and not otherwise appropriated. And thereafter such moneys so transferred or any moneys accruing to said Oakland Harbor Improvement Fund shall be used exclusively for the purposes of this Act, or in such other manner as may hereafter be provided by law, and shall be paid out of said fund, in the manner above provided concerning moneys in said Oakland Harbor Improvement Fund, upon drafts signed by a majority of the commissioners drawn on the Controller of State and countersigned by the secretary of said board, and upon the warrant of said Controller of State upon the State Treasurer corresponding in amount to such draft, or to so much thereof as there shall be funds in said improvement fund to meet.

The State of California shall in nowise be responsible for any moneys or funds except such only as shall come into and become part of said Oakland Harbor Improvement Fund.

SEC. 21. All Acts and parts of Acts in conflict herewith are hereby repealed.

SEC. 22. This Act shall take effect from and after its passage.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 2, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 498—An Act authorizing the payment of a claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 414—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 636—An Act to amend Section No. 296 of the Political Code of California, relating to mileage of members of the Legislature—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

Senate Bill No. 498 ordered on file for second reading.

Assembly Bills Nos. 414 and 636 ordered on Assembly special file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 458—An Act prohibiting the placing, painting, printing, sticking, posting, or otherwise affixing upon any fence, structure, pole, rock, or other object, which is the property of another, any word or words, device, trademark, advertisement, or notice, except such as required by law, without having first obtained the consent in writing of the owner or tenant of said property, and providing a penalty for the violation thereof, and providing for the obliteration of any word or words, device, trademark, or notice placed, printed, painted, stuck, posted, or otherwise affixed upon any fence, structure, pole, rock, or other object, in violation thereof.

Also: Senate Bill No. 810—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

Also: Assembly Bill No. 512—An Act regulating the hours of labor of women, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

Also: Senate Bill No. 883—An Act to protect all citizens in their civil and legal rights and to fix a penalty for violation thereof.

Also: Senate Bill No. 884—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, and amended March 2, 1903, in relation to cruelty to animals

and the arrest, trial, and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Also: Assembly Bill No. 364—An Act to amend Section 5 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the compensation of local inspectors working under county boards of horticultural commissioners.

Also: Senate Bill No. 919—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, relating to eminent domain and the purposes for which it may be exercised.

Also: Senate Bill No. 857—An Act to amend Section 530 of the Code of Civil Procedure of the State of California, relating to injunctions.

Also: Senate Bill No. 875—An Act to amend Section 73 of the Code of Civil Procedure relative to sessions of the Superior Court.

Also: Assembly Bill No. 648—An Act compelling the attendance of children at schools where tuition, lodging, food, and clothing are furnished at the expense of the United States.

Also: Assembly Bill No. 860—An Act to amend Section 590 of the Penal Code and to add a new section to said Code, to be numbered Section 590a, relating to the removal, injury, destruction, breaking, or defacing of mile boards, posts, or stones, or guide posts on or near highways; to the punishment thereof and to the disposition of fines collected therefor.

Also: Senate Bill No. 908—An Act to repeal Section 145 of the Political Code of the State of California.

Also: Senate Bill No. 907—An Act to amend Section 852 of the Political Code of the State of California.

Also: Assembly Bill No. 602—An Act to amend Section 427 of the Code of Civil Procedure.

Also: Senate Bill No. 663—An Act to amend Section 102 of the Civil Code of the State of California, relating to desertion in connection with actions of divorce.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 750—An Act to amend Section 2004 of the Code of Civil Procedure, stating the definition of a deposition.

Also: Assembly Bill No. 751—An Act to amend Section 2024 of the Code of Civil Procedure, relative to the manner of taking depositions out of the State.

Also: Assembly Bill No. 551—An Act entitled "An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Also: Senate Bill No. 886—An Act to provide for the printing and distribution of proposed bills and amendments to the Constitution offered by members of the Legislature and by members-elect thereto; to define the duties of the Secretary of State and of the Superintendent of State Printing in relation to such proposed bills and amendments, and to provide for the payment of the cost of printing and distribution thereof.

Also: Senate Bill No. 559—An Act to amend Section 396 of the Code of Civil Procedure, relating to the place of trial of civil actions.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 871—An Act providing for the inspection of sheep, the appointment of a Board of Sheep Commissioners and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same.

Also: Assembly Bill No. 587—An Act adding a new section to the Political Code of the State of California, to be numbered 1893, relating to duties of school trustees and city boards of education regarding fraternities in public schools.

Have had the same under consideration, and respectfully report committee substitutes therefor, and recommend that the substitutes do pass.

LUKENS, Chairman.

Assembly Bills Nos. 438, 512, 364, 648, 860, 602, 750, 751, 551, and 587 ordered on Assembly special file for second reading.

Senate Bills Nos. 810, 883, 884, 919, 857, 875, 908, 907, 663, 886, and 559 ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Rolley asked for and was granted unanimous consent to have Senate Bill No. 871 taken up for consideration.

Senate Bill No. 871—An Act providing for the inspection of sheep, the appointment of a Board of Sheep Commissioners, and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 871.

An Act providing for the inspection of sheep, the appointment of a Board of Sheep Commissioners, and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation thereof.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That a State Board of Sheep Commissioners be, and the same is hereby created.

SEC. 2. The State Board of Sheep Commissioners, hereinafter called the board, shall consist of six members, one of whom shall be the State Veterinarian, acting as ex officio member, and five others to be appointed by the Governor, all of whom shall be experienced wool-growers, no two of whom shall be from the same county, and to hold their office for four years, or until their successors are duly appointed and qualified. Each of said commissioners before entering upon the duties of his office shall take and subscribe to the constitutional oath of office and enter into a bond with at least two sureties in the penal sum of twenty-five hundred dollars (\$2,500.00) payable to the State of California, and conditioned for the faithful performance of the duties of his office, which bond shall be approved by the Governor and filed in the office of the Secretary of State. The members of said board shall each receive for his services six hundred dollars (\$600.00) per annum, and actual expenses shall be paid from the treasury. Each member of said board shall be a qualified elector from the county from which he is chosen and an experienced wool-grower within the State, and must reside during his term of office within the State. Said board must hold their meetings quarterly, and oftener, if so requested by any member of the board.

SEC. 3. The board shall elect one of its members president, and the board shall appoint a secretary, prescribe his duties, and fix his salary, which shall not exceed one thousand dollars per annum. The board shall maintain an office. The maintenance of such office and the secretary's salary shall be paid from the State treasury in the same manner as the salaries and expenses of State officers. The board shall audit all bills of salaries and expenses incurred in the enforcement of this Act that may be payable from the Sheep Inspection Fund, and if found correct, shall certify the same to the Board of Examiners. The board shall make an annual report to the Governor on or before the fifteenth day of December in each year, giving a statement of the transactions of the board and facts relating to the condition of the sheep industry in this State. The board shall have power to order an inspection for quarantine of any sheep in the State, compel dipping at such times and as often as it deems necessary to insure the eradication of "scab," and divide the State into such districts as may be necessary for the enforcement of this Act. The board shall have power to make, adopt, and enforce such rules and regulations (not in conflict with the provisions of the State Constitution or the laws of this State) as the board may deem necessary for the enforcement of the provisions of this Act. It shall be the duty of the State Board of Sheep Commissioners to furnish, on or before the first Monday in September of each year, to the board of supervisors of each county in this State, an estimate of the amount of money in the Sheep Industry Fund, and the estimated value of the sheep in each county, and the estimated rate of tax on each one hundred dollars of such valuation necessary to raise sufficient funds for paying the expenses to be incurred under the provisions of this Act during the next year.

SEC. 4. The board of supervisors of each county in this State at the time of the annual levy of county taxes must levy a tax not to exceed ten mills on the dollar of the assessed valuation of the sheep in their respective counties. Said tax shall be levied and collected in the same manner as State and county taxes, and the county treasurer of each county shall report the same to the State Controller and pay the same into the State treasury in the same manner and at the same time as State taxes are reported and paid. The said taxes shall be kept in the State treasury as a separate fund to be known as "The Sheep Inspection Fund."

SEC. 5. The county auditor must on or before the first Monday in August of each year prepare from the assessment book of each year, as corrected by the board of supervisors of each county and the State Board of Equalization, a statement showing the total number of all sheep assessed and the valuation of the same. The county treasurer must notify the State Board of Sheep Commissioners of all moneys forwarded to the State treasury belonging to the State Sheep Inspection Fund at the time said moneys are forwarded to the State treasury. Also, make final report to the said board at the time he makes settlement with the State Controller.

SEC. 6. The board shall have charge of the enforcement of the provisions of this Act, and of all rules and regulations made and adopted by it. The board shall employ such inspectors as may be necessary, and said inspectors shall file a bond in the sum of

one thousand dollars (\$1,000.00), payable to the State, and conditioned for the faithful performance of their duties, and said bond shall be approved by the board. Such inspectors shall receive five dollars (\$5.00) per diem for each day's work actually performed, to be paid from the Sheep Inspection Fund. The board must keep a book, to be known as "The Inspection Book," in which they must enter their official acts. Such records must show, every flock of sheep inspected, and the number contained therein, the time when and the place where the same was inspected.

SEC. 7. The inspectors, and any member of the board, shall have the right at all times to enter any premises, farm, field, pen, slaughterhouse, building, or car where any sheep are quartered for the purpose of examining them, in order to determine whether they are affected with the disease known as scabies. The board shall have the power to quarantine any corral, pen, slaughterhouse, building, or car where sheep may have been or are being handled, and compel the cleaning and disinfecting of the same when deemed necessary for the purposes of this Act. When owners or persons in charge of such places shall after forty-eight hours' written notice refuse to clean or disinfect them, the inspector shall have the right to take charge of such places, cause the same to be cleaned and disinfected, and the expense of such cleaning and disinfection must be paid by the person in charge, or the owner, and shall be a lien upon such premises, corrals, pens, slaughterhouse, buildings, cars, etc., until such expense is paid.

SEC. 8. Inspectors shall report to the board in writing and as often and at such times as may be requested by such board.

SEC. 9. Each inspector must inspect all the sheep within the district assigned to him, when so ordered by the board, and must make and issue a certificate or bill of health for all sheep whose owners have complied with the law and the orders, rules and regulations made and adopted by the board, describing the sheep, giving the number, together with the marks and brands thereon, which will entitle the owner or agent in charge to pass with such sheep from one district to another in this State. The inspector shall immediately file with the board in duplicate all certificates issued by him.

SEC. 10. When sheep are found affected with scabies they must be quarantined where found, and the inspector must define the place, the limits within which such sheep may be grazed, herded or driven, and such sheep must be held in quarantine until pronounced cured from such disease by the State Board of Sheep Commissioners. The expense of dipping, hand-dressing, spotting, feeding, and taking care of all sheep quarantined under the provisions of this Act, must be paid for by the owner or agent in charge of such sheep; and such expense shall be a lien upon such sheep until paid.

SEC. 11. All sheep in the State affected with or exposed to "scabies" must be dipped at such time or times as may be ordered by the board; such dipping shall be done under the supervision of an inspector, and the dip used in all such cases must be one approved by the State Board of Sheep Commissioners; *provided, however*, that ewes due to lamb within thirty days shall not be subject to the provisions of this section.

SEC. 12. When any owner or person in charge of sheep shall bring such sheep into this State, upon entering from an adjoining state or territory for the purpose of grazing, he shall notify the board or an inspector, in writing, of such fact immediately after entering the State, stating the time when, the place where such sheep did enter, and the number of such sheep; *provided, however*, that the owner or person in charge of sheep in transit on the car shall not be required to give notice unless they shall remain in the State, or are unloading to feed or rest for a longer period than forty-eight hours.

SEC. 13. In no case shall any sheep affected with scabies be moved along the public highway or across the lands of another without a written permit from the board or an inspector.

SEC. 14. Any person owning or having charge of any public dipping vat, or vessel in which sheep are dipped and every owner of sheep or agent in charge of them, who shall refuse or neglect after notice in writing to dip all sheep in the manner prescribed in the preceding sections, or who shall willfully and intentionally fail to observe any and all rules and regulations made and adopted by the board in accordance with the provisions of this act, shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty (50) dollars.

SEC. 15. All claims for salaries of the members of the board shall be paid out of the Sheep Inspection Fund at the same time and in the same manner as the salaries of State officers are paid. All other claims and expenses authorized by this Act shall be executed, approved, audited, allowed, and paid at the same time and in the same manner as other claims against the State.

SEC. 16. Any person who violates any provision of this Act shall be guilty of a misdemeanor, and shall be punished by a fine not less than fifty dollars (\$50.00).

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 2, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 814—An Act to insure the better education of practitioners

of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by Acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McKEE, Chairman.

Assembly Bill No. 814 ordered on Assembly special file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 2, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 718—An Act to amend Section 11 of an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905—have had the same under consideration, and respectfully report the same back, without recommendation.

Savage, Chairman.

Senate Bill No. 718 ordered on file for second reading.

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, March 2, 1907.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Assembly Bill No. 311—An Act to amend Section 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Assembly Bill No. 702—An Act to promote the safety of employes and travelers upon railroads by limiting the number of hours of service of employes thereon, and to provide a penalty for the violation thereof.

Also: Assembly Bill No. 513—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Senate Bill No. 887—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be designated as Section 1674a, relating to contracts involving carriers of newspapers and newspaper carriers' business.

Also: Senate Constitutional Amendment No. 39—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section, to be numbered 21, to Article XX thereof, relative to the number of hours of labor or employment in a calendar day.

Also: Senate Bill No. 799—An Act to establish the payment of weekly wages to certain employes, and providing a penalty for the violation thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEANE, Chairman.

Assembly Bills Nos. 311, 702, and 513 ordered on Assembly special file for second reading.

Senate Bills Nos. 887 and 799 ordered on file for second reading.

Senate Constitutional Amendment No. 39 ordered on file.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 149—An Act to amend Section 3785 of the Political Code of the State of California, relating to the issuance of tax deeds—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McCARTNEY, Chairman.

Assembly Bill No. 149 ordered on Assembly special file for second reading.

BILL RECALLED FROM COMMITTEE AND RE-REFERRED.

On motion of Senator Wolfe, Senate Bill No. 773—An Act to increase the number of judges of the Superior Court of the City and County of San Francisco, State of California, and for the appointment of such additional judges—was recalled from Committee on Judiciary and referred to the San Francisco Delegation.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Concurrent Resolution No. 15, the same was taken up for consideration.

SENATE CONCURRENT RESOLUTION No. 15.

Relative to creating a special legislative committee to inspect sites for State rifle ranges, and to report thereon at the next session of the Legislature.

Resolved by the Senate, the Assembly concurring, That a special committee of the thirty-seventh session of the Legislature, to consist of two Senators, to be appointed by the President of the Senate, and of three Assemblymen, to be appointed by the Speaker of the Assembly, is hereby created, and authorized and empowered to inspect, investigate, and, at the next session of the Legislature, report upon, at least three sites suitable for State rifle ranges in the State of California, as nearly as may be, as follows:

(a) One each near the respective center of population in the northern, central, and southern section of the State;

(b) One each in the mountain, valley, and coast regions of the State;

(c) Consideration shall be given to access to such site by water, rail, or highway.

Senate Concurrent Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 15 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Greenwell, Keane, Kennedy, McCartney, Miller, Muenter, Nelson, Price, Rely. Rush, Sanford, Savage, Walker, Weed, and Wolfe—24.

NOES—None.

Senate Concurrent Resolution ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and twenty minutes A. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two (2) of Article IV thereof, relating to sessions of the Legislature and the limitation of pay of members thereof in extraordinary sessions.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 28 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 1 of Article IV thereof, relating to the legislative power and to certain reservations thereof by the people.

On motion of Senator Caminetti, Senate Constitutional Amendment No. 25 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to Article II of the Constitution of California, by amending Section 2½ thereof, relating to primary elections, so as to permit the direct or other nomination of candidates for public office without conventions.

Senate Constitutional Amendment No. 19 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 464—An Act to amend the Political Code of the State of California, by adding eight new sections thereto, to be numbered 338, 338a, 338b, 339, 339a, 339b, 340, 340a, under a new article to be numbered thirteen (XIII), to be added to Chapter Two (2), Title One (1), Part Three (3) of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

On motion of Senator Sanford, Senate Bill No. 464 was temporarily passed on file, to retain its place.

Senate Bill No. 489—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3½, providing for a petition of remonstrance and written objection, hearings thereon, and the determination thereof by the city council.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Keane asked for and was granted unanimous consent to withdraw Senate Bill No. 489, and substitute therefor on file Senate Bill No. 625.

Senate Bill No. 489 withdrawn and ordered stricken from the file, and Senate Bill No. 625 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 625—An Act relating to the restoration by certain public officers of public records other than court records or public records of private writings when such public records have been lost, injured, or destroyed by conflagration or other public calamity.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 625 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Greenwell, Keane, Kennedy, Mattos, McCartney, Miller, Muentner, Rambo, Reilly, Rush, Sanford, Savage, Weed, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to have Assembly Bill No. 636 taken up for the purpose of amendment.

Assembly Bill No. 636—An Act to amend Section 266 of the Political Code of California, relating to mileage of members of the Legislature.

During second reading of bill, the following amendments were submitted by the committee:

On page 1, line 5, of printed bill, strike out the word "five," and insert in lieu thereof the word "ten."

Amendment adopted.

Also:

After the end of the sentence in line 6, add the following: "During sessions of the Legislature members thereof traveling on the business of either house shall receive for any trip or trips authorized by either house an amount equal to their actual expenses incurred on such trip or trips."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 975, the same was taken up for consideration.

Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years.

During second reading of bill, the following amendment was offered by Senator Belshaw:

On page 3, line 53a, strike out the word "sixteen," and insert in lieu thereof the word "twenty-five."

Amendment adopted.

Also, submitted by committee:

On page 3, line 60, of printed bill, strike out the word "thirty-five," and insert in lieu thereof the word "fifty."

Amendment adopted.

Also:

On page 3, lines 71 and 72, strike out the words "twenty-four hundred," and insert in lieu thereof the words "three thousand."

Amendment adopted.

Also:

On page 4, line 91, after the word "thousand," and before the word "dollars," insert the words "two hundred and fifty."

Amendment adopted.

Also:

On page 4, after line 108, insert the following: "For salary of expert to Board of Examiners, four thousand eight hundred dollars."

Amendment adopted.

Also:

On page 4, lines 113 and 114, strike out the words "one thousand seven," and insert in lieu thereof the words "two thousand two."

Amendment adopted.

Also:

On page 4, after line 117, insert the following: "For purchase from the Federal Government of photolithograph copies of topographical sheets gotten out under State and Government cooperation, to be sold at cost by the State, four thousand dollars."

Amendment adopted.

Also :

On page 7, line 229, after the word "thousand," insert the words "four hundred."

Amendment adopted.

Also, offered by Senator Belshaw :

On page 9, line 283, insert after the word "thousand," the words "six hundred."

Amendment adopted.

Also, submitted by committee:

On page 9, line 286, strike out the word "twelve," and insert in lieu thereof the word "fifteen."

Amendment adopted.

Also :

On page 9, line 297, after the word "thousand," insert the words "six hundred."

Amendment adopted.

Also :

After line 297, on page 9, insert the following:

"For care of State Armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant General, five thousand dollars."

Amendment adopted.

Also :

On page 10, line 316, strike out the words "five thousand" and insert in lieu thereof the words "two thousand five hundred."

Amendment adopted.

Also :

On page 10, line 325, strike out the word "four," and insert in lieu thereof the word "six."

Amendment adopted.

Also :

On page 11, line 338, after the word "thousand" insert the words "two hundred."

Amendment adopted.

Also :

On page 11, lines 340 and 341, strike out the words "two thousand five hundred," and insert in lieu thereof the words "five thousand."

Amendment adopted.

Also :

On page 11, line 357, strike out the word "two," and insert in lieu thereof the word "three."

Amendment adopted.

Also :

On page 5, line 136, strike out the second word "four," and insert in lieu thereof the word "five."

Amendment adopted.

Also :

On page 5, line 143, strike out the word "six," and insert in lieu thereof the word "eight."

Amendment adopted.

Also :

On page 5, line 146, strike out the word "ten," and insert in lieu thereof the word "twelve," and after the word "dollars" insert the words "exempt from Section 4 of this Act."

Amendment adopted.

Also :

On page 5, lines 150 and 151, strike out the words "one thousand two hundred," and insert in lieu thereof the words "two thousand."

Amendment adopted.

Also :

On page 5, after line 162, insert the following: "For repairs to Capitol building and furniture, exempt from Section 4 of this Act, five thousand dollars."
"For purchase of carpets and furniture, exempt from Section 4 of this Act, twelve thousand dollars."

Amendment adopted.

Also :

On page 6, line 172, strike out the word "twenty," and insert in lieu thereof the word "twenty-five."

Amendment adopted.

Also :

On page 6, line 179, strike out the word "five," and insert in lieu thereof the word "twelve."

Amendment adopted.

Also :

On page 6, lines 194 and 195, strike out the words "one thousand five hundred," and insert in lieu thereof the words "two thousand."

Amendment adopted.

Also :

On page 7, line 215, strike out the words "one thousand," and insert in lieu thereof the words "fourteen hundred."

Amendment adopted.

Also, offered by Senator Belshaw:

On page 8, insert after line 256 the following: "For indexing and compiling maps and records of State Tide Lands Commission, four thousand dollars."

Amendment adopted.

Also, submitted by committee:

On page 11, line 361, strike out the word "six," and insert in lieu thereof the word "eight."

Amendment adopted.

Also :

On page 11, lines 362 and 363, strike out the words "three thousand six hundred," and insert in lieu thereof the words "five thousand four hundred."

Amendment adopted.

Also :

On page 11, strike out all of lines 364, 365, 366, 367, and 368.

Amendment adopted.

Also :

On page 12, line 395, strike out the words "eight hundred and fifty," and insert in lieu thereof the words "one thousand."

Amendment adopted.

Also :

On page 12, line 401, after the word "thousand" insert the words "five hundred."

Amendment adopted.

Also :

On page 13, line 411, after the word "thousand" insert the words "five hundred."

Amendment adopted.

Also :

On page 13, strike out from lines 415 to 434, both inclusive, and insert in lieu thereof the following :

" FOR DEPARTMENT OF ENGINEERING.

"For salary of the State Engineer, Department of Engineering, nine thousand six hundred dollars.

"For salary of the State Architect, Department of Engineering, eight thousand dollars.

"For salary of the two Assistant State Engineers, Department of Engineering, twelve thousand dollars.

"For salary of the three Draughtsmen, Department of Engineering, twelve thousand dollars.

"For salary of the Secretary and Stenographer, Department of Engineering, three thousand six hundred dollars.

"For salary of the porter, Department of Engineering, nine hundred and sixty dollars.

"For contingent and traveling expenses, Department of Engineering, ten thousand dollars.

"For improvements and maintenance of Mono Lake Basin road, two thousand five hundred dollars.

"For improvement and maintenance of Sonoma and Mono road, twelve thousand dollars.

"For improvement and maintenance of Lake Tahoe wagon road, ten thousand dollars.

"For printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office for the Department of Engineering, one thousand five hundred dollars."

Amendment adopted.

Also :

On page 13, line 438, strike out the word "thirty-five," and insert in lieu thereof the word "forty."

Amendment adopted.

Also :

On page 13, line 441, strike out the words "two thousand five hundred," and insert in lieu thereof the words "five thousand."

Amendment adopted.

Also :

On page 14, strike out from lines 442 to 453, both inclusive.

Amendment adopted.

Also :

On page 14, line 456, strike out the word "eighty-seven," and insert in lieu thereof the word "eighty."

Amendment adopted.

Also :

On page 14, on lines 459 and 460, strike out the words "two hundred and seventy-one thousand four hundred and forty," and insert in lieu thereof the words "two hundred and sixty-four thousand nine hundred and forty."

Amendment adopted.

Also :

On page 14, line 464, strike out the words "forty-five thousand," and insert in lieu thereof the words "thirty-nine thousand four hundred."

Amendment adopted.

Also :

On page 14, line 468, strike out the words "forty (four) thousand," and insert in lieu thereof the words "thirty-eight thousand three hundred."

Amendment adopted.

Also :

On page 14, lines 472 and 473, strike out the words "two hundred and four thousand two hundred and fifty," and insert in lieu thereof the words "one hundred and ninety-eight thousand and fifty."

Amendment adopted.

Also :

On page 15, line 477, strike out the words "five thousand," and insert in lieu thereof the words "two thousand four hundred."

Amendment adopted.

Also :

On page 15, after line 480, insert the following : " For salaries and contingent expenses of State Lunacy Commission, thirty-three thousand six hundred dollars."

Amendment adopted.

Also :

On page 15, line 501, strike out the words "seven thousand nine hundred and twenty," and insert in lieu thereof the words "ten thousand eight hundred."

Amendment adopted.

Also :

On page 15, line 504, after the word "thousand," insert the words "five hundred."

Amendment adopted.

Also :

On page 16, line 511, after the word "thousand," insert the words "five hundred."

Amendment adopted.

Also :

On page 16, line 518, strike out the word "sixty-five," and insert in lieu thereof the word "seventy-three."

Amendment adopted.

Also :

On page 16, line 520, after the word "sixty," insert the word "five."

Amendment adopted.

Also :

On page 16, line 535, strike out the word "thirty-five," and insert in lieu thereof the word "forty."

Amendment adopted.

Also :

On page 17, line 544b, strike out the word "six," and insert in lieu thereof the word "twelve."

Amendment adopted.

Also :

On page 17, line 554, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "nine hundred."

Amendment adopted.

Also :

On page 17, line 564, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "nine hundred."

Amendment adopted.

Also :

On page 17, line 573, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "nine hundred."

Amendment adopted.

Also :

On page 18, line 583, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "nine hundred."

Amendment adopted.

Also :

On page 18, line 591, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "nine hundred."

Amendment adopted.

Also :

On page 18, line 596, strike out the word "fifty-two," and insert in lieu thereof the word "sixty-two."

Amendment refused adoption.

Also :

On page 19, line 612, strike out the second word "seven," and insert in lieu thereof the word "nine."

Amendment adopted.

Also :

On page 19, line 616, strike out the words "twenty-five hundred," and insert in lieu thereof the words "three thousand."

Amendment adopted.

Also :

On page 19, line 633, strike out the words "twenty-five," and insert in lieu thereof the word "forty."

Amendment adopted.

Also :

On page 19, line 637, strike out the word "one," and insert in lieu thereof the word "two."

Amendment adopted.

Also :

On page 20, line 647, strike out the word "thirty," and insert in lieu thereof the word "fifty."

Amendment adopted.

Also :

On page 20, after line 654, insert the following: "For traveling expenses of the Directors of the State Agricultural Society, one thousand five hundred dollars."

Amendment adopted.

Also :

On page 20, line 657, strike out the word "five," and insert in lieu thereof the word "six."

Amendment adopted.

Also, offered by Mr. Belshaw:

On page 21, insert after line 680 the following: "For support of the State Bureau of Criminal Identification, six thousand dollars."

Amendment adopted.

Also :

On page 22, line 7, strike out the words "board of."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

SPECIAL ORDER SET.

Senator Belshaw moved that the further consideration of Assembly Bill No. 975 be made a special order for Monday, March 4, 1907, at two o'clock P. M.

Motion carried.

MOTION.

On motion of Senator Anthony, the State Printer was authorized and directed to print 5,000 extra copies of Senate Concurrent Resolution No. 10, and 5,000 extra copies of Senate Concurrent Resolution No. 15.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Broughton asked for and was granted unanimous consent to have Assembly Bill No. 915 taken up for purpose of amendment.

Assembly Bill No. 915—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

During second reading of bill, the following amendment was submitted by the committee:

Printed bill, on page 2, Section 1, line 20, strike out the word "counties," and insert in lieu thereof the following: "county."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

MOTION TO RECONSIDER POSTPONED, AND SPECIAL ORDER SET.

In compliance with his notice given on previous day, Senator Leavitt moved that the vote whereby Assembly Constitutional Amendment No. 1—Amending Constitution relative to rights of suffrage—was refused final adoption, be now reconsidered.

The motion was duly seconded.

Senator Leavitt moved that further consideration of the motion to reconsider the vote whereby Assembly Constitutional Amendment No. 1 was refused final adoption be postponed and made a special order for Tuesday, March 5, 1907, at two o'clock P. M.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 887—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing or relocation of bridges over navigable waters between said counties jointly with other persons or corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CARTER, Chairman.

Assembly Bill No. 887 ordered on Assembly special file for second reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Leavitt moved that Senate Bill No. 589—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof"—be withdrawn and stricken from the file, and Assembly Bill No. 456 be substituted therefor.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 456—An Act to repeal Article XVI, of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and Sections 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 456 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Miller, Reily, Rolley, Rush, Sanford, Savage, Weed, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 842—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," by adding a new section thereto, to be numbered Section 9½, providing for the disposition of money raised by the sale of bonds under said Act, whenever it appears to be impracticable to use said money for the purpose for which the bonds were voted.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 842 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Carter, Keane, Leavitt, Markey, Mattos, Miller, Price, Reily, Rolley, Rush, Sanford, Savage, Weed, Wolfe, and Wright—22.

NOES—Senators Bell and Caminetti—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 270—An Act authorizing the regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 270 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Keane, Kennedy, Leavitt, Markey, Mattos, Miller, Price, Reily, Rolley, Rush, Sanford, Savage, Weed, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Black asked for and was granted unanimous consent to withdraw Senate Bill No. 648—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county and township officers of counties of the fourth class—and substitute therefor on file Assembly Bill No. 844.

Senate Bill No. 648 withdrawn and ordered stricken from the file, and Assembly Bill No. 844 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 844—An Act to repeal Title XVI, of Part IV, of Division First, of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 844 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Leavitt, Markey, Mattos, Miller, Muentner, Nelson, Price, Rely, Rush, Sanford, Savage, Walker, Weed, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 14, 15, 17, 20, 22, 35, 47, 56, 57, 60, and 61, by repealing Section 18 and by adding a new section, to be known as Section 55a.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Miller, as a special committee of one, to amend as follows:

By striking out of Section 1, page 2 of the printed bill, in lines 30, 31 and 32, the words "provided, that where a district lies in two or more counties all notices required by this Act to be published shall be published in at least two counties."

Also: By striking out of Section 3, page 3, line 7 of the printed bill, the word "who," and inserting in lieu thereof the following: "each of whom."

Also: Inserting after the word "or," in line 25, in Section 5, page 4, of the printed bill, the words "city or."

Also: By inserting after the period after the word "year," in line 31, of Section 5, page 4, of the printed bill, the words "The term improvements as used in this section includes trees, vines, alfalfa, and all growing crops, and all buildings and structures of whatever class or description erected or being upon said lands or city or town lots."

Also: By striking out of Section 7, line 34 of the printed bill, at page 6, on line 34, after the word "at," on said line 34, the words "a general or special election," and inserting in lieu thereof the following: "the next general election following the filing of said petition, or at a special election that must be called therefor upon any date that may be prayed for in said petition."

Also: By inserting after the period after the word "therein," on line 34, of Section 8, page 7 of the printed bill, the words "provided however, that sections seventeen and fifty-six of this Act as amended, in so far as those sections provide for water rights, and the use, appropriation, and dedication of the waters of the streams, floods, and storms of this State, and attempt to give irrigation districts a prior right to all of the waters of the streams, floods, and storms of this State, not appropriated, shall apply only to districts that were, on the first day of March, 1907, in actual operation as irrigation districts under the laws of this State, and were actually using, or, at any time within one year immediately prior to the said first day of March, 1907, had been using the waters of the streams, or floods, or storms of this State for irrigation purposes."

Also: By striking out on page 9 of the printed bill all of Section 11.

Also: Amend the title of the printed bill as follows: By inserting after the comma after the figures "57," the word "and."

Also: Amend the title of the printed bill as follows: By striking out after the figures "60," the word "and," and the figures "61."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 266, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Curtin, the Secretary was directed to issue a rush order for printing Assembly Bill No. 266.

SECOND READING OF BILLS.

Senate Bill No. 903—An Act to add a new section to the Civil Code, to be numbered 580, relating to banking corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 846—An Act to insure the better education of practitioners of chiropractic, and to regulate the practice thereof in the State of California, and providing penalties for the violations of the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 512—An Act to add a new section to the Civil Code of the State of California, to be known and numbered as Section 633, relating to corporations that furnish light and power for public use.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 901—An Act to amend Section 2757 of the Civil Code.

During second reading of bill, the following amendment was submitted by the committee:

Amend by adding after the word "shall," on line 4, of Section 1, the words "upon demand."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

RECESS.

At twelve o'clock and fifteen minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

LEAVE OF ABSENCE.

Senator Miller was, on his own motion, granted leave of absence for the remainder of this day.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 2, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 618—An Act to amend Section 1192 of the Code of Civil Procedure, relative to the liens of mechanics, miners, and others upon real property.

Also: Assembly Bill No. 669—An Act to repeal Title I of Part II of the Political Code, and to substitute therefor a new title, to be known as Title I of Part II of said Code, relating to the chief political divisions of the State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LUKENS, Chairman.

Assembly Bills Nos. 618 and 669 ordered on Assembly special file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

Resolved, That the Sergeant-at-Arms provide for the use of the Press Mailing Clerks \$100 worth of postage stamps, the same payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant for and the Treasurer to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Cartwright, Irish, Keane, Kennedy, Markey, Mattos, McCartney, Muentner, Nelson, Price, Rely, Rolley, Weed, Wolfe, and Wright—22.

NOES—None.

CONSIDERATION OF ASSEMBLY SPECIAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 543—An Act to amend Section 5 of "An Act regulating the employment duties of the text-book committee."

On motion of Senator Leavitt, Assembly Bill No. 543 was temporarily passed on file, to retain its place.

Assembly Bill No. 107—An Act to provide for a topographical survey in the San Joaquin Valley of Tulare Lake and streams flowing therein for the purpose of determining the best method of reclaiming lands inundated by the waters of said lake.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 107 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Broughton, Keane, Kennedy, Leavitt, Mattos, McCartney, Muentner, Nelson, Price, Rambo, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 461—An Act to amend Sections 1, 3, 4, 5, 6, 7, 9, 10, 13, 14, and 20 of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 461 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Muentner, Nelson, Price, Rambo, Reilly, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator McKee asked for and was granted unanimous consent to withdraw Senate Bill No. 534—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creating, division and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the land within said drainage district," approved March 20, A. D. 1905.

Senate Bill No. 534 withdrawn, and ordered stricken from the file.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 549—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensations of such officers, and providing for the creating, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, A. D. 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 549 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Keane, Kennedy, Leavitt, Mattos, McCartney, Nelson, Price, Rambo, Reilly, Rolley, Rush, Savage, Walker, Weed, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 536—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

On motion of Senator Rolley, Assembly Bill No. 536 was temporarily passed on file, to retain its place.

Assembly Bill No. 144—An Act to provide for making repairs, and for additional equipment at the State Normal School at San Diego, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 144 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 271—An Act to amend Section 2158 of the Political Code of the State of California, relating to the contingent fund at State hospitals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 271 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Broughton, Caminetti, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Nelson, Price, Rambo, Reily, Rush, Savage, Walker, and Willis—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 478—An Act making an appropriation to pay the claim of Frank Higgins for legal services rendered and expenses incurred by him as special counsel for the State of California from July 10 to October 21, 1905, in the matter of the extradition of Geo. D. Collins from British Columbia (the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law).

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 478 refused final passage by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Kennedy, Leavitt, Muentner, Price, Reily, Rolley, Rush, and Savage—17.

NOES—Senators Broughton, Irish, Markey, Mattos, McCartney, Nelson, Rambo, Walker, and Willis—9.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 486—An Act to appropriate money for the general improvement and completion of survey of the Lake Tahoe wagon road, and for the construction of restraining walls, culverts, bridges, and milestones thereon.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 486 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 626—An Act appropriating money for the purchase of books for the library of the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 626 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Muenster, Nelson, Price, Rambo, Reily, Rush, Walker, Weed, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 847—An Act to provide for the completion of a water tower at the Mendocino State Hospital, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 847 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON SENATE BILL NO. 761.

SENATE CHAMBER, SACRAMENTO, March 2, 1907.

MR. PRESIDENT: Your special committee to whom was referred Senate Bill No. 761—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BELSHAW, Chairman.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Savage asked for and was granted unanimous consent to have Senate Bill No. 761 taken up for consideration.

Senate Bill No. 761—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 761 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Broughton, Cartwright, Irish, Keane, Kennedy, Leavitt, Markey, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Weed, Willis, Wolfe, and Wright—23.

NOES—Senators Bell and Caminetti—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 850—An Act to provide for the furnishing and equipment of a cottage for female patients to be erected on the premises of the Mendocino State Hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 850 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Belshaw, Black, Boynton, Broughton, Caminetti, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Muentner, Nelson, Price, Rambo, Reily, Rolley, Savage, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 800—An Act to amend Section 1770 of the Political Code, relating to duties of county boards of education.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 800 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Cartwright, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Muentner, Nelson, Price, Reily, Rolley, Rush, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 659—An Act to provide for the change of name of high school districts and union high school districts, and the manner of making such change.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 659 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Irish, Keane, Leavitt, Markey, Mattos, McCartney, Nelson, Rambo, Reily, Rolley, Rush, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 360—An Act to amend Section 1476 of the Penal Code, relating to the issuance of writs of habeas corpus and admission to bail, pending the determination thereof.

Also: Senate Bill No. 212—An Act to amend Sections 832, 836, 845, 848, 855, 866, 867, 887, 892, 893, 895, 905, and 906 of the Code of Civil Procedure, and to repeal Section 837 thereof, all relating to civil actions in justices' courts.

Also: Senate Bill No. 811—An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township government.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 360 and 212 ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Senate Bill No. 811 taken up for immediate consideration.

Senate Bill No. 811—An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township government.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 811 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Cartwright, Irish, Keane, Leavitt, Markey, McCartney, Muentner, Price, Rambo, Reilly, Rolley, Rush, Weed, Willis, Wolfe, and Wright—25.

NOES—Senator Mattos—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

EXPLANATION OF VOTE.

Senator Mattos, in explanation of his vote on Senate Bill No. 811, addressed the Senate, as follows:

MR. PRESIDENT: I desire to explain my vote on Senate Bill No. 811, the so-called County Government Bill.

Two years ago the salaries were adjusted by the Legislature, as was supposed, to be the salaries until January 1, 1911, so far as the same relate to counties of the third class, which applies exclusively to the County of Alameda.

There is no doubt in my mind that in all of the offices the work has increased a great deal. Especially is such the case in a marked degree in the office of the recorder, where the work has almost doubled, due to the disaster of April 18, 1906, in San Francisco, and the consequent increase of population and transfers in the County of Alameda since that time. But in most cases the increase in the salary list in Senate Bill No. 811, relating to the counties of the third class, is, in my judgment, entirely out of proportion to the actual needs. The county clerk explained to me that some of the increase in his office is really not an increase; that it is putting under his control several copyists that have heretofore been employed by the board of supervisors in his office. The sheriff states that, owing to the building of a new jail, he needs additional help to watch the prisoners, and that his office is short of help now.

The last Republican Convention of the County of Alameda, held in the City of Oakland on the 8th day of September, 1906, had in its platform the following plank:

"Resolved, That we hereby pledge the candidates nominated at this convention to the highest efficiency in their respective offices, and the greatest economy possible to efficient public service.

"Resolved, That we condemn the needless extravagance of paying to a county assessor a salary equal to that of other officials and in addition thereto large commissions on poll tax and personal property tax collections unsecured by real property.

"Resolved, That we pledge our legislative delegation to amend the County Government Act reducing said commissions."

The law as it stands now, which went into effect on January 7, 1907, and the proposed salary list in each office, as per Senate Bill No. 811, is in the aggregate the yearly salary expense in each office, as follows:

	Present Law.	Proposed Law.
County clerk.....	\$20,800 00	\$31,900 00
Biennial registration.....	2,350 00	6,750 00
Sheriff.....	20,500 00	28,600 00
Recorder and actual expense of copying documents.....	12,100 00	15,700 00
Auditor.....	8,800 00	14,400 00
Treasurer.....	6,600 00	7,800 00
Tax collector.....	12,500 00	13,800 00
Additional work (new duties).....		3,200 00
Assessor.....	29,125 00	39,025 00
Also 15% on all poll taxes and 6% on all personal property taxes collected.		
District attorney.....	14,100 00	17,600 00
Superintendent of schools.....	5,400 00	7,300 00

I wish to do justice to the gentlemen holding these offices, but the increase in many of the different salary lists seems so much higher than I am in conscience justified in voting for, that in justice to my constituents and in accordance with the above, I am compelled to vote "no" on the passage of said Senate Bill No. 811.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Wright asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 10 taken up for the purpose of amendment.

Senate Concurrent Resolution No. 3—Resolution relative to the appointment of committees to investigate and report upon the condition of the harbors of the State.

During the consideration of the concurrent resolution, the following amendment was submitted by committee:

Amend printed resolution as follows: On page 1, line 1, beginning with word "Resolved," strike out the word "ten," and insert in lieu thereof the word "six"; in line 3, page 1, in paragraph beginning with the word "Resolved," strike out the word "five," and insert in lieu thereof the word "three"; in line 4, same paragraph, strike out the word "five," and insert in lieu thereof the word "three"; in lines 7 and 8, same paragraph, strike out the words "this session to provide for present necessities and for future requirements," and insert in lieu thereof the words "the next session of the Legislature"; also, strike out lines 1, 2, and 3, being the last three lines on page 1 of the resolution, and lines 4 and 5, being the first two lines on page 2 of the resolution; also, on page 2, line 3, after the words "not only," strike out the word "present," and insert in lieu thereof the word "exciting"; also, in lines 4 and 5, page 3, strike out the words "for improvements immediately necessary and also a plan"; also, after the word "to," and before the word "send," in line 2 of the last paragraph but one, insert the words "Subpoena witnesses and to."

Amendment adopted.

Concurrent resolution ordered to print.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Bates asked for and was granted unanimous consent to have Assembly Bill No. 893 taken up for consideration.

Assembly Bill No. 893—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written-up passbook or bank-book or statement of his deposit account within a certain time, or be concluded thereby.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 893 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Carter, Cartwright, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Nelson asked for and was granted unanimous consent to have Assembly Bill No. 894 taken up for consideration.

Assembly Bill No. 894—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349½, relating to books or records of any bank, banker, trust company, or savings and loan society that have been lost or destroyed by conflagration, earthquake, or other public calamity, and prescribing a time within which certain actions shall be commenced.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill 894 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Caminetti asked for and was granted unanimous consent to have Senate Bill No. 886 taken up for the purpose of amendment.

Senate Bill No. 886—An Act to provide for the printing and distribution of proposed bills and amendments to the Constitution offered by members of the Legislature and by members-elect thereto; to define the duties of the Secretary of State and of the Superintendent of State Printing in relation to such proposed bills and amendments, and to provide for the payment of the cost of printing and distribution thereof.

During second reading of the bill, the following amendments were submitted by the committee:

On page 1, title, line 4, strike out the words "Secretary of State," and insert in lieu thereof the following: "Secretary of the Senate, Chief Clerk of the Assembly."

Amendment adopted.

Also:

On page 1, Section 1, strike out all of Section 1, and insert in lieu thereof the following: Sec. 1. Members of the Legislature and members-elect thereto, may, on and after the first day of November of the year prior to the assembling of the same, file with the Secretary of the Senate by Senators, and with the Chief Clerk of the Assembly, by members of the Assembly, copies of any proposed bills and amendments to the Constitution, for the purpose of having the same printed and distributed. The Secretary of the Senate and Chief Clerk of the Assembly shall be in Sacramento in the month of November, in the year prior to the assembling of the Legislature, for the purpose of receiving copies of said proposed bills and amendments to the Constitution.

Amendment adopted.

Also:

On page 1, Section 2, strike out all of Section 2, and insert in lieu thereof the following: Sec. 2. The Secretary of the Senate and the Chief Clerk of the Assembly shall, upon receipt of copies of proposed bills and amendments to the Constitution, transfer the same to the Superintendent of State Printing, who is hereby directed to proceed with the printing thereof with the utmost dispatch, for the uses set forth in this Act, in such number of each proposed bill or amendment as may be indicated by them.

Amendment adopted.

Also:

On page 2, Section 3, line 2, strike out the words "Secretary of State," and insert in lieu thereof the following: "Secretary of the Senate and Chief Clerk of the Assembly."

Amendment adopted.

Also:

On page 2, Section 4, strike out all of Section 4, and insert in lieu thereof the following: Sec. 4. All expenses incurred by the Secretary of the Senate and the Chief Clerk of the Assembly in carrying out the provisions of this Act, shall be a charge upon the contingent fund of the respective houses of the Legislature in proportion to the amount of work done and the expenses incurred for the members and members-elect of the respective houses.

Amendment adopted.

Also:

On page 2, Section 5, strike out all of Section 5, and insert in lieu thereof the following: Sec. 5. All expenses incurred by the Superintendent of State Printing in carrying out the provisions of this Act, shall be a charge upon the State Printing Fund for legislative printing of the respective houses of the Legislature, in proportion to the amount of work done and the expenses incurred for the members and members-elect of the respective houses.

Amendment adopted.

Also:

On page 2, Section 6, add a new section, to be known as Section 6, as follows:

Sec. 6. Members-elect to a Legislature, on exhibiting their respective certificates of election to the Secretary of the Senate, or to the Chief Clerk of the Assembly, according to the house of which they may be members, will be entitled to the benefit of this Act.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and on file for third reading.

SPECIAL ORDER SET.

Senator Carter moved that the consideration of Senate Bill No. 709 — An Act to change the boundaries of the County of Los Angeles—be made a special order for Tuesday, March 5, 1907, at eleven o'clock and thirty minutes A. M.

Motion carried.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Willis asked for and was granted unanimous consent to have Assembly Bill No. 801 taken up for consideration.

Assembly Bill No. 801—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 801 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Irish, Keane, Kennedy, Leavitt, Mattos, McCartney, Price, Rambo, Rolley, Savage, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

On motion of Senator Leavitt, the second-reading file of Assembly bills was taken up for consideration.

Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

On motion of Senator Leavitt, Assembly Bill No. 6 was temporarily passed on file, to retain its place.

Assembly Bill No. 875—An Act to amend Sections 1908, 1914, 1916, 1922, and 1923, all of the Political Code of the State of California, relating to the enrolled militia.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 882—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and amended March 6, 1899.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 903—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 808 —An Act to amend Section 7 of an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, relating to the age of the children referred to therein.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 931—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of a central ward building, to be used for patients and office purposes at the Southern California State Hospital, and to make an appropriation for the same," approved March 25, 1903, and to change and redirect the manner of expenditure thereof.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 390—An Act to provide for experimental work in tobacco culture in the State of California, and making an appropriation therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 638—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain street in the City of Sacramento, to wit, Twenty-sixth Street, from the south line of K Street to the north line of L Street, and to make an appropriation therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 697—An Act transferring money from the General Fund to the Adult Blind Fund to meet a deficiency in said Adult Blind Fund caused by expenditures for unusual and urgent repairs to the buildings of the Home for the Adult Blind in Oakland, and directing the State Controller and State Treasurer to make such transfer.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 748—An Act making an appropriation of \$2,900 to be applied to the cost of grading, curbing with wood, macadamizing, and concrete guttering Hearst Avenue in Berkeley, along the northerly boundary of the grounds of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 779—An Act to provide for the purchase of a portrait of ex-Governor George C. Pardee by the State Board of Examiners, and to appropriate money therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 786—An Act to amend the Political Code, by adding thereto a new section to be numbered 419a.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 846—An Act to provide for furnishing a cottage for male patients at the Mendocino State Hospital, and making an appropriation therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 700—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered Section 1271a, relating to the subject of escheated estates.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 812—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes, approved March 31, 1897, the Act or Act supplemental or amendatory thereof, or the Act or Acts of which said Act is supplemental or amendatory; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of the said Act or Acts."

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out quotation marks after word "Acts," in last line of title, and inserting quotation marks after word "purposes," in line 9 of title.

Amendment adopted.

Also:

Amend Section 1, page 2, line 12, by striking out quotation marks after word "installments," and inserting quotation marks after word "purposes," in line 8 thereof.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 138—An Act to add a new article to Part III, Title VI, Chapter II of the Political Code, designated Article IX, comprising twenty-eight sections, numbered 2745 to 2772, inclusive, authorizing the formation of permanent road divisions for the construction and improvement of roads in such divisions and prescribing the method of such formation, and of providing funds for said purposes.

During second reading of bill, the following amendments were submitted by the committee:

Strike out the title and insert in lieu thereof the following: "An Act to amend Sections 2748, 2749, 2754, 2760 and 2771 of the Political Code, to repeal Section 2761 thereof, and to add two new sections thereto, to be numbered 2771½ and 2773, relating to permanent road divisions."

Amendment adopted.

Also:

Strike out all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. Section two thousand seven hundred and forty-eight of the Political Code is hereby amended to read as follows:

2748. Such petition shall be presented at a regular meeting of the board of supervisors or at a special meeting called to receive and consider the same, and shall be published at least once a week for three successive weeks in a newspaper published in the county before the time at which it is to be presented, together with a notice stating the time of the meeting at which the board will be asked to consider the petition, which time shall not be more than ten days after the last publication of the petition and notice.

SEC. 2. Section two thousand seven hundred and forty-nine of said Code is hereby amended to read as follows:

2749. On the day named in the notice the board shall hear the petition and may adjourn such hearing from time to time, but not longer than one month in all. On the final hearing they may make such changes in the boundaries of the proposed road division as they may find to be proper and shall define and establish such boundaries; but such changes shall not include any territory outside of the boundaries described in the petition, until the board has given at least fifteen days' notice of its intention to include such territory in such road division. Such notice shall be given by publication at least once a week for three successive weeks in a paper published in the county, and by leaving a copy thereof at each place of abode in said territory.

SEC. 3. Section two thousand seven hundred and fifty-four of said Code is hereby amended to read as follows:

2754. When a special tax is petitioned for the board of supervisors shall immediately order an election within such road division to determine whether the same shall

be levied; and the board may in its discretion submit to the electors at such election the question whether the balance of the estimated cost of the proposed work shall be raised by a special tax in one, two, or three successive years, raising an equal amount each year. Such election must be called by posting notices not more than one mile apart, and not less than three such notices, along the road or roads proposed to be improved or constructed, at least fifteen days before the election, and by publishing the same at least once a week for three successive weeks in a newspaper published in the county.

SEC. 4. Section two thousand seven hundred and sixty of said Code is hereby amended to read as follows:

2760. If the petition mentioned in Section 2751 of this Code asks for the issuance of bonds the supervisors shall call an election in such road division and submit to the electors thereof the question whether the bonds of the division shall be issued. Such election must be called by posting notices not more than one mile apart and not less than three such notices, along the road or roads proposed to be constructed or improved, at least fifteen days before the election, and by publishing the same at least once a week for three successive weeks in a newspaper published in the county. The supervisors shall in such notice designate the polling place or places and define the boundaries of the election districts, but no election precinct shall be part in one and part in another of such districts.

SEC. 5. Section two thousand seven hundred and seventy-one of said Code is hereby amended to read as follows:

2771. Any money remaining after the completion of the work contracted for shall remain in the fund of the road division and shall be expended only in maintaining the roads of such division. On the payment of the debts of the division or on the failure at two successive elections to vote a special tax or bonds for any proposed work such road division shall cease to exist as a permanent road division; *provided*, that the second election for a special tax or bond issue shall be held not less than six months nor later than one year after the election at which a special tax or bond issue has been defeated.

SEC. 6. Section 2761 of said Code is hereby repealed.

SEC. 7. A new section is hereby added to said Code, to be numbered two thousand seven hundred and seventy-one and a half, and to read as follows:

2771½. All publications required to be made in the proceedings for the formation of a permanent road division, or the elections or other proceedings had therein, shall be published in a newspaper published within such road division if any paper is published therein; if there is no paper published within such road division, such publication shall be made in a paper published within the county and deemed by the supervisors most likely to give notice to the residents of the road division. One publication each week for three successive weeks shall be a sufficient publication under this Act, including any publication under proceedings commenced but not concluded before this Act takes effect.

SEC. 8. A new section is hereby added to said Code, to be numbered two thousand seven hundred and seventy-three, and to read as follows:

2773. This Act is intended to furnish an alternative method for accomplishing the road construction and improvement provided for therein, and does not repeal, modify, or abridge any other Act or Acts having for their object the construction or improvement of roads, streets, or other public highways not within the boundaries of a municipal corporation.

Amendment adopted.

• Bill read second time, and ordered to print and third reading.

Assembly Bill No. 616—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof."

During second reading of bill, the following amendments were submitted by committee:

On page 1, strike out all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. A new section is hereby added to the Act referred to in the title hereof entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," and which became a law February 25, 1901, to be known as and numbered Section 12½, and to read as follows:

Sec. 12½. All proceedings which may have been prior to the passage of this Act, taken by any city, town or municipal corporation, incorporated under the laws of this State, in a manner prescribed by the said Act of which this Act is amendatory, for the incurring of indebtedness for the purpose of acquiring, constructing, completing or repairing any wharf or wharves, shall be and the same are hereby declared to be valid as fully as though the incurring of indebtedness for such purpose had been expressly authorized by said Act, and any and all indebtedness incurred, or which may hereafter be incurred, by any such city, town or municipal corporation, or any bonds which

may have been or may hereafter be issued pursuant to any such proceedings so taken or had shall be and the same are hereby declared to be valid, as fully as though the creation of said indebtedness or the issuance of said bonds had been expressly authorized by said Act.

Sec. 2. This Act shall take effect immediately.

Amendment adopted.

Also:

On page 1, title, strike out all of title, and insert in lieu thereof the following: "To add a new section to an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, for municipal improvements, and regulating the acquisition, construction or completion thereof," which became a law February 25, 1901, relating to the incurring of indebtedness by cities, towns, and municipal corporations, for municipal improvements, to be known as Section 12½, and providing for the validation of proceedings taken by cities, towns, and municipal corporations, for the incurring of indebtedness for the purpose of acquiring, constructing, completing or repairing any wharf or wharves, and making valid any such indebtedness incurred or any bonds which have been or may be issued in pursuance of any such proceedings."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 517—An Act to appropriate \$20,000 out of any money in the State treasury not otherwise appropriated to permanently drain Lake Earl, in Del Norte County.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 838—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California, at the Alaska-Yukon Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 106—An Act to create a State Board of Forestry, to prescribe its duties, to establish a forestry fund, to provide for the enforcement of forest protection laws, and to repeal an Act approved March 18, 1905, entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor."

During second reading of bill, the following amendment was submitted by committee:

Amend Section 2, page 2, at end of line 8, by striking out the period, and inserting "or other competent authority."

Amendment adopted.

Also:

Amend Section 9, page 5, lines 20a, 21, 22, and 23 by striking out the following: "or that of any member of his immediate family, nor on lands belonging to any person or corporation of whom he is an employé at the time when such service is rendered," and insert after said word "land," in line 20a, "period."

Amendment adopted.

Also:

Substitute for Section 12:

The State Forester may, at the expense of the State, cause to have cut and removed all brush, grass, and inflammable material from the rights of way occupied by county roads in the several counties of the State. The State Board of Forestry may cooperate with all lumber companies, corporations or individuals, in an effort to destroy slashings—that is, the tops, limbs, and general débris left after lumbering—so as to minimize danger from fire.

Amendment adopted.

Also:

Substitute for Section 13:

The board of supervisors of the county may pay, or cause to be paid, such share of the expense incurred by the State in the maintaining of fire patrols or in the payment of salaries and expense of district fire wardens, or in the payment of persons called out by a fire warden to fight fire, as provided in Section 9 of this Act, as it may think just; *provided, however*, that where any expense is incurred by the State for the purposes aforesaid, that such board shall pay such sum or sums as may be agreed between such board or its agents and the State Board of Forestry, or any one acting in its behalf.

Amendment adopted.

Also:

Amend Section 14 by striking out of lines 6, 7, and 8, page 7, the words: "recovered from counties in payment of their share of the expenses provided for in this Act, all moneys recovered under the provisions of Section 12 of this Act," and insert "voluntarily paid by counties."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 35—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Sections 2, 3, 4, and 6 of said Act, and by adding thereto a new section to be numbered 8a.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 531—An Act to regulate the traffic in food, drugs, medicines and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions.

On motion of Senator Wolfe, Assembly Bill No. 531 was temporarily passed on file, to retain its place.

Assembly Bill No. 891—An Act to add a new section to the Political Code, to be numbered Section 1671a, relating to the issue of bonds for the support of county high schools.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 426—An Act to amend Section 593 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 640—An Act to add a new section to the Political Code, to be numbered 2295a, and relating to the supplying the State Library with State publications for exchange purposes.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 876—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004,

2021, 2044, 2045, 2079, 2081, 2105, 2111, 2112, all of the Political Code of the State of California, relating to the National Guard.

During second reading of bill, the following amendment was submitted by committee:

On page 13, Section 21, line 8, strike out the word "Untied," and insert in lieu thereof the word "United."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 601—An Act to amend Section 1050 of the Code of Civil Procedure.

Bill read second time, and ordered on Assembly special file for third reading.

SECOND READING OF CODE REVISION BILLS.

Assembly Bill No. 287—An Act to amend Sections 2006, 2024, 2025, 2026, 2036, and 2037 of the Code of Civil Procedure, to repeal Sections 2023 and 2034 thereof, and to add two new sections thereto, to be numbered 2022 and 2023, all relating to depositions.

Bill read second time, and ordered on Code Revision special file for third reading.

Assembly Bill No. 781—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, to the increase or diminution of their capital stock, and to the creation or increase of bonded indebtedness of corporations, including the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Bill read second time, and ordered on Code Revision special file for third reading.

Assembly Bill No. 883—An Act to amend Sections 405 and 408 of the Civil Code, relating to corporations.

Bill read second time, and ordered on Code Revision special file for third reading.

Assembly Bill No. 669—An Act to repeal Title I, of Part II of the Political Code and to substitute therefor a new title, to be known as Title I, of Part II of said Code, relating to the chief political divisions of the State.

Bill read second time, and ordered on Code Revision special file for third reading.

Assembly Bill No. 618—An Act to amend Section 1192 of the Code of Civil Procedure, relative to the liens of mechanics, miners, and others, upon real property.

Bill read second time, and ordered on Assembly special file for third reading.

CONSIDERATION OF BILL--(OUT OF ORDER).

Senator Price asked for and was granted unanimous consent to have Senate Bill No. 810 taken up for consideration.

Senate Bill No. 810—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

Bill read second time, considered engrossed, and ordered on file for third reading.

ADJOURNMENT.

At three o'clock and thirty-five minutes P. M., on motion of Senator Wolfe, the President declared the Senate adjourned until Monday, March 4, 1907.

IN SENATE.

SENATE CHAMBER,

Monday, March 4, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

Quorum present.

PRAYER.

Prayer by Rev. J. H. N. Williams.

APPROVAL OF JOURNALS.

The Journals of Monday, February 25, 1907, Tuesday, February 26, 1907, Wednesday, February 27, 1907, Thursday, February 28, 1907, and Friday, March 1, 1907, having been corrected, were read and approved.

READING OF JOURNAL.

During the reading of the Journal of Saturday, March 2, 1907, the further reading was dispensed with, on motion of Senator Weed.

QUESTION OF PERSONAL PRIVILEGE.

Senator Willis, arising to a question of personal privilege, addressed the Senate, as follows:

MR. PRESIDENT: In its issue of Saturday, March 2, 1907, the "Sacramento Bee," in its published report of the debate on the equal suffrage constitutional amendment in the Senate, quoted me as uttering the words following:

"A clubwoman is not the woman we want to see at our fireside."

I desire to say with all the emphasis possible that I did not utter such language, nor anything that could be construed into any resemblance to it. To think such a thought concerning clubwomen, much less to utter it, would be a distinct insult to them, and I submit to my fellow-Senators and others who know me, whether I am that kind of a man who would so wantonly insult some of the best women of our land.

Mr. President, a clubwoman sits in the cosy corner of my own fireside; and surely that should be sufficient proof to those who did not hear my remarks, that I did not utter such an unmanly, unkind and untrue thought as the "Bee" attributes to me.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 484—An Act empowering the boards of supervisors of the several counties of the

State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WELCH, Chairman.

Assembly Bill No. 484 ordered on Assembly special file for second reading.

ON FORESTRY AND WATER PRESERVATION.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Forestry and Water Preservation, to whom was referred Assembly Bill No. 102—An Act to amend Section 384 of the Penal Code, and to repeal Sections 384a and 384b of said Penal Code, all relating to forest fires.

Also: Assembly Bill No. 872—An Act to create a fund, to be known as the United States Forest Reserve Fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid.

Also: Assembly Bill No. 976—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

WEED, Chairman.

Assembly Bills Nos. 102, 872 and 976 ordered on Assembly special file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 562—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

Assembly Bill No. 562 ordered on Assembly special file for second reading.

RESOLUTIONS.

The following resolutions were offered:

By Senator Bell:

Resolved, That Assembly Bill No. 74 be and is hereby recalled from the Committee on Public Morals, and thereafter be placed in its proper position on the file of the Senate for consideration by the Senate.

Resolution read.

The question being on the adoption of the resolution.

The ayes and noes were demanded by Senators Bell, Belshaw, and Caminetti.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Bell, Belshaw, Black, Boynton, Caminetti, Mattos, McKee, Miller, Rambo, Savage, and Walker—11.

NOES—Senators Anthony, Bates, Broughton, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Muentner, Nelson, Reily, Rolley, Sanford, Weed, Welch, Willis, Wolfe, and Wright—23.

EXPLANATION OF VOTE.

Senator Hartman, in explanation of his vote on the resolution offered by Senator Bell, addressed the Senate, declaring that, while he (Senator Hartman) had favored recalling his prize-fight bill from committee, and had so voted, he opposed the present resolution, believing horse-racing, if cleanly and squarely conducted, of such economical value to the State that any prohibitory measure justly deserved the fate of slumbering itself to an undisturbed death in committee.

RESOLUTIONS—(RESUMED).

By Senator Broughton:

Resolved. That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either House after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Broughton be and he is hereby permitted to introduce a Senate bill, to be numbered 939.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

By Senator Anderson:

Resolved. That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either House after the fiftieth day of the session, without the consent of two thirds of the members thereof, be complied with, and that Senator Anderson be and he is hereby permitted to introduce a concurrent resolution, to be numbered 18.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL, ETC.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill, etc., were introduced:

By Senator Broughton: Senate Bill No. 939—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, as amended by an Act approved June 30, 1906, by amending Section 6 thereof, relating to a license tax upon corporations, and making provisions for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Anderson: Senate Concurrent Resolution No. 18—Approving the charter of the City of Riverside, in Riverside County, California, which was voted for by the qualified electors of said city, at a special election held therein, for the purpose of ratifying said charter, on the 1st day of March, 1907.

Senate Concurrent Resolution ordered on file without reference to committee.

RUSH ORDER TO PRINTER.

On motion of Senator Anderson, the Secretary was directed to issue a rush order for printing Senate Concurrent Resolution No. 18.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At ten o'clock and fifty-five minutes A. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to have Assembly Bill No. 934 taken up for the purpose of amendment.

Assembly Bill No. 934—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Belshaw moved to refer to Senator Wright, as a special committee of one, to amend as follows:

Amend Section 1. line 20, page 2 of the printed bill, by inserting in line 20, after the word "recorded," the following: "prior to the close of said registration."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 934, with instructions to amend, respectfully reports the same back, amended as per instructions.

WRIGHT, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for printing Assembly Bill No. 934, the same to retain its place on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Carter asked for and was granted unanimous consent to have Assembly Bill No. 557 taken up for the purpose of amendment.

Assembly Bill No. 557—An Act to amend section one hundred and seventy (170) of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Carter moved to refer to Senator Rambo as a special committee of one, to amend as follows:

Amend by striking out the words "and fifty" on line 87, fourth page, printed bill.
Also: Amend by striking out the word "seventy-five" on line 88, fourth page, printed bill, and inserting in lieu thereof the following: "sixty-five."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 557, with instructions to amend, respectfully reports the same back, amended as per instructions.

RAMBO, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Carter, the Secretary was directed to issue a rush order for printing Assembly Bill No. 557, the same to retain its place on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator McKee asked for and was granted unanimous consent to have Senate Bill No. 819 taken up for the purpose of amendment.

Assembly Bill No. 819—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McKee moved to refer to Senator Muentner as a special committee of one, to amend as follows:

By inserting in Section 1, line 82, the words "five hundred," after the syllable "and," and before the word "dollars."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 819, with instructions to amend, respectfully reports the same back, amended as per instructions.

MUENTER, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

CONSIDERATION OF SPECIAL ORDERS.

The hour having arrived for the consideration of the special orders heretofore set for this day on February 28, 1907, and March 2, 1907, being the consideration of messages from the Governor regarding certain gubernatorial appointments, the same were taken up for consideration.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 28, 1907.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day made the following appointments:

A. W. Cass of Los Angeles, a Trustee of the State Normal School at Los Angeles, vice W. H. Anderson, appointment withdrawn.

E. A. Warren of Chico, a Trustee of the State Normal School at Chico, vice H. B. Reed, appointment withdrawn.

Alden Anderson of Sacramento, a Trustee of the State Normal School at Chico, vice self, appointment withdrawn.

Charles C. Chapman of Fullerton, a Trustee of the State Normal School at San Diego, vice self, appointment withdrawn.

M. L. Ward of San Diego, a Trustee of the State Normal School at San Diego, vice self, appointment withdrawn.

A. C. Tibbetts of Eureka, a member of the Board of State Harbor Commissioners for the Port of Eureka, vice Fred Barnum, appointment withdrawn.

I respectfully ask the consent of the Senate to the above-named appointments.

J. N. GILLET,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,

SACRAMENTO, March 2, 1907.

To the Senate of the State of California:

I have the honor to inform your honorable body that on March 1, 1907, I made the following appointment:

Geo. W. Reed of Oakland, a member of the Board of Directors of the California Institution for the Deaf and Blind, vice A. J. Ralston, name withdrawn.

I respectfully ask the consent of the Senate to the above-named appointment.

J. N. GILLET,
Governor of the State of California.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of A. W. Cass of Los Angeles, a Trustee of the State Normal School at Los Angeles, in place of W. H. Anderson, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Keane, Kennedy, Leavitt, Mattos, Miller, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Whereupon the President pro tem. announced that the appointment of A. W. Cass of Los Angeles, a Trustee of the State Normal School at Los Angeles, in place of W. H. Anderson, appointment withdrawn, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of E. A. Warren of Chico, a Trustee of the State Normal School at Chico, in place of H. B. Reed, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Mattos, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Whereupon the President pro tem. announced that the appointment of E. A. Warren of Chico, a Trustee of the State Normal School at Chico, in place of H. B. Reed, appointment withdrawn, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Alden Anderson of Sacramento, a Trustee of the State Normal School at Chico, in place of himself, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McKee, Miller, Muentner, Nelson, Rambo, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Alden Anderson, a Trustee of the State Normal School at Chico, in place of himself, appointment withdrawn, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Charles C. Chapman of Fullerton, a Trustee of the State Normal School at San Diego, in place of himself, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Charles C. Chapman of Fullerton, a Trustee of the State Normal School at San Diego, in place of himself, appointment withdrawn, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of M. L. Ward of San Diego, a Trustee of

the State Normal School at San Diego, in place of himself, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Anthony, Bates, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, Miller, Muenter, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Whereupon the President pro tem. announced that the appointment of M. L. Ward of San Diego, a Trustee of the State Normal School at San Diego, in place of himself, appointment withdrawn, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of A. C. Tibbetts of Eureka, a member of the Board of State Harbor Commissioners for the Port of Eureka, in place of Fred Barnum, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McKee, Miller, Muenter, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Whereupon the President pro tem. announced that the appointment of A. C. Tibbetts of Eureka, a member of the Board of State Harbor Commissioners for the Harbor of Eureka, in place of Fred Barnum, appointment withdrawn, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of George W. Reed of Oakland, a member of the Board of Directors of the California Institution for the Deaf and Blind, in place of A. J. Ralston, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lynch, Markey, Mattos, Miller, Muenter, Nelson, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Whereupon the President pro tem. announced that the appointment of George W. Reed of Oakland, a member of the Board of Directors of the California Institution for the Deaf and Blind, in place of A. J. Ralston, appointment withdrawn, had been duly confirmed.

PRESIDENT PORTER IN THE CHAIR.

At eleven o'clock and twenty minutes A. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two (2) of Article IV thereof, relating to sessions of the Legislature and the limitation of pay of members thereof in extraordinary sessions.

TRANSPPOSITION OF BILLS ON FILE.

Senator Caminetti asked for and was granted unanimous consent to have Senate Constitutional Amendment No. 28 and Senate Bill No. 181 transposed on file.

SENATOR LEAVITT IN THE CHAIR.

At twelve o'clock and twelve minutes P. M., Senator F. W. Leavitt, of the Sixteenth District, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 181—An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 181 refused passage by the following vote:

AYES—Senators Bell, Boynton, Caminetti, Cartwright, Curtin, Kennedy, McKee, Miller, and Sanford—9.

NOES—Senators Anderson, Anthony, Bates, Belshaw, Black, Broughton, Carter, Greenwell, Hartman, Irish, Keane, Leavitt, Lynch, Mattos, McCartney, Nelson, Price, Rambo, Reily, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

SENATOR KEANE IN THE CHAIR.

At twelve o'clock and twenty minutes P. M., Senator George B. Keane, of the Twenty-third District, in the chair.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Wolfe, the hour of recess was extended fifteen minutes.

SENATOR LEAVITT IN THE CHAIR.

At twelve o'clock and thirty-five minutes A. M., Senator Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF SPECIAL ORDER ON MOTION TO RECONSIDER.

The hour having arrived for the consideration of the special order heretofore set for this day, and in compliance with his notice given on February 28, 1907, Senator Boynton moved that the vote whereby Senate Bill No. 719—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice—was passed, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Bell, Boynton, Caminetti, Cartwright, Kennedy, Mattos, Miller, Price, Rambo, Rush, and Sanford—11.

NOES—Senators Anderson, Bates, Belshaw, Broughton, Carter, Greenwell, Hartman, Irish, Keane, Leavitt, Lynch, McCartney, McKee, Nelson, Reily, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—22.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wolfe, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendment to Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry—and appointed Assemblymen Estudillo, Chandler, and Held as a Committee on Conference to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 850—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions for such submission.

Also: Committee Substitute for Senate Bills Nos. 238, 665, and 710—An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation.

Also: Adopted Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of State and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end amending Sections 1, 9, 10, and 11 of Article XIII, and adding to Article XIII, two new sections to be numbered Sections 14 and 15, and repealing Section 10 of Article XI thereof, all relating to revenue and taxation.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bill No. 850 ordered to enrollment.

Committee Substitute for Senate Bills Nos. 238, 665, and 710 ordered to enrollment.

Senate Constitutional Amendment No. 1 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 591—An Act to amend an Act entitled, an Act to provide for the formation of levee districts in the various counties of this State and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts, approved March 20, 1905—and requests that your honorable body recede therefrom and that in case of non-receding the Assembly has appointed Assemblymen Hewitt, Costar, and Devlin as a Committee on Conference on behalf of the Assembly to meet a like Committee from the Senate.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

SPECIAL ORDER SET.

The Acting President announced that, in the absence of objection, the consideration of the question, "Shall the Senate recede from its amendments to Assembly Bill No. 591?" pursuant to request in the above Assembly message, would be made a special order for this day at two o'clock P. M.

No objection.

RECESS.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Wolfe, the Acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the question, "Shall the Senate recede from its amendments to Assembly Bill No. 591?" the same was taken up for consideration.

The question being, "Shall the Senate recede from the following amendments to Assembly Bill No. 591?"

Amend Section 2, by adding after the end of line 29 the following: "Petition shall be heard in the order of filing."

Also: Amend by striking out of Section 5, lines 5 and 6, the words "and may change or alter the boundaries of said district to conform to the needs of the district."

Also: Amend by striking out of Section 5, line 7, the word "may" and insert the word "must"; strike out in line 7, the words "in its discretion."

Also: Amend Section 5, line 7, by adding after the word "district" the following: "As petitioned for."

Also: Amend Section 8, line 34, by adding after the word "and" the following: "upon approval by a majority of the electors."

The roll was called, and the Senate refused to recede from the above Senate amendments to Assembly Bill No. 591 by the following vote:

AYES—None.

NOES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Curtin, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Muentner, Price, Rambo, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—25.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

Pursuant to the refusal of the Senate to recede from its amendments to Assembly Bill No. 591, the President announced that he had appointed as a committee on conference, to meet a like committee from the Assembly, Senators Boynton, Sanford, and Cartwright.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 975, the same was taken up for consideration.

Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Belshaw moved to refer to Senator Wright as a special committee of one, to amend as follows:

Amend by inserting in Section 1, page 13 of the printed bill, as amended in the Senate, between the lines 397 and 398 of said page, the following:

FOR COMMISSIONER FOR REVISION AND REFORM OF THE LAW.

For salary of Commissioner for Revision and Reform of the Law, seven thousand two hundred dollars.

For salary of stenographer to Commissioner for Revision and Reform of Law, two thousand four hundred dollars.

For postage, expressage, telegraphing, stationery and contingent expenses, office of Commissioner for Revision and Reform of Law, three hundred and seventy-five dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office, except the printing of the index of the laws from 1850 to 1907, inclusive, one thousand two hundred and fifty dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office (or any outside printing house to which authority may be given under the provisions of any Act making provision therefor) in the printing of the index of the laws from 1850 to 1907, inclusive, for the Commissioner for Revision and Reform of the Law, five thousand dollars.

Also: Strike out in Section 1, page 6, line 165, the words "fifty-four thousand one" and insert in lieu thereof the following: "fifty-five thousand two."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 975, with instructions to amend, respectfully reports the same back, amended as per instructions.

WRIGHT, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for printing Assembly Bill No. 975, the same to retain its place on file.

SPECIAL ORDER SET.

Senator Belshaw moved that the further consideration of Assembly Bill No. 975 be made a special order for Tuesday, March 5, 1907, at two o'clock P. M.

Motion carried.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 842—An Act to amend Section 1668 of the Political Code of the State of California, relating to physical culture and exercise in public schools—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

ANDERSON, Chairman.

Assembly Bill No. 842 ordered on Assembly special file for second reading.

ON FORESTRY AND WATER PRESERVATION.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Forestry and Water Preservation, to whom was referred Assembly Bill No. 38—An Act to prevent the destruction of young forest trees.

Also: Assembly Bill No. 635—An Act to regulate the keeping of large trees and to forbid the growing or planting thereof in such places and in such manner as may endanger or damage adjoining property.

Have had the same under consideration, and respectfully report the same back, and recommend that same do not pass.

WEED, Chairman.

Assembly Bills Nos. 38 and 635 ordered on Assembly special file for second reading.

CONSIDERATION OF DAILY SPECIAL FILE—THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 543—An Act to amend Section 5 of "An Act regulating the employment and duties of the text-book committee."

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 543 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Cartwright, Greenwell, Hartman, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Price, Rambo, Rolley, Sanford, Savage, Walker, Weed, Willis, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 838—An Act defining the character of imitation butter and imitation cheese, providing for the prevention of deception in the manufacture or sale of butter or cheese, to secure its enforcement, defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses, providing that the State Veterinarian shall be ex officio State Dairy Commissioner, and shall also perform, in addition to his duties as fixed by law, the duties of State Dairy Commissioner, designating and prescribing the duties of such State Dairy Commissioner, providing that no action can be maintained to recover on account of any sale or contract made in violation hereof, providing for the issuance and service of search warrants, when necessary for the seizure of substances designed to be used contrary to the provisions hereof, and repealing an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor," approved March 4, 1897.

Also: Senate Bill No. 834—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 21, 1905.

Also: Senate Bill No. 909—An Act relating to high schools, and providing for their support by the State of California.

Also: Senate Bill No. 900—An Act to provide for the reforestation, the cutting of fire lanes and fire trails, on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Also: Senate Bill No. 788—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the appropriation of water and the time in which to commence the excavation and construction.

Also: Senate Bill No. 221—An Act to amend Section 2576 of the Political Code of the State of California, relating to the establishment of a Board of Harbor Commissioners for the Bay of San Diego.

Also: Senate Bill No. 250—An Act to amend Section 2605 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the Harbor Commissioners for the Bay of San Diego, and extending their powers.

Also: Senate Bill No. 651—An Act to amend Section 2580 of the Political Code of the State of California, relating to the powers of the State Board of Harbor Commissioners for the Bay of San Diego.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 838, 834, 909, 900, 788, 221, 250, and 651 ordered on file for third reading.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 7.

The Legislature of the State of California, at its regular session, commencing on the seventh day of January, A. D. nineteen hundred and seven, two thirds of all the members elected to each of the houses voting in favor thereof, hereby propose that Section 5 of Article XI of the Constitution of the State of California be amended so as to read as follows:

SEC. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment in the several counties of boards of supervisors, sheriffs, county clerks,

district attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and may also establish fees to be charged and collected by such officers for services performed in their respective offices, in the manner and for the uses provided by law, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made: such compensation, however, shall not, in any class, exceed the sum of three dollars per day and mileage.

Assembly Constitutional Amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 7 finally adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, McCartney, McKee, Muentner, Price, Rambo, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—30.

NOES—None.

Constitutional amendment ordered transmitted to the Assembly.

Assembly Bill No. 512—An Act regulating the hours of labor of women, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 512 finally passed by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Lynch, Markey, Muentner, Reilly, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—Senators Boynton, Leavitt, Price, Rambo, Rolley, and Wright—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 5.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education and text-books, and providing for free text-books.

The Legislature of the State of California, at its regular session, commencing on the seventh day of January, one thousand nine hundred and seven, and two thirds of all the members elected to each of the houses of the Legislature voting in favor thereof, hereby proposes that Section 7 of Article IX of the Constitution of the State of California be amended so as to read as follows:

Section 7. The State Board of Education shall consist of the following members: The Governor, the Superintendent of Public Instruction, the President of the University of California, and the professor of pedagogy therein, and the principals of the State normal schools. The State Board of Education shall compile or adopt a uniform system of text-books for use in the day and evening elementary schools throughout the State, and shall perform such other duties as may be prescribed by law. The Legislature shall provide for the printing and publishing of such text-books, when adopted, by the Superintendent of State Printing at the State Printing Office, and for the distribution of the same for use in the day and evening elementary schools throughout the State, free of any charge, to all children attending such schools, under such restrictions and regulations as the Legislature may hereafter provide. The text-books so adopted shall continue in use not less than four years. The Legislature shall provide for a board of education in each county in the State. The county superintendents and the county boards of education shall have exclusive control of the examination of teachers, and the granting of teachers' certificates within their respective jurisdictions.

Assembly Constitutional Amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 5 refused final adoption by the following vote:

AYES—Senators Anderson, Anthony, Bell, Boynton, Caminetti, Irish, McCartney, McKee, Miller, Price, Rolley, Sanford, Walker, and Willis—14.

NOES—Senators Bates, Belshaw, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, Rambo, Reily, Savage, Weed, Welch, and Wolfe—18.

Constitutional amendment ordered transmitted to the Assembly.

Assembly Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition and construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 14, 15, 17, 20, 22, 35, 47, 56, 57, 60, and 61, by repealing Section 18 and by adding a new section, to be known as Section 55a.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 266 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Reily, Rolley, Rush, Sanford, Savage, Willis, Wolfe, and Wright—30

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 825—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, schools, and other State institutions for the remainder of the fifty-eighth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 825 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McKee, Muentner, Price, Reily, Rolley, Rush, Sanford, Savage, Weed, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 352—An Act to amend Section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of State hospitals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 352 finally passed by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Irish, Keane, Kennedy, Markey, Mattos, McKee, Muentner, Price, Rambo, Rolley, Rush, Sanford, Walker, Weed, and Wolfe—24.

NOES—None.

Title read and approved,

Bill ordered transmitted to the Assembly

Assembly Bill No. 455—An Act providing that in any city, or city and county, in this State where by general law or by charter the board of police commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same and to prescribe penalties for the violation of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable and that the same shall be couched in plain and concise language and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department, and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also, providing certain procedure in hearings for the violation of such rules and regulations, and the courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 455 finally passed by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Kennedy, Leavitt, Lynch, McKee, Muentzer, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—25.

NOES—Senator Belshaw -1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 415—An Act providing that in any city, or city and county, in this State where by general law or by charter the board of police commissioners of such city, or city and county, is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 415 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Kennedy, Markey, Muenter, Price, Reily, Rush, Sanford, Savage, Weed, Welch, Willis, Wolfe, and Wright—24.

NOES—Senators Belshaw, Boynton, Mattos, Rambo, Rolley, and Walker—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 536—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

On motion of Senator Rolley, Assembly Bill No. 536 was temporarily passed on file, to retain its place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Carter asked for and was granted unanimous consent to have Assembly Bill No. 887 taken up for consideration.

Assembly Bill No. 887—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing or relocation of bridges over navigable waters between said counties jointly with other persons or corporations.

Bill read second time, and ordered on Assembly special file for third reading.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 19—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 1247, relating to the transcription of testimony taken at the trial of a criminal case.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 19 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Carter, Curtin, Irish, Keane, Leavitt, Lynch, Mattos, McKee, Muenter, Reily, Rolley, Savage, Weed, Willis, Wolfe, and Wright—22.

NOES—Senators Bell, Caminetti, and Walker—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At four o'clock and forty minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to have Assembly Bill No. 702 taken up for the purpose of amendment.

Assembly Bill No. 702—An Act to promote the safety of employes and travelers upon railroads by limiting the number of hours of service of employes thereon, and to provide a penalty for the violation thereof.

During second reading of bill, the following amendment was offered by Senator Belshaw:

Amend by striking out of Section 1, lines 3 and 4, the words "of engine."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for printing Assembly Bill No. 702.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for and was granted unanimous consent to have Assembly Bill No. 619 taken up for consideration.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Sections 2, 3, 4, and 6 of said Act, and by adding thereto a new section to be numbered Section 8a.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE LOST.

Senator Curtin moved to refer to Senator Savage, as a special committee of one, to amend as follows:

After the last word in line 13, Section 4, page 7 of printed bill, insert the following: "*provided further*, that if any person to whom has been issued a license under authority of State, county, or municipal law, to act as chauffeur or driver for any motor vehicle for hire or reward, shall have been convicted twice for the offense of violating the provisions of this Act, or of any laws or ordinances enacted under the provisions of section four hereof, and it be established at the time of each conviction that such person was intoxicated at each time of such violation, the court before whom such person is convicted shall certify to the fact of such intoxication and conviction and such certificate shall be the authority for the revocation of the license of such chauffeur or motor driver as herein provided, and his license to operate any motor vehicle for hire or reward shall be revoked by the authority granting the same and such person shall not be entitled to receive any license to so operate such motor vehicle for a period of one year from the date of the revocation of such license."

Motion lost.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 619 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Greenwell, Hartman, Irish, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

On motion of Senator Muentzer the Assembly second-reading file was taken up for consideration.

Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 9, insert after the words "of law," the following: "*provided, however, that if the parties to the action, or the executor, or administrator of the estate or the guardian of the minor or incompetent person, or the receiver, or the commissioner, or the referee, or the attorney for a party in all special proceedings of a civil or criminal nature, shall sign and file in the action or matter, a stipulation in writing waiving the disqualification herein, the judge or court may proceed with the trial or hearing with the same legal effects as if no such disqualification existed.*"

Amendment adopted.

Also:

On page 2, Section 2, a new section to be added, as follows:

"Sec. 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 531—An Act to regulate the traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 886—An Act to amend Section 530 of the Code of Civil Procedure of the State of California, relating to injunctions.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 948—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1203a, relating to liens.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 952—An Act to amend Section 1194 of the Code of Civil Procedure of the State of California, relating to liens and the docketing of a deficiency.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 953—An Act to amend an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers; providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 582—An Act to provide for the protection and preservation of public highways from damage by storm and flood waters and from the filling up and changes in the channels of rivers or streams, and to authorize the expenditure of public moneys for the purpose

thereof, and preventing such changing of channels and injury to roads and highways, and also repealing the Act of April 1, 1897, providing for the protection and preservation of public highways from damage by storm waters and floods, etc., and all other Acts in conflict herewith.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 414—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 750—An Act to amend Section 2004 of the Code of Civil Procedure, stating the definition of a deposition.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 751—An Act to amend Section 2024 of the Code of Civil Procedure, relative to the manner of taking depositions out of the State.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 551—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out all on line 3, after the figures "737," down to and including the word "appointed," in line 16, and insert in lieu thereof the following: "The annual salaries of the judges of the superior courts of the City and County of San Francisco and the counties of Los Angeles and Alameda shall be six thousand dollars, of the counties of Contra Costa, Sacramento, Marin, and Santa Clara five thousand dollars, of the counties of San Joaquin, Santa Cruz, San Mateo, Yuba, Sutter, Butte, Nevada, Sonoma, Colusa, Monterey, San Luis Obispo, Shasta, Siskiyou, Santa Barbara, San Diego, Mendocino, Tehama, San Bernardino, Kern, Placer, Humboldt, Tulare, Fresno, Solano, Yolo, Mariposa, Ventura, Mono, Kings, Amador, Calaveras, Stanislaus, El Dorado, Merced, Madera, Tuolumne, Orange, Napa, and San Benito four thousand dollars, and of the County of Alpine two thousand dollars; one half of which shall be paid by the State and the other half thereof by the county of which the judge is elected or appointed."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 587—An Act adding a new section to the Political Code of the State of California, to be numbered 1893, relating to duties of school trustees and city boards of education regarding fraternities in public schools.

Substitute recommended by committee withdrawn.

During second reading of bill, the following amendments were offered by Senator Caminetti:

On page 1, strike out all of title, and insert in lieu thereof the following: "An Act adding a new section to the Political Code of the State of California, to be numbered 1893, relating to the duties of boards of school trustees and city boards of education in

relation to social, literary, and athletic functions in the public schools of the State; prohibiting secret fraternities, sororities, or other secret societies in such public schools, or attendance of any pupil therein at any meeting thereof, or the use of the name of any such school in connection with any such secret fraternity, sorority, or other secret society, by any pupil or pupils therein; making any violation of the provisions of this Act or of any rule or regulation established thereunder, willful misconduct, providing punishment therefor and defining the meaning of the term board of trustees."

Amendment adopted.

Also:

On page 1, strike out all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be numbered Section 1493, to read as follows:

1493. 1. Boards of school trustees and city boards of education shall control and regulate all social, literary, and athletic functions in the schools in their respective jurisdictions, and for that purpose may establish rules and regulations to govern same. The organization of any secret fraternity, sorority, or secret society of any kind whatsoever composed of members of any school or schools in the jurisdiction of boards of school trustees and city boards of education, or the use of the name of any such school by any pupil or pupils therein in connection with any such secret fraternity, sorority or secret society of any kind whatsoever, is hereby prohibited. The attendance of any pupil of any such school at any meeting of any such secret fraternity, sorority or secret society of any kind whatsoever is also hereby prohibited.

The board of school trustees and city board of education shall establish rules and regulations to enforce the provisions of this section, and shall provide therein that each pupil in any such school shall on being enrolled as such pupil therein, agree in writing to abide by the provisions of this section and by all the rules and regulations established thereunder by such boards of school trustees or city boards of education, for any such school.

2. If any pupil of any such school under the jurisdiction of any such board of school trustees, or city board of education violates any of the provisions of subdivision 1 of this section or of any rule or regulation established thereunder by any such board of school trustees or city board of education, he shall be deemed guilty of willful misconduct and shall be subject to suspension or expulsion therefor in the discretion of any such board of school trustees or city board of education having jurisdiction over the school in which such pupil is enrolled.

3. For the purposes of this section the term of the board of school trustees shall be construed to include board of trustees of any high school district.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 438—An Act prohibiting the placing, painting, printing, sticking, posting, or otherwise affixing upon any fence, structure, pole, rock, or other object, which is the property of another, any word or words, device, trademark, advertisement or notice, except such as required by law, without having first obtained the consent in writing of the owner or tenant of said property, and providing a penalty for the violation thereof, and providing for the obliteration of any word or words, device, trademark, or notice, placed, printed, painted, stuck, posted, or otherwise affixed upon any fence, structure, pole, rock, or other object in violation thereof.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 364—An Act to amend Section 5 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof," approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the compensation of local inspectors working under county boards of horticultural commissioners.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 648—An Act compelling the attendance of children at schools where tuition, lodging, food and clothing are furnished at the expense of the United States.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 860—An Act to amend Section 590 of the Penal Code, and to add a new section to said Code, to be numbered Section 590a, relating to the removal, injury, destruction, breaking, or defacing of mile boards, posts, or stones, or guide posts on or near highways, to the punishment thereof, and to the disposition of fines collected therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 602—An Act to amend Section 427 of the Code of Civil Procedure.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 814—An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 311—An Act to amend Section 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 513—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 149—An Act to amend Section 3785 of the Political Code of the State of California, relating to the issuance of tax deeds.

Bill read second time, and ordered on Assembly special file for third reading.

CONSIDERATION OF MEMBERS' URGENCY FILE—THIRD READING OF BILLS.

Senate Bill No. 845—An Act to amend Section 3680 of the Political Code of the State of California, relating to sale of land for taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 845 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Greenwell, Hartman, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Price, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, and Wolfe—27.

NOES—Senator Wright—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 82—An Act to encourage the propagation of striped bass in the State of California, and making an appropriation of \$5,000 therefor.

Also: Senate Bill No. 109—An Act to appropriate the sum of \$1,500 to pay the claim of Harve O. Waterman, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Also: Senate Bill No. 134—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.

Also: Senate Bill No. 531—An Act to provide for the improvement of the public highways, and to make an appropriation therefor.

Also: Senate Bill No. 858—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Also: Senate Bill No. 814—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to keeping, residing in, and letting disorderly houses and inns, houses of public resort, rooms, apartments, and tenements and houses of prostitution."

Also: Senate Bill No. 855—An Act to amend Section 3495 of the Political Code of the State of California, relating to the public lands.

Also: Senate Bill No. 664—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered Section 1271a, relating to the subject of escheated estates.

Also: Senate Bill No. 726—An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members, who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.

Also: Senate Bill No. 733—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, 2112, all of the Political Code of the State of California, relating to the National Guard.

Also: Senate Bill No. 859—An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California.

Also: Senate Bill No. 709—An Act to change the boundaries of the County of Los Angeles.

Also: Senate Bill No. 402—An Act to amend Sections 90, 91, 92, 128, and 131, and to add certain sections, to be known as and numbered Sections 108 and 128a, all of and to the Civil Code of the State of California, relating to divorce, the kinds thereof, and the grounds thereof.

Also: Senate Bill No. 152—An Act to authorize the Board of Fish Commissioners of the State to construct a fish repository on the Stanislaus River, in Tuolumne County, and making an appropriation therefor.

Also: Senate Bill No. 457—An Act to regulate the business of detectives, guards, and watchmen in the State of California, and prescribing penalties for violation thereof.

Also: Senate Bill No. 768—An Act to promote the horticultural interests of the State by providing county commissions of horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 31, 1897, and amended and approved March 20, 1905.

Also: Senate Bill No. 195—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and as amended June 13, 1906, by amending Section 2 thereof, relating to a license tax upon corporations, and adding a new section thereto for the purpose of carrying out the provisions of that Act.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 82, 109, 134, 531, 858, 814, 855, 644, 726, 733, 859, 709, 402, 152, 457, 768, and 195 ordered on file for third reading.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 152—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River, in Tuolumne County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 152 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 700—An Act to amend the Code of Civil Procedure by adding a new section thereto to be numbered Section 1271a, relating to the subject of escheated estates.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 700 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Price, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 788—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the appropriation of water and the time in which to commence the excavation and construction.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 788 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Greenwell, Hartman, Keane, Leavitt, Lynch, Markey, Matos, McCartney, McKee, Muentner, Nelson, Price, Rolley, Rush, Sanford, Savage, Walker, Weed, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 839—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.
Read third time.

On motion of Senator Welch, Senate Bill No. 839 was temporarily passed on file, to retain its place.

Assembly Bill No. 903—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid.

Read third time.

On motion of Senator McKee, Assembly Bill No. 903 was temporarily passed on file, to retain its place.

PRESIDENT PORTER IN THE CHAIR.

At four o'clock and thirty minutes P. M., Lieutenant-Governor Warren R. Porter in the chair.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 725—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein, and prescribing the duties of the State Controller and Attorney-General with reference thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 725 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Boynton, Broughton, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McKee, Muentner, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, and Wright—28.

NOES—Senator Wolfe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At four o'clock and forty-five minutes P. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 740—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 740 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Greenwell, Hartman, Irish, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Price, Rambo, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Belshaw was, on his own motion, granted leave of absence for the evening session of this day.

RECESS.

At five o'clock P. M., on motion of Senator Belshaw, the President pro tem. declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON INSURANCE AND INSURANCE LAWS.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 366—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Sections 7, 10, and 12 thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEAVITT, Chairman.

Assembly Bill No. 366 ordered on Assembly special file for second reading.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Assembly Bill No. 861—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

IRISH, Chairman.

Assembly Bill No. 861 ordered on Assembly special file for second reading.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 827—An Act fixing time for passing sentence in criminal actions.

Also: Senate Bill No. 771—An Act creating a board to be known as the "Board of Pardons, Paroles and Relief," whose duties shall be to hear and pass upon all applications for pardons, commutations and paroles, and to have the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of terms of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board, and authorizing the employment of agents, clerks, and other employes, and for other purposes connected with the duty of the board, and appropriating money for the use and control of said board, its agents, clerks, and employes.

Also: Assembly Bill No. 831—An Act fixing the price, terms, and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment for offenses under the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LYNCH, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 828—An Act providing that credits allowed prisoners in the State prisons

and serving more than one sentence, be computed and allowed on all the terms of sentence as on one continuous term sentence—have had the same under consideration, and respectfully report the same back, and recommend that the author withdraw the same.

LYNCH, Chairman.

Senate Bills Nos. 827 and 771 ordered on file for second reading.

Assembly Bill No. 831 ordered on Assembly special file for second reading.

WITHDRAWAL OF BILL.

Senator Carter asked for and was granted unanimous consent to withdraw Senate Bill No. 828.

Senate Bill No. 828 withdrawn and ordered stricken from the file.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 613—An Act to add a new section to the Civil Code, to be numbered 423, relating to deposits for the protection of policy holders by insurance companies engaged in the business of insuring or indemnifying employers and others against loss or damage for personal injury or death resulting from accidents to employes, or persons other than employes, and to prohibit life, health, or accident insurance companies from engaging in such business.

And report that the same has been correctly engrossed.

REILY, Chairman.

Senate Bill No. 613 ordered on file for third reading.

SECOND READING OF BILLS.

On motion of Senator Leavitt, the second-reading file was taken up for consideration.

Senate Bill No. 837—An Act relative to estrays, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 2, after the word "ownership," insert the following: "or custody."

Amendment adopted.

Also:

On page 1, Section 2, line 3, strike out the entire line 3, and insert in lieu thereof the following: "Any domestic animal upon the traveled portion of any public highway, whatsoever."

Amendment adopted.

Also:

On page 2, Section 4, line 6, strike out all of lines 6 to 12, inclusive, and insert in lieu thereof the following:

SEC. 5. Any one who shall violate the provisions of this Act shall be guilty of a misdemeanor.

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 801—An Act to provide for the improvement, protection, and management of wharves, docks, piers, and certain of the water front lands and premises at the City of Oakland, and for the possession and control thereof, defining the limits thereof, creating a Board of State Harbor Commissioners therefor, providing for the manner and time of their and their successors' appointment, defining their powers, jurisdiction, duties, and qualifications, fixing their terms, salaries, and bonds, providing for the filling of vacancies in said board, for the appointment, salaries, and removal of officers and employes thereof, for the collection, deposit, and disbursement of the revenues and funds arising from the carrying into effect this Act, creating the Oakland Harbor Improvement Fund, appropriating public moneys to carry this Act into effect, defining the duties of certain State officers with reference to said board, said lands and premises, said revenues and fund, declaring and defining a misdemeanor for, and providing for the punishment as a misdemeanor of any person upon conviction of the violation of the lawful rules or regulations of said board, and giving jurisdiction to any police court of the City of Oakland in cases of such misdemeanor.

On motion of Senator Leavitt, Senate Bill No. 801 was temporarily passed on file, to retain its place.

Senate Bill No. 498—An Act authorizing the payment of a claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 559—An Act to amend Section 396 of the Code of Civil Procedure, relating to the place of trial of civil action.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "in," after the figures "396," and insert in lieu thereof the following: "if."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 883—An Act to protect all citizens in their civil and legal rights and to fix a penalty for violation thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 884—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, and amended March 2, 1903, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 919—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, relating to eminent domain and the purposes for which it may be exercised.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 857—An Act to amend Section 530 of the Code of Civil Procedure of the State of California, relating to injunctions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 875—An Act to amend Section 73 of the Code of Civil Procedure, relative to sessions of the Superior Court.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 908—An Act to repeal Section 145 of the Political Code of the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 907—An Act to amend Section 852 of the Political Code of the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 718—An Act to amend Section 11 of an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 799—An Act to establish the payment of weekly wages to certain employes and providing a penalty for a violation thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 887—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be designated as Section 1674a, relating to contracts involving carriers of newspapers and newspaper carriers' business.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 663—An Act to amend Section 102 of the Civil Code of the State of California, relating to desertion in connection with actions of divorce.

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 730—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a new section, to be numbered Section 25c, authorizing boards of supervisors to acquire and maintain parks, and to issue bonds therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 730 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Caminetti, Irish, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 613—An Act to add a new section to the Civil Code, to be numbered 423, relating to the deposits for the protection of policy holders by insurance companies engaged in the business of insuring or indemnifying employers and others against loss or damage for personal injury or death resulting from accidents to employés or persons other than employés.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 613 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Curtin, Hartman, Irish, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Muentner, Nelson, Price, Reily, Rolley, Rush, Savage, Walker, Weed, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 697—An Act transferring money from the general fund to the adult blind fund to meet a deficiency in said adult blind fund caused by expenditures for unusual and urgent repairs to the buildings of the Home for the Adult Blind in Oakland, and directing the State Controller and State Treasurer to make such transfer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 697 finally passed by the following vote:

AYES—Senators Anthony, Bates, Boynton, Broughton, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 82—An Act to encourage the propagation of striped bass in the State of California, and making an appropriation of \$10,000 therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 82 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Walker, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 888—An Act to provide for the classification of supervisors in counties of fifteenth class, where they are now classified, so that all of them shall not go out of office at the same time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 888 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 638—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain street in the City of Sacramento, to wit, Twenty-sixth Street, from the south line of K Street to the north line of L Street, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 638 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 702—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3571½, relating to the public lands of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 702 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Broughton, Caminetti, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Mattos, McKee, Muentner, Nelson, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 882—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and amended March 6, 1899.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Bates moved to refer to Senator Curtin as a special committee of one, to amend as follows:

After the last word in Subdivision 5, page 2, insert the following:

"6. If the town wherein such Board of Fire Commissioners has been appointed shall afterwards become a municipal corporation under the laws of the State of California, such Board of Fire Commissioners shall have the power and it shall be their duty to transfer and convey to such municipal corporation any property which it shall have acquired under the provisions of this Act."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 882, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

Senate Bill No. 780—An Act to amend Section 1619 of the Code of Civil Procedure, relating to the compensation of attorneys of executors and administrators for extraordinary services.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 780 passed by the following vote:

AYES—Senators Anderson, Anthony, Black, Boynton, Broughton, Curtin, Greenwell, Hartman, Keane, Leavitt, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—Senator Caminetti—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 855—An Act to amend Section 3495 of the Political Code of the State of California, relating to the public lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 855 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Greenwell, Keane, Leavitt, Lynch, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 839—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Read third time heretofore this day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 839 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Greenwell, Keane, Leavitt, McCartney, McKee, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 789—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 789 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Boynton, Broughton, Caminetti, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, Miller, Nelson, Rolley, Rush, Sanford, Walker, Weed, Willis, and Wolfe—25.

NOES—Senator Wright—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 838—An Act defining the character of imitation butter and imitation cheese, providing for the prevention of deception in the manufacture or sale of butter or cheese, to secure its enforcement, defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses, providing that the State Veterinarian shall be ex-officio State Dairy Commissioner, and shall also perform, in addition to his duties as fixed by law, the duties of State Dairy Commissioner, designating and prescribing the duties of such State Dairy Commissioner, providing that no action can be maintained to recover on account of any sale or contract made in violation hereof, providing for the issuance and service of search warrants, when necessary for the seizure of substances designed to be used contrary to the provisions hereof, and repealing an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor," approved March 4, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 838 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reilly, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—Senator Caminetti—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 966—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1243, relative to the place and court in which actions in eminent domain must be brought.

Also: Assembly Bill No. 374—An Act to add a new section to the Code of Civil Procedure, to be numbered 1060, in relation to undertakings.

Also: Assembly Bill No. 500—An Act to add a new section to the Code of Civil Procedure, relating to juries, to be known and numbered as Section 605.

Also: Assembly Bill No. 269—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relating to the settlement of the final accounts of guardians of insane persons.

Also: Assembly Bill No. 270—An Act to add a new section to the Political Code of the State of California, to be known as Section 2197a, relating to claims against counties for the expense of keeping insane prisoners.

Also: Assembly Bill No. 676—An Act supplementary to the Act approved June 16, 1906, entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," providing for the making and recordation of notice of ownership or claim to real property.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 825—An Act to define the duties of and to license land surveyors, and to repeal an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Also: Senate Bill No. 867—An Act to amend the Penal Code by adding thereto a new section, to be numbered Section 515, relating to embezzlement by a co-owner or co-partner.

Also: Assembly Bill No. 709—An Act to regulate the building and occupancy of tenement houses in incorporated cities.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

contained in the San Jacinto Forest Reserve as will equal in area the number of acres so ascertained and determined to have been unlawfully listed, and said patent shall be executed by the same officers and in the same manner as other patents are executed, and the Register of the State Land Office shall record said patent in his office, and thereafter shall cause the same to be delivered to the Secretary of the Interior at Washington, in the District of Columbia.

Sec. 3. Until such controversy is determined in whole or in part all of the provisions of Chapter I, Title VIII, Part III, of the Political Code, are hereby suspended as to all of the lands embraced in the said San Jacinto Forest Reserve, for which application to purchase had not been accepted and filed prior to February 14, 1907. In the event that the said opinion of the Attorney-General of the United States is rendered in favor of the contention of the State of California, then this section shall immediately cease to be operative. In the event that the opinion of the Attorney-General of the United States is unfavorable to the contention of the State of California, either in whole or in part, and said controversy is thereafter considered by the State officials as herein set forth, and any patent is thereafter executed conveying to the United States of America certain lands, then all the provisions of this section shall cease to be operative when said patent is recorded in the office of the Register of the State Land Office.

Sec. 4. For the purpose of carrying out the provisions of this statute the sum of \$5,000.00 is hereby appropriated out of any money in the State treasury not otherwise appropriated, and the State Controller is hereby authorized to draw his warrant therefor, and the State Treasurer is hereby authorized and directed to pay said warrant.

Sec. 5. This Act shall take effect immediately.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 834—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 21, 1905.

Read third time.

The question being on the passage of the bill.

The bill was called, and Senate Bill No. 834 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Boynton, Caminetti, Carter, Greenwell, Keane, Leavitt, Lukens, Lynch, Mattos, Miller, Muentner, Nelson, Price, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 134—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 134 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Boynton, Caminetti, Greenwell, Keane, Leavitt, Lukens, Lynch, McCartney, Miller, Nelson, Price, Reily, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 891—An Act to add a new section to the Political Code, to be numbered Section 1671a, relating to the issue of bonds for the support of county high schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 891 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, McCartney, McKee, Muentner, Nelson, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 517—An Act to appropriate \$20,000 out of any money in the State treasury not otherwise appropriated to permanently drain Lake Earl, in Del Norte County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 517 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, Muentner, Nelson, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Lukens:

Resolved. That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Lukens is hereby permitted to introduce a bill, to be numbered 940.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Caminetti, Carter, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, Miller, Muentner, Nelson, Price, Reily, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Lukens: Senate Bill No. 940—An Act to authorize, empower, and direct the Governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting, and recovering the claims of the State of California against the United States of America; to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof.

Bill read first time, and referred to Committee on Judiciary.

RUSH ORDER TO PRINTER.

On motion of Senator Lukens, the Secretary was directed to issue a rush order for printing Senate Bill No. 940.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Senate Bill No. 522—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation, approved March 20, 1903, by amending Sections 1, 12, 14, 16, and 17 and by adding a new section thereto—and report that the same have been correctly enrolled, and presented the same to the Governor on this 23d day of February, 1907, at eleven o'clock A. M.

REILY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 9—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery, and livestock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work, and the operation of the School of Agriculture, and the educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose.

Also: Senate Bill No. 521—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.

Also: Senate Bill No. 289—An Act to amend Section 70 of the Civil Code; and declaring that marriage may be solemnized by a justice of a District Court of Appeal.

Also: Senate Bill No. 169—An Act to amend Section 1160 of the Political Code, relating to elections and the time the polls must be opened and closed.

Also: Committee Substitute for Senate Bill No. 42—An Act to amend an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887, by including within the provisions of said Act the badge or button of the United Spanish War Veterans of this State.

Also: Senate Bill No. 142—An Act to amend Section 2979a of the Political Code of the State of California, relating to the preservation of the public health.

Also: Senate Bill No. 288—An Act to repeal Chapters III, IV, V, and VI of Title IV of the Political Code, as said chapters existed on the 17th day of March, 1905, relating to the State militia.

Also: Senate Bill No. 101—An Act to amend Section 2981 of the Political Code of the State of California, relating to meetings of the State Board of Health.

Also: Senate Bill No. 10—An Act appropriating the sum of \$7,000 for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school.

Also: Senate Bill No. 177—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code relative to expense of actions, alimony, and actions for maintenance and support.

Also: Senate Bill No. 430—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, by adding thereto a new section, to be numbered and known as Section 22½, relating to the annexation of outlying territory to sanitary districts, and the conditions of such annexation.

Also: Senate Bill No. 176—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1891, relating to clerks in police courts in cities of the first and one-half class.

Also: Senate Bill No. 81—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the creation of a "Law Library Fund."

Also: Senate Bill No. 262—An Act to add a new section to the Political Code of the State of California, to be known as Section 2979a, relating to duties of the State Board of Health.

Also: Senate Bill No. 118—An Act to amend Section 3051 and Section 3052 of the Civil Code of California, relating to the lien on personal property for services performed thereon, and providing a method of enforcing said lien for the amount secured thereby.

Also: Senate Bill No. 56—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

Also: Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to the extension of the terms of existence of corporations.

Also: Senate Bill No. 28—An Act to amend Section 10 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, relating to deposits of mortgages accompanied by an abstract or certificate of title or policy of title insurance.

Also: Senate Bill No. 528—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1681, relating to post-graduate courses of study in high schools.

Also: Senate Bill No. 527—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1779, relating to grammar grade post-graduate course of study in the public schools.

Also: Senate Bill No. 481—An Act to amend Section 1881 of the Code of Civil Procedure, relating to parties prohibited from testifying in certain cases.

And report that the same have been correctly enrolled, and presented the same to the Governor, on this 26th day of February, 1907, at three o'clock P. M.

REILY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 111—An Act to repeal an Act entitled "An Act to incorporate the Town of Yuba City," approved March 30, 1878.

Also: Senate Bill No. 165—An Act to amend Sections 3078, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths.

Also: Senate Bill No. 228—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation.

Also: Senate Bill No. 8—An Act to amend an Act entitled "An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, relating to tuition fees in said university.

Also: Senate Bill No. 129—An Act to repeal Section 491 of the Penal Code of the State of California.

Also: Senate Bill No. 130—An Act to add a new section to the Penal Code of California, to be numbered 490a, providing therein for the punishment of the larceny of bicycles, jacks, jennies, and dogs.

Also: Senate Bill No. 500—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Also: Senate Bill No. 456—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor, approved March 18, 1905, and to change and re-direct the manner of the expenditure thereof.

Also: Senate Bill No. 517—An Act providing for an appropriation of \$600 for the purpose of putting a new roof and floor to the "Distillery" at Sutter's Fort.

Also: Senate Bill No. 128—An Act to amend Section 487 of the Penal Code of California, defining grand larceny.

Also: Senate Bill No. 50—An Act to provide for the examination, tearing down, and removal of certain buildings of the San Jose State Normal School injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for the erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds, for the use of said normal school, and making an appropriation therefor.

Also: Senate Bill No. 431—An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof.

Also: Senate Concurrent Resolution No. 11—Relative to joint rules of Senate and Assembly.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 27th day of February, 1907, at four o'clock P. M.

REILY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 153—An Act making an appropriation to pay the claim of Solinsky & Webe against the State of California.

Also: Senate Bill No. 223—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Also: Senate Bill No. 494—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

Also: Senate Bill No. 163—An Act to amend an Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901.

Also: Senate Bill No. 570—An Act to amend Section 12 of an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Also: Senate Bill No. 194—An Act to amend Section 2567 of the Political Code of California relating to the Board of Harbor Commissioners of the Port of Eureka on Humboldt Bay.

Also: Senate Bill No. 52—An Act to amend Section 1202 of the Political Code of the State of California relating to the appointment of election officers.

Also: Senate Bill No. 519—An Act providing for an appropriation of one thousand five hundred dollars (\$1500) for the purpose of improving the grounds of Sutter's Fort.

Also: Senate Bill No. 27—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3692, 3695, 3699, 3700, 3702, 3738, 3897, and 3898 of the Political Code; to repeal Section 3701 of the Political Code, as it now exists, and to reenact said Section 3701, all of said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

Also: Senate Bill No. 47—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm water drains within municipalities.

Also: Senate Bill No. 107—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Also: Senate Bill No. 84—An Act authorizing the Governor to set apart one day in each year, to be designated Bird and Arbor Day, and to request its observance.

Also: Senate Bill No. 193—An Act to amend Section 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing a compensation of the members thereof, etc.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 28th day of February, 1907, at five o'clock p. m.

REILY, Chairman.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 390—An Act to provide for experimental work in tobacco culture in the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 390 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Greenwell, Hartman, Keane, Leavitt, Mattos, McCartney, McKee, Miller, Muentner, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 784—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the terms of existence of corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 784 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Black, Boynton, Broughton, Carter, Curtin, Hartman, Keane, Kennedy, Leavitt, Lukens, Mattos, McCartney, McKee, Muentner, Nelson, Price, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—Senator Caminetti—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 516—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes, the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposition of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 156 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Carter, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Nelson, Price, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 838—An Act appropriating money to pay the expenses of maintaining an exhibition of the products of California at the Alaska-Yukon-Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 838 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Mattos, McCartney, Muentner, Nelson, Price, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 749—An Act to authorize suits against the State of California, concerning certain real property, and regulate the procedure therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 749 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Keane, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Muentner, Nelson, Reily, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 859—An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 859 passed by the following vote:

AYES—Senators Anderson, Bell, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 531—An Act to provide for the improvement of the public highways, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 531 passed by the following vote:

AYES—Senators Anderson, Bell, Black, Boynton, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 274—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.

Also: Passed Assembly Bill No. 1021—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

Also: Assembly Bill No. 822—An Act to classify the roads in the State of California, and to define each class.

Also: Assembly Bill No. 416—An Act to regulate the licensing and powers of detectives and to provide for the regulation of the business of watchman and guards in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Also: Assembly Bill No. 452—An Act to amend Sections 626, 626a, 626d, 626g, 626j, 627b, and 637a of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637b, all relating to the protection and preservation of game and fish.

Also: Assembly Bill No. 665—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, relating to eminent domain and the purposes for which it may be exercised.

Also: Assembly Bill No. 938—An Act to amend Section 1578 of the Code of Civil Procedure, relating to proceedings to obtain an order for the mortgage of real property by the administrator of any estate, or the guardian of any minor or incompetent person.

Also: Assembly Bill No. 770—An Act to amend Section 987 of the Penal Code.

Also: Assembly Bill No. 809—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, known as county sheep inspector and assistant county sheep inspector, and their compensation, and providing for prosecution and punishment under the same, and to suppress and prevent dissemination of scab, scabies and all other infectious or contagious diseases among sheep.

Also: Assembly Bill No. 928—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to keeping, residing in and letting disorderly houses and inns, houses of public resort, rooms, apartments and tenements and houses of prostitution.

Also: Assembly Bill No. 924—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the California State Board of Pharmacy for the remainder of the fifty-eighth, and for the fifty-ninth and sixtieth fiscal years.

Also: Assembly Bill No. 594—An Act to authorize the District Court of Appeal for the Second District to provide proper rooms in which to hold court, and for the proper accommodation of its officers and library, and authorizing the presiding justice to enter into contracts or leases therefor, and providing for an appropriation of money therefor.

Also: Assembly Bill No. 929—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

Also: Assembly Bill No. 890—An Act making an appropriation to be used to develop water and furnish equipment for the same, and to repeal Chapter CCLXIII, Statutes 1905, all relating to the water supply at the Whittier State School.

Also: Assembly Bill No. 16—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 66—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Also: Senate Bill No. 112—An Act to amend Section 496 of the Penal Code, relating to the buying and receiving of stolen property.

Also: Senate Bill No. 168—An Act to amend Section 718 of the Civil Code, relating to leases of town and city lots.

Also: Senate Bill No. 658—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

Also: Senate Bill No. 540—An Act to regulate the practice of shoeing horses, mules, and other animals in the State of California, and to require all farriers to pass an examination as to their proficiency on the following subjects: Anatomy of the feet of horses and mules; the making and fitting of shoes to the feet of horses and mules; in preparing the feet of horses and mules for shoes, and putting shoes on horses and mules; in driving nails in the feet of horses and mules; and in doing such other things as will advance the science of shoeing horses and mules to the best interests of the horse and mule, and all other animals, in the most skillful and scientific manner.

Also: Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 1021 and 822 read first time, and referred to Committee on Roads and Highways.

Assembly Bills Nos. 416, 938, and 770 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 452 read first time, and referred to Committee on Fish and Game.

Assembly Bills Nos. 665, 809, and 928 read first time, and ordered on file without reference to committee.

Assembly Bills Nos. 924, 594, 890, and 16 read first time, and referred to Committee on Finance.

Assembly Bill No. 929 read first time, and referred to Committee on Hospitals and Asylums.

Senate Bills Nos. 66, 112, 168, 658, 540, and 396 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 30—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof.

Also: Senate Bill No. 51—An Act to amend an Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such election; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903.

Also: Senate Bill No. 646—An Act supplementary to an Act entitled "An Act creating a State commission on voting or balloting machines, defining their power, and providing for the use at the option of the indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts in any county or city and county, or city or town, at any or all elections held therein, and for ascertaining the result of said elections; providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903, and providing for the testing and inspection of such machines.

Also: Senate Bill No. 550—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor.

Also: Senate Bill No. 67—An Act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.

Also: Senate Bill No. 92—An Act to provide for certain improvements at the California Polytechnic School and making an appropriation therefor.

Also: Senate Bill No. 564—An Act amending Section 157s of the Code of Civil Procedure, relating to mortgages by executors, administrators, and guardians in certain cases.

Also: Senate Bill No. 569—An Act to amend Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment.

Also: Senate Bill No. 69—An Act to amend Section 1093 of the Penal Code, relating to the order of trial.

And respectfully ask your honorable body to concur in the amendments.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 30?"

Amend by striking out the period at the end of line 17, page 2 of the printed bill, and inserting in lieu thereof the following: "*provided*, that no article shall be deemed misbranded, mislabeled, or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act."

Also: Amend by striking out the word "possession," on line 1, Section 8, third page of the printed bill, and inserting in lieu thereof the following: "the sale or offering for sale."

Also: Amend by striking out the words: "free access at all reasonable hours, to examine any place wherein it is suspected that any adulterated, mislabeled, or misbranded drug exists, and such agent or sheriff upon," after the word "have," on line 10, fourth page, printed bill, and inserting in lieu thereof the following: "the right to purchase at the place of business of any manufacturer or dealer, any drug suspected of being adulterated, mislabeled, or misbranded within the meaning of this Act."

Also: Strike out the small "w" in the word "when," on line 1, Section 15, fifth page, printed bill, and insert in lieu thereof a capital "W."

Also: Strike out the word "cannabis," in line 11, third page, printed bill, and insert in lieu thereof the word "cannabis."

Also: On page 4, line 14, printed bill, before the word "may" insert the word "he."

Also: Amend by adding to Section 3 the following: "and the regulations and definitions adopted for the enforcement of the Food and Drug Act of June 30, 1906, shall be adopted by the State Board of Health for the enforcement of this Act."

The roll was called, and the above Assembly amendments to Senate Bill No. 30 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Caminetti, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, Nelson, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Senate Bill No. 30 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 51?"

Add after the figures 10, line 1, Section 1 of the printed bill, the following: "of an Act entitled an Act to amend an Act creating a State commission on voting or balloting machines, defining their power, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, city and county, city or town, at any or all elections held therein, and for ascertaining the result of such election; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903."

Also: Amend by striking out the "period," on line 13, Section 1, second page, printed bill, and inserting in lieu thereof the following: "As a candidate for the same office for which he is voted in the independent or blank column."

The roll was called, and the above Assembly amendments to Senate Bill No. 51 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Curtin, Greenwell, Kennedy, Leavitt, Lynch, Mattos, McCartney, Nelson, Price, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—24.

NOES—None.

Senate Bill No. 51 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 646?"

Amend the printed bill by striking out all of the bill after Section 1 to the end of Section 4, and insert in place of the matter so stricken out the following as Section 2 of the bill:

SEC. 2. At least twenty days before an election in any political subdivision where voting machines are to be used in one or more precincts, of such subdivision, under and pursuant to the law of this State, it shall be the duty of the board of election commissioners or other body having charge and control of such election, to notify in writing by mail with postage prepaid the chairman or secretary of the executive or central committee of any political party or organization for the territory, which may have made nominations of candidates to be voted for at such election, that it may appoint repre-

representatives of such political party who shall be authorized to attend and observe the final adjustment, testing and sealing of such ballot machines, and thereupon it shall be the right of such committee to appoint as many representatives as it may see fit to select for such purpose, and to issue certificates of such appointment to such representatives by the secretary of such committees, respectively, which shall forthwith send a list of such representatives with the name of the political party or organization for which they are selected, and the name of each representative with his full address, adding street and number, to the said board of election commissioners or other body having charge and control of such election. If any political party or organization which has made nominations shall not have any chairman or secretary of such committee, or the name and address of such chairman or secretary shall not appear in its nomination papers, then the said election commissioners may send the notice above required to any person named in its nomination papers as the person to whom the certificate of nomination may be returned. Such board of election commissioners shall thereafter, and at least five days before the time thereof, send written notice with postage prepaid to each such representative of a political party or organization which has so been filed in its office, with the address of such representative; which notice shall state the time and place before such election where such representatives are invited to attend, to observe the final adjustment, testing and sealing of such voting machines, and thereafter at such time and place the final adjustment, testing and sealing of such voting machines under the directions of such board of election commissioners, shall proceed in the presence of as many of said representatives as shall assemble to observe and view the same, a full and complete opportunity shall then and there be given to such representatives to observe the processes by which such adjustment, testing, and sealing is performed, and to see that the said machines are set at zero, and without any vote registered thereon for the advantage of any party or candidate or otherwise. When the said machines are so sealed they shall not be unsealed again except by the precinct election board on the day of election, and except for trial as to their correctness after transportation to the various booths or polling places, at which places such trial may be made as the board of election commissioners or body having control of the elections shall direct, to see if any machine has become in any way disarranged during transportation to the polling place, and a seal necessary to such investigation may be broken or any work performed that may be necessary to put any machine in any such polling place in complete working order for such election, and the representatives aforesaid shall have the right to attend at any and all polling places for the purpose of viewing and observing any such unsealing arrangement and resealing, which final work shall take place not later than the day before the election, nor earlier than the third day before the election. If independent candidates are nominated, and no chairman or secretary is named in the certificate of nomination, then such candidate or candidates shall be notified as herein specified, and may attend, or appoint representatives to attend, with all the rights and privileges provided for by this Act.

It shall be the duty of the board of election commissioners, or other body having charge and control of such election, to notify in writing by mail, with postage prepaid, the chairman or secretary of the executive or central committee of any political party or organization hereinbefore referred to, and any independent candidate or candidates hereinbefore referred to, of the time when the final inspection, adjustment, listing and sealing of such voting or ballot machines will commence at the polling places, and of the place or places from which the inspectors will start in the performance of such duty, and that the representatives appointed pursuant to this Act or such independent candidate or candidates, may attend as provided by this Act. Such notices shall be so mailed not less than three days before the time named for commencing such final inspection.

Also: Amend the printed bill by changing Section 5 to Section 3.

Also: Amend the printed bill by changing Section 6 to Section 4.

Also: Amend by adding after the word "Candidate," on line 6, Section 3, second page, printed bill, the following: "Or the authorized representative of either."

Also: Amend by adding the words after the word "postoffice," on line 2, Section 2, second page, printed bill, "with postage prepaid thereon."

The roll was called, and the above Assembly amendments to Senate Bill No. 646 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Caminetti, Curtin, Greenwell, Keane, Kennedy, Leavitt, Mattos, McCartney, Nelson, Price, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—25.

NOES—None.

Senate Bill No. 646 ordered to enrollment.

The question being, "Shall the Senate concur in the following amendment to Senate Bill No. 550?"

Amend by striking out the words "from his," in line 3, Section 9, of the printed bill, and inserting in lieu thereof the words "having a."

The roll was called, and the Assembly amendment to Senate Bill No. 550 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Curtin, Greenwell, Keane, Kennedy, Lynch, Mattos, McCartney, McKee, Nelson, Price, Reily, Sanford, Savage, Walker, Weed, Willis, and Wolfe—22.

NOES—None.

Senate Bill No. 550 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 67?"

Amend by striking out the word "fifty," Section 1, on line 3, first page, printed bill, and inserting in lieu thereof the following: "twenty-five."

Also: Amend by striking out the figures "50," Section 1, line 3, first page, printed bill, and inserting in lieu thereof the following: "25."

The roll was called, and the Assembly amendments to Senate Bill No. 67 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, Price, Reily, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Senate Bill No. 67 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 92?"

Amend by striking out the word "sixty-eight," Section 1, on line 1, first page, printed bill, and inserting in lieu thereof the following: "thirty-nine."

Also: Amend by striking out the figures "68," Section 1, line 1, first page, printed bill, and inserting in lieu thereof the following: "39."

Also: Amend by striking out the word "twenty-five," Section 1, in line 7, first page of printed bill, and inserting in lieu thereof the following: "twenty."

Also: Amend by striking out the figures "25," Section 1, line 7, first page, printed bill, and inserting in lieu thereof the following: "20."

Also: Amend by striking out the words "for the completion of the barn and the furnishing thereof, sixteen thousand (\$16,000.00) dollars," Section 1, on lines 8 and 9, first page of printed bill.

Also: Amend by striking out the words "for the construction of poultry houses, four thousand (\$4,000.00) dollars," Section 1, lines 14 and 15, first page, printed bill.

Also: Amend by striking out the words "for the construction of swine, store, and work rooms, four thousand (4,000.00) dollars," Section 1, on lines 16 and 17, second page, printed bill.

The roll was called, and the Assembly amendments to Senate Bill No. 92 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Boynton, Curtin, Greenwell, Keane, Leavitt, Lynch, Mattos, McCartney, Muentner, Nelson, Price, Reily, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Senate Bill No. 92 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 564?"

Insert in line 13, Section 1 of the amended printed bill, after the word "either," the following: "to maintain the ward and his family or to maintain and educate the ward when a minor, or."

Also: Strike out the word "in," in line 15 of Section 1 of the amended printed bill, and insert in lieu thereof the word "on."

Also: Insert in line 22 of Section 1 of the amended printed bill, after the word "the," the following: "facts and circumstances showing the insufficiency of the income of the estate under guardianship to maintain the ward and his family or to maintain and educate the ward when a minor and the."

The roll was called, and the above Assembly amendments to Senate Bill No. 564 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Curtin, Greenwell, Hartman, Keane, Kennedy, Lynch, Mattos, McCartney, Muentner, Nelson, Price, Reily, Rush, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Senate Bill No. 564 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 569?"

Strike out in Section 1, pages 1 and 2, the whole of lines 4 to 19, inclusive, and insert in lieu thereof the following:

1915. A final judgment of any other tribunal of a foreign country having jurisdiction, according to the laws of such country, to pronounce the judgment, shall have the same effect as in the country where rendered, and also the same effect as final judgments rendered in this State.

The roll was called, and the above Assembly amendment to Senate Bill No. 569 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Curtin, Greenwell, Hartman, Keane, Leavitt, Mattos, McCartney, Muentner, Nelson, Reily, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Senate Bill No. 569 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 69?"

Amend by striking out the following words: "if requested by either party; and he may state the testimony," found in lines 21 and 22, Section 1, printed bill.

The roll was called, and the above Assembly amendment to Senate Bill No. 69 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, McCartney, Muentner, Nelson, Price, Reily, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—24.

NOES—Senator Mattos—1.

Senate Bill No. 69 ordered to enrollment.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 131—An Act to amend Section 1576a of the Political Code, relating to clerks of school boards in certain cases, and for payment of their salaries, herein providing for the adoption of a course of study, and the appointment of a superintendent of schools in certain cases, and for payment of his salary.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 131 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Caminetti, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Price, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 410—An Act to amend Section 1372 of the Political Code of the State of California, relating to the territory of this State within which primary elections shall be obligatory and amendatory—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 794—An Act to regulate nominations of public officers in party conventions by instructing delegates thereto and limiting their powers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WALKER, Chairman.

Assembly Bills Nos. 410 and 794 ordered on Assembly special file for second reading.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 802—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 802 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Caminetti, Curtin, Greenwell, Keane, Leavitt, Lynch, Mattos, McCartney, Muentner, Nelson, Price, Reily, Rolley, Rush, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 99—An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 99 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Curtin, Greenwell, Keane, Kennedy, Lynch, Mattos, McCartney, McKee, Muentner, Nelson, Price, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF CODE REVISION BILLS.

On motion of Senator Willis, Senate Bills Nos. 360 and 212 were taken up for consideration.

Senate Bill No. 360—An Act to amend Section 1476 of the Penal Code, relating to the issuance of writs of habeas corpus and admission to bail, pending the determination thereof.

Read third time.

The question being on passage of the bill.

The roll was called, and Senate Bill No. 360 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Curtin, Greenwell, Keane, Kennedy, Leavitt, Mattos, McCartney, McKee, Muentner, Nelson, Price, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 212—An Act to amend Sections 832, 836, 845, 848, 855, 859, 866, 867, 887, 892, 893, 895, 905, and 906 of the Code of Civil Procedure, and to repeal Section 837 thereof, all relating to civil actions in justices' courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 212 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Curtin, Keane, Kennedy, Leavitt, Mattos, McCartney, Muentner, Nelson, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At eleven o'clock P. M., on motion of Senator Wolfe, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, March 5, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

READING OF JOURNAL.

During the reading of the Journal of Monday, March 4, 1907, the further reading was dispensed with, on motion of Senator Mattos.

PETITION.

The following petition was presented by Senator Lukens, and ordered printed in the Journal:

To His Excellency James N. Gillett, Governor of California, and to the Senate, and to the Assembly of the State of California.

We, the undersigned citizens of California, send greeting:

And we hereby earnestly petition your favorable action in passing at the present session of the Legislature remedial legislation on the subject of divorce substantially as set forth in Senate Bills Nos. 402, 403, 404, 405 and 406; providing (1) for divorce from bed and board, and personal service on defendant whether within or without the State, and for restriction of migratory divorces; (2) for requiring the district attorney to appear in all divorce proceedings in his county in behalf of the State to prevent collusion or fraud, or a one-sided presentation of default cases; (3) for making it a misdemeanor crime to be guilty of any of the acts or omissions that constitute a ground for divorce, or to be guilty of collusion or fraud in divorce proceedings; (4) providing for service of summons and all other papers in divorce cases on the district attorney, and giving the co-respondent in adultery cases notice and right to intervene.

And in support of our petition we recite the significant facts: (1) That the number of divorces has increased to an alarming extent, illustrated by the fact that in Los Angeles County, in 1905, one divorce case was filed to every four marriage licenses issued; (2) Judges estimate that in ninety per cent (90%) of divorce cases there is no appearance by defendant; (3) More than one half the divorces granted in California are for trivial causes, such as desertion and failure to provide; (4) The best thought and civic conscience of our entire nation is now being aroused to a recognition of the alarming growth of the divorce evil, a fact recognized by the President of the United States in his last annual message to Congress.

We plead (1) for a more practical and more just system of sifting out the right and wrong in divorce cases; (2) for the right to demand legal separation only, where the injured one in marital troubles has conscientious scruples against absolute divorce;

(3) for the appropriate punishment of those who wilfully violate the solemn obligations of the sacred marriage vow; (4) for the more adequate protection of the sacred marriage relation; and (5) for the stability and permanence of the home, because the home is the rock upon which both the State and the nation are founded, and if the home decays, both State and nation must crumble and fall.

Wm. A. M. Van Bokkelen, 2713 Telegraph Avenue; W. T. Ambrose, 2539 Hillegass; H. V. S. Hubbard, 2739 Bancroft; James P. Davis, 2369 Ellsworth Street; E. E. Osborn, 2608 Dana Street; H. Robt. Braden, 1933 Stuart Street; F. G. Osborn, 2608 Dana Street; J. W. Gibbs, 2215 Atherton Street; Thomas W. Whalley, Julia and California streets; A. N. Meats, 2317 Wood Street; Ross Turman, 2428 Ellsworth Street; G. H. Andruss, 2437 Warring Street; Andrew F. Sherman, 2815 Bancroft Way; Thos. Steele, 2739 Bancroft Way; A. M. Sutton, 2746 Dwight Way; Edward L. Parsons, 2532 Durant Avenue, Berkeley.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Miller asked for and was granted unanimous consent to have Assembly Bill No. 159 taken up for the purpose of amendment.

Assembly Bill No. 159—An Act to change, establish, and permanently locate the boundary line of the County of Kings.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Miller moved to refer to Senator Cartwright, as a special committee of one, to amend as follows:

Amend the title by inserting after the last word in the title, the following: "and provide for the submission of such change, establishment and location of such boundary lines, to the qualified electors of the territory to be affected by the change."

Also: Strike out Section 3, and insert in lieu thereof the following:

SEC. 4. This Act shall take effect and be in force from and after its passage, and all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Also: Insert after Section 2, and before the words "Sec. 3," a new section to be numbered Section 3, as follows:

SEC. 3. The Governor shall within ten days after this Act takes effect and as hereinafter provided, appoint five persons, residents and electors of that certain territory within the following described boundaries, viz: Beginning at the northwest corner of township seventeen (17) south, range thirteen (13) east, Mount Diablo base and meridian; thence due south along the range line between ranges twelve (12) and thirteen (13), to the summit of the Coast Range Mountains; thence southerly along the summit of the Coast Range Mountains, the same being also the boundary line between the counties of San Benito and Monterey, and the County of Fresno as now established by law, to the corner common to the counties of Fresno, Monterey, and Kings; thence northeasterly along and following the boundary line between Kings and Fresno counties, as now established by law, to a point where said boundary line intersects the fourth standard parallel line south; thence due west on said fourth standard parallel line south to the place of beginning, who shall be and constitute a board of commissioners to carry out the provisions of this Act. All costs and expenses that may be incurred by said commissioners, as such, in holding any election hereinafter provided for and any compensation due said commissioners, for services rendered as such, or any clerk employed by them, shall be legal charges against the County of Kings. The said commissioners shall each receive five dollars per day for each and every day's services actually rendered as such commissioners, not exceeding twenty days' services by each commissioner, and their actual traveling expenses, the same to be audited and paid as other expenses are audited and paid by the board of supervisors of Kings County. Said commissioners shall meet within said territory above described within ten days after their appointment, and after being duly sworn to faithfully discharge their duties as such commissioners, shall organize by electing one of their number president, and shall elect a clerk, who shall also be duly sworn to faithfully discharge the duties of clerk of said board of commissioners, and shall receive the sum of fifty dollars per month during his term of office. Three of the members of said board shall be necessary to transact any business, and a majority of the members present at any meeting shall control in all matters coming before said board. It shall be the duty of said board of commissioners, after they shall have duly organized, to divide the territory last above described into not less than five nor more than nine election precincts, and to designate the place in each precinct where the election herein provided for must be held. Said commissioners and the clerk elected by them are hereby authorized, empowered, and required to discharge the same duties as are now required by law of boards of supervisors and county clerks in the counties of this State so far as the same apply to holding election, canvassing returns, and certifying the result thereof; they shall keep a full record of their proceedings, transmitting to the Secretary of State a certified copy thereof, and filing the original, with the original election returns, in the office of the county clerk of the County of Fresno; and in case the

qualified electors of said territory last above described shall vote in favor of such change as herein provided the said commissioners shall file a certified copy of all their proceedings and of said election returns with the county clerk of the County of Kings; and thereupon the powers and duties of said commissioners shall cease and terminate. Within sixty days from the time of the first meeting of the commissioners herein provided for, said commissioners shall order and hold an election in the said territory last hereinbefore described and in each precinct thereof created by said commissioners. At said election there shall be submitted to the qualified electors of said territory the question whether said territory herein described shall be annexed or added to Kings County; and for the purpose of ascertaining the choice of said electors the ballots used at said election shall have printed thereon the words "For annexation to Kings County—Yes." "For annexation to Kings County—No," and all ballots on which a cross is marked with a stamp after the words "For annexation to Kings County—Yes" shall be counted in favor of such annexation of said territory hereinbefore described to Kings County, and all ballots on which a cross is marked with a stamp after the words "For annexation to Kings County—No" shall be counted against such annexation. Said election shall be conducted in every respect, except as otherwise herein provided, in accordance with the general election law for the election of county and township officers. All qualified electors of this State who have been residents and electors of the said territory last herein described for ninety days preceding the election herein provided for shall be qualified to vote at said election. The great register of Fresno County used at the general election held in the year nineteen hundred and six in the territory last above described shall be prima facie evidence of the qualification of electors; the county clerk of the County of Fresno is hereby directed to furnish the said commissioners a certificate under seal, showing the additional names of the voters on the great register of the County of Fresno, registered as residing in the said territory hereinbefore described since the last great register of Fresno County was printed, and the certificate of the county clerk of Fresno County under seal, showing the registration of any qualified voter residing in the said territory prior to three months before such election shall entitle the holder thereof, if otherwise qualified by law, to vote at said election. It shall be the duty of the Secretary of State to furnish to the clerk of said board of commissioners the quantity of ballot paper ordered by the said clerk for use at said election upon the payment of the cost of said paper. If at said election sixty per cent of the votes cast on the question of annexation of the said territory hereinbefore described to Kings County shall be in favor of such annexation, then the said territory shall be and become a part of the said County of Kings from and after the day upon which the returns of said election shall be ascertained and declared by said board of commissioners. But if at such election less than sixty per cent of the qualified electors voting for and against such annexation of said territory to the County of Kings shall be in favor thereof, then said territory hereinbefore described shall continue to be and remain a portion of the said County of Fresno. Sealed returns from the officers of election of the several precincts established by said board of commissioners shall be made to such board of commissioners at such office as they may select within the said territory within six days after the day of election. All justices of the peace, and all constables, duly elected and qualified and residents of the said territory herein described at the taking effect of this Act shall hold their offices for the terms provided by law for the respective townships in which they reside. All school trustees acting as such at the time of the taking effect of this Act, and residents of the said territory herein described, shall hold their offices for the time provided by law, for the respective school districts in which they severally reside, as such districts are now organized. All notaries public residents of the said territory herein described shall hold their offices until the expiration of their terms.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 159, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTWRIGHT, Special Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Miller, the Secretary was ordered to issue a rush order for printing Assembly Bill No. 159, the same to retain its place on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator McCartney asked for and was granted unanimous consent to have Senate Bill No. 793 taken up for the purpose of amendment.

Senate Bill No. 793—An Act to authorize the United States of America to sue the State of California.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 793.

An Act to authorize the settlement of an existing controversy between the United States of America and State of California, and making an appropriation to carry out the provisions of said Act.

WHEREAS, The Federal Government claims that certain mistakes have been made in the past wherein and whereby the State of California has received and there has been listed to the State 40,000 acres, or thereabouts, of the public domain in excess of the just amount of lands that the State of California was entitled to under the grant in lieu of sixteenth and thirty-sixth sections, and that the State of California should restore to the United States an area equal to such excess listings to be taken from the sixteenth and thirty-sixth sections within forest reservations; and

WHEREAS, The State maintains that such claim is barred by the provisions of the Act of Congress of March 1, 1877, found in Volume 19 of the United State Statutes, page 267, confirming the title of the State to selections listed prior thereto, and also by the Act of Congress of March 3, 1901, found in Volume 26 of the United States Statutes, page 1095, limiting the time within which the United States can begin suits to vacate and annul patents; now, therefore,

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Surveyor-General of the State of California is hereby authorized to enter into a stipulation with the Secretary of the Interior of the United States of America which shall provide that the question, as to whether or not the United States is now entitled under the laws of the United States, to claim anything of the State of California by virtue of such previous listings, shall be submitted to the Attorney-General of the United States for his opinion, and if the opinion of that official is rendered in favor of the contention of the State of California that then and in that event such opinion shall be final, and shall be binding upon the United States of America.

SEC. 2. If, on the other hand, the opinion of the Attorney-General of the United States shall be adverse to the contention of the State of California, either in whole or in part, and in that event the Surveyor-General of the State of California is hereby empowered to make a report of the facts concerning said controversy to the Governor of the State of California and to the Attorney-General of the State of California, and present with such report a copy of the opinion of the Attorney-General of the United States; thereafter the Surveyor-General of the State of California and the Governor of the State of California and the Attorney-General of the State of California, are authorized and directed to make such examination of law and the facts as will enable them to determine whether the opinion of the Attorney-General of the United States is well founded in whole or in part; then the Surveyor-General, as Register of the State Land Office, shall prepare a patent in the name of the State of California in favor of the United States of America to such portion of the sixteenth and thirty-sixth sections contained in the San Jacinto Forest Reserve as will equal in area the number of acres so ascertained and determined to have been unlawfully listed, and said patent shall be executed by the same officers and in the same manner as other patents are executed, and the Register of the State Land Office shall record said patent in his office, and thereafter shall cause the same to be delivered to the Secretary of the Interior at Washington, in the District of Columbia.

SEC. 3. Until such controversy is determined in whole or in part all of the provisions of Chapter I, Title VIII, Part III, of the Political Code, are hereby suspended as to all of the lands embraced in the said San Jacinto Forest Reserve, for which application to purchase had not been accepted and filed prior to February 14, 1907. In the event that the said opinion of the Attorney-General of the United States is rendered in favor of the contention of the State of California, then this section shall immediately cease to be operative. In the event that the opinion of the Attorney-General of the United States is unfavorable to the contention of the State of California, either in whole or in part, and said controversy is thereafter considered by the State officials as herein set forth, and any patent is thereafter executed conveying to the United States of America certain lands, then all the provisions of this section shall cease to be operative when said patent is recorded in the office of the Register of the State Land Office.

SEC. 4. For the purpose of carrying out the provisions of this statute the sum of \$5,000.00 is hereby appropriated out of any money in the State treasury not otherwise appropriated, and the State Controller is hereby authorized to draw his warrant therefor, and the State Treasurer is hereby authorized and directed to pay said warrant.

SEC. 5. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator McCartney, the Secretary was directed to issue a rush order for printing Senate Bill No. 793, the same to retain its place on file.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day denied second reading to Senate Bill No. 308—An Act to repeal Sections 156 and 157 of the Code of Civil Procedure, both relating to the eligibility of judicial officers.

Also: Passed Assembly Bill No. 897—An Act to amend Section 865 of the Penal Code, relating to the taking and authentication of testimony at preliminary examinations.

Also: Assembly Bill No. 852—An Act relating to life, health, and accident insurance of live stock on the assessment plan, and the conduct of the business of such insurance.

Also: Assembly Bill No. 955—An Act to amend Section 3680 of the Political Code of the State of California, relating to the sale of land for taxes.

Also: Assembly Bill No. 690—An Act in relation to fees of county recorders in recording documents or writings for water users' associations incorporated in conformity with the direction of the United States under the Act of Congress approved June 17, 1902, and relating to the use of printed matter or blanks by such recorders.

Also: Assembly Bill No. 692—An Act granting rights of way for lines, roads, structures, levees, canals, and excavations, to the United States, over the public lands of this State.

Also: Assembly Bill No. 991—An Act to amend Section 6 of an Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in said channels and preventing the overflow thereof, and for the construction by such districts of all the necessary works for said purposes, approved February 22, 1907.

Also: Assembly Bill No. 988—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be designated as Section 1674a, relating to contracts involving carriers of newspapers and newspaper carriers' business.

Also: Assembly Bill No. 826—An Act for providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Also: Assembly Bill No. 1024—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State laboratory of plant pathology and the appointment of a State Plant Pathologist for this purpose, and for investigations in the field of viticulture, and making an appropriation therefor.

Also: Assembly Bill No. 1022—An Act to amend Section 163 of the County Government Act.

Also: Assembly Bill No. 898—An Act creating a Public Relief Commission, and defining its powers and purposes; providing for the appointment of commissioners in whom its administration shall be vested, and prescribing their duties, powers, and compensation; providing for the rental of offices for the use of the commissioners, and for traveling and office expenses, providing for the appointment of other officers, agents, and servants, and for their compensation; providing a course of procedure, where any person, firm, or corporation, or society has received, held, distributed, or disposed of, or is receiving, holding, distributing, or disposing of trust funds or trust property in an unsafe or unauthorized manner, where the trust funds or other trust property has been donated, granted, given, or bequeathed for the relief of any sufferers from any earthquake, conflagration, or other disaster; providing for succession in the office of such commissioners, and repealing all Acts and parts of Acts in conflict herewith.

Also: Assembly Bill No. 951—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction and to provide for officers of said courts, and to fix the compensation of certain officers thereof."

CLIO LLOYD, Chief Clerk of the Assembly.

By T. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 897, 955, 692, and 898 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 852 read first time, and referred to Committee on Insurance and Insurance Laws.

Assembly Bills Nos. 690 and 1022 read first time, and referred to Committee on County Government.

Assembly Bill No. 991 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bills Nos. 988, 1024, and 951 read first time, and ordered on file without reference to committee.

Assembly Bill No. 826 read first time, and referred to Committee on Public Health and Quarantine.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 901—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended by amending Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 thereof, and by adding two new sections thereto, to be known as Sections 10a and 10b, relating to a license tax upon corporations, and making provision for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof, approved June 13, 1906—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MCCARTNEY, Chairman.

Assembly Bill No. 901 ordered on Assembly special file for second reading.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Assembly Bill No. 589—An Act to add a new article to Chapter III, of Part III of the Political Code, to be known as Article XIII, relating to the Board of Bank Commissioners, and prescribing their duties and powers—have had the same under consideration, and respectfully report the same back, with seven amendments, and recommend that it do pass as amended.

BATES, Chairman.

Assembly Bill No. 589 ordered on Assembly special file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following bills:

Senate Bill No. 639—An Act to amend Section 2644 of the Political Code of the State of California, relating to the allowing of claims by the board of supervisors.

Also: Senate Bill No. 829—An Act to add a new section to the Political Code, to be numbered Section 1361c, and to amend Section 1367 of the Political Code in relation to primary elections.

Also: Senate Bill No. 750—An Act to add a new section to the Political Code, to be known as Section 625a, relating to information to be furnished each county clerk by the Insurance Commissioner.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 639, 829, and 750 ordered on file for third reading.

ON INSURANCE AND INSURANCE LAWS.

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 340—An Act to prevent the giving of rebates or special favors as an inducement to taking out of any life insurance policy within the State of California, and providing penalties for the violation hereof—have had the same under consideration, and respectfully report the same back amended, and without recommendation.

LEAVITT, Chairman.

Assembly Bill No. 340 ordered on Assembly special file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 651—An Act making an appropriation of \$5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, providing for a parole officer, his compensation and traveling expenses.

Also: Assembly Bill No. 691—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act."

Also: Assembly Bill No. 696—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Also: Assembly Bill No. 789—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

Also: Assembly Bill No. 927—An Act to add a new section to the Political Code, to be numbered 759, relating to the employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said Code.

Also: Assembly Bill No. 965—An Act to furnish the office of superintendent of schools of the City and County of San Francisco with the statutes, code amendments, and indexes to the laws of the State of California.

Also: Assembly Bill No. 974—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Also: Assembly Bill No. 987—An Act making an appropriation for the erection of a monument in St. Mary's Cemetery, in the City of Oakland, California, to the memory of Honorable John J. Burke, deceased, and appointing a commission to carry out the provisions for such appropriation.

Also: Senate Bill No. 657—An Act authorizing the State Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

Also: Senate Bill No. 166—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, relating to the Commissioner for the Bureau of Labor Statistics, the compensation of the said commissioner, his deputy, his agents and assistants, and making an appropriation therefor.

Also: Senate Bill No. 539—An Act making an appropriation of \$915, to pay the claim of Southern Construction Company for the grading of Campus Avenue, at the State Normal School, San Diego, California.

Also: Senate Bill No. 885—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 458—An Act to appropriate \$10,000 for the establishment of a school of forestry at the University of California, and specifying the duties of the Controller and Treasurer of the State in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 699—An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and repealing all Acts or portions of Acts in conflict herewith—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute for the same do pass.

Also: Assembly Bill No. 446—An Act to pay the claim of the County of Sacramento against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BELSHAW, Chairman.

Assembly Bills Nos. 651, 691, 696, 789, 927, 965, 974, 987, 458, and 446 ordered on Assembly special file for second reading.

Senate Bills Nos. 657, 166, 539, 885, and 699 ordered on file for second reading.

RESOLUTIONS.

The following resolutions were offered:

By Senator McCartney:

Resolved, That the Controller is hereby directed to draw his warrant and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Senate in the sum of \$150 to G. Ray Horton, Minute Clerk; also in the sum of \$100 to C. B. Mahone,

Assistant Minute Clerk, for services rendered for remaining after final adjournment to properly arrange and label the rough minutes of the session which must properly be signed and delivered to the Secretary of State.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Leavitt:

WHEREAS, Mr. O. G. Jones was duly and regularly employed as an expert to the Committee on Insurance and Insurance Laws, at a compensation of two thousand (\$2,000) dollars, under and by virtue of the following resolution, which was adopted by the Senate on January 21, 1907:

Resolved, That the Committee on Insurance and Insurance Laws be authorized and empowered to employ an expert, or experts, at a compensation to be fixed by said committee, and to be paid out of the Contingent Fund of the Senate; and that said committee be and is hereby empowered to issue all subpoenas, to have full power to send for persons, books, and papers, and to compel the attendance of any and all witnesses within this State, and require a production of any and all necessary papers, books, or documents, in order that the powers herein given may be fully carried out. Therefore, be it

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the Contingent Fund of the Senate in favor of O. G. Jones for the sum of two thousand (\$2,000) dollars, and the State Treasurer is hereby directed and ordered to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.
Also:

Resolved, That C. E. Canfield be paid the sum of one hundred (\$100) dollars, for subject indexing all Senate bills, Senate constitutional amendments, joint and concurrent resolutions introduced during the thirty-seventh legislative session, and to assist the Secretary in compiling the final history after the session, and the same be paid out of the Contingent Fund of the Senate, and the Controller is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

RE-REFERENCE OF BILLS TO COMMITTEE.

On motion of Senator Wolfe, Assembly Bill No. 374—An Act to add a new section to the Code of Civil Procedure, to be numbered 1060, in relation to undertakings—and Assembly Bill No. 500—An Act to add a new section to the Code of Civil Procedure, relating to juries, to be known and numbered as Section 605—were re-referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

SENATE CONSTITUTIONAL AMENDMENT No. 25.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 1 of Article IV thereof, relating to the legislative power and to certain reservations thereof by the people.

The Legislature of the State of California, at its regular session, commencing on the seventh day of January, nineteen hundred and seven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that Section 1 of Article IV of the Constitution of the State of California, be amended so as to read as follows:

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California, but the people reserve to themselves power to propose laws and amendments to the laws and to enact or reject the same at the polls, independent of the Legislature, and also reserve power at their option to approve or reject at the polls any Act of the Legislature. The first power reserved by the people is the initiative, and not more than eight per cent of the legal voters shall be required to propose any measure by petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the Secretary of State not less than four months before the election at which they are to be voted upon. The second power reserved is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health, or safety,) either by petition signed by five per cent of the legal voters, or by the Legislature, as other bills are enacted. Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the Legislature which passed the bill on which the referendum is demanded. The

veto power of the Governor shall not extend to measures referred to the people. All elections on matters referred to the people of the State shall be had at the biennial regular general elections, except when the Legislature shall order a special election. Any measure referred to the people shall take effect and become a law when it is approved by a majority of the votes cast thereon, and not otherwise. The enacting clause of every law shall be "The people of the State of California do enact as follows." This section shall not be construed to deprive any member of the Legislature of the right to introduce any measure. The whole number of votes cast for _____ at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the referendum shall be filed with the Secretary of State, and in submitting the same to the people, he, and all other officers, shall be guided by the general laws and the Act submitting this amendment, until legislation shall be especially provided therefor.

Senate Constitutional Amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 25 refused adoption by the following vote:

AYES—Senators Anthony, Bell, Black, Broughton, Caminetti, Kennedy, Mattos, Miller, Muentner, Reily, Rush, and Sanford—12.

NOES—Senators Anderson, Bates, Belshaw, Boynton, Greenwell, Hartman, Keane, Leavitt, Lukens, Lynch, McKee, Nelson, Price, Rambo, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—22.

Senate Bill No. 457—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Senate Bill No. 457 was temporarily passed on file, in the absence of the author, to retain its place.

SENATE CONSTITUTIONAL AMENDMENT No. 19.

A resolution to propose to the people of the State of California an amendment to Article II of the Constitution of California, by amending Section 2½ thereof, relating to primary elections, so as to permit the direct or other nomination of candidates for public office without conventions.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session, commencing on the 7th day of January, A. D. 1907, two thirds of the members elected to each of the houses voting in favor thereof, hereby proposes that Section 2½ of Article II, of the Constitution of California, be amended by inserting between the words "political parties," which words are the nineteenth and twentieth words of said section, and the words "at elections," which words are the twenty-first and twenty-second words of said section, the following words, to wit: "And also laws providing for the direct or other nomination of candidates for public office, without conventions"; so that the said section, as amended, will read as follows, to wit:

PRIMARY ELECTIONS.

Section 2½. The Legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties, and also laws providing for the direct or other nomination of candidates for public office without conventions, at elections known and designated as primary elections. Also to determine the tests and conditions upon which electors, political parties, or organizations of voters, may participate in any such primary election, which tests or conditions may be different from the tests and conditions required and permitted at other elections authorized by law; or the Legislature may delegate the power to determine such tests or conditions at primary elections to the various political parties participating therein. It shall also be lawful for the Legislature to prescribe that any such primary election law shall be obligatory and mandatory in any city, or any city and county, or in any county, or in any political subdivision, of a designated population, and that such law shall be optional in any city, city and county, county or political subdivision of a lesser population, and for such purpose such law may declare the population of any city, city and county, county, or political subdivision, and may also provide what, if any, compensation primary election officers in defined places or political subdivisions may receive without making compensation either general or uniform.

Senate Constitutional Amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 19 adopted by the following vote :

AYES—Senators Anderson, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McKee, Miller, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, and Willis—28.

NOES—Senators Anthony, Bates, Boynton, Savage, Welch, Wolfe, and Wright—7.

Constitutional amendment ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At eleven o'clock and forty minutes A. M., Senator F. W. Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 709, the same was taken up for consideration.

Senate Bill No. 709—An Act to change the boundaries of the County of Los Angeles.

Read third time.

TIME OF RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Wolfe, the hour of recess was extended until such time as would permit the consideration of Senate Bill No. 709 to be concluded without interruption.

MOTION TO TAKE RECESS.

At one o'clock and five minutes P. M., Senator Belshaw moved that the Senate take a recess until two o'clock and thirty minutes P. M.

The motion was duly seconded.

POINT OF ORDER.

Senator Wolfe raised the point of order that, inasmuch as the hour of recess had previously been duly fixed by the Senate, the proper procedure would require a motion to reconsider such action.

DECISION ON POINT OF ORDER.

The Acting President announced that he was ready to render his decision on the point of order raised by Senator Wolfe, and declared that the point was not well taken.

STATEMENT BY SENATOR WOLFE.

Senator Wolfe asked for and was granted unanimous consent to state to the Senate that, while he could not agree with the ruling of the Chair on his point of order, he proposed to vote for the motion made by Senator Belshaw, in the hope that a recess might conduce to a speedy termination of the measure under consideration.

SENATE TAKES RECESS.

The question being on the motion to take a recess.

The ayes and noes were demanded by Senators Rolley, Belshaw, and Wolfe.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Broughton, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Matos, Miller, Price, Rambo, Rolley, Rush, Sanford, Weed, Wolfe, and Wright—26.

NOES—Senators Black, Caminetti, Markey, Nelson, Reily, Savage, Walker, and Willis—8.

Whereupon the Acting President declared the Senate at recess until two o'clock and thirty minutes P. M.

RECONVENED.

At two o'clock and thirty minutes P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

RESOLUTIONS—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Leavitt is hereby permitted to introduce a Senate Concurrent Resolution, to be numbered 19.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Leavitt moved a call of the Senate.

Motion carried.

Time, two o'clock and thirty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Bates, Bell, Black, Carter, Curtin, Greenwell, Hartman, Irish, Kennedy, Leavitt, Lynch, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Weed, and Welch—22.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and thirty-seven minutes P. M., Senator Sanford was brought to the bar of the Senate, and, on motion of Senator Leavitt, was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and forty minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll was called.

Whereupon the President announced that the resolution suspending certain provisions of Section 2 of Article IV of the Constitution was adopted by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Carter, Curtin, Greenwell, Hartman, Irish, Kennedy, Leavitt, Lynch, Markey, McCartney, Miller, Muenter, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Welch—28.

NOES—None.

INTRODUCTION OF SENATE CONCURRENT RESOLUTION.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following Senate Concurrent Resolution was introduced:

By Senator Leavitt: Senate Concurrent Resolution No. 19—Approving four certain amendments to the charter of the City of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the first day of March, one thousand nine hundred and seven.

Senate Concurrent Resolution ordered on file without reference to committee.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for printing Senate Concurrent Resolution No. 19.

RESOLUTIONS—(RESUMED).

By Senator Lukens:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Red Men's Hall Association, for the sum of \$1,000, payable out of the Contingent Fund of the Senate, the same being for one half of the rent of the halls, now occupied by the Legislature, thirty-seventh session, for the month of March, 1907.

Resolution read, and referred to Committee on Contingent Expenses.
Also:

Resolved, That the Controller is hereby directed to draw his warrant on the Contingent Fund of the Senate for \$226.71 in favor of C. S. MacMullan, the same being a balance due on a claim ordered paid by resolution of Senate during its thirty-fifth session, and unpaid because of the depletion of said fund; and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Lynch:

Resolved, That the Controller be and he is hereby directed to draw his warrant in the sum of \$956.90 in favor of the Secretary of the Senate in payment of the bills attached hereto, the said warrant being payable out of the Contingent Fund of the Senate.

J. Young.....	\$250 00
Remington T. W. Co.....	16 95
G. R. Lukens.....	5 60
A. J. Johnston & Co.....	457 90
H. S. Crocker & Co.....	176 15
Henry E. Sleeper & Co.....	6 50
Scott, Lyman & Stack.....	23 80
Robert Shaw.....	20 00
	<hr/>
	\$956 90

Resolution read, and referred to Committee on Contingent Expenses.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON PRISON LEGISLATION AND REFORM.

To the Senate of the State of California:

Your committee appointed by the President of the Senate on the 10th day of March, 1905, in pursuance of a resolution adopted by the Senate on the 7th day March, 1905, as follows:

"WHEREAS, There have been a number of bills passed by this Legislature carrying large sums of money for the purpose of enlarging and increasing the capacity of our State prisons; and

"WHEREAS, The best modern authorities on penology advise the classification of prisoners in order that reformation of convicts may be accomplished; and

"WHEREAS, Our present prison facilities do not permit of this desired reformation of persons convicted of crime; therefore, be it

Resolved, That a committee of three hold-over Senators be appointed by the President of the Senate to act in conjunction with the State Board of Prison Directors for the purpose of considering and reporting on the matter of the construction of a new penitentiary and the selection of a suitable site therefor and that the members of the said committee shall be allowed their actual and necessary expenses payable out of the Contingent Fund of the Senate" beg leave to submit the following report:

In compliance with the provisions of the above resolution, your committee met with the State Board of Prison Directors at San Quentin on the 8th day of December, 1906, and carefully took up the matters appertaining to the erection of further penal institutions for the purpose of putting into effect what is known as the "segregate system" in our State prisons. It appeared to the committee, from the evidence adduced, that in accordance with the most approved plan for penological reformation, it is advisable to segregate the prisoners into not less than three, and possibly five classes.

We learned from the State Board of Prison Directors that they had in contemplation, for a number of years, the adoption of the "segregate system" for the prisons; but owing to the present crowded condition at the two State prisons, they were unable to put this system into operation; that, with the money appropriated at the last session of the Legislature, it was their intention, and the work had already been started to erect additional cells, with the idea in view of having a separate cell for each prisoner.

It further appeared to the committee that it is advisable to provide for an intermediate prison for the reformation of prisoners wherein they may be taught trades and useful occupations. With this end in view, the committee took under consideration the adaptation of the buildings at the Preston School of Industry for such an institution; and to obtain information thereon, at the request of this committee, the State Board of Prison Directors passed the following resolution:

Resolved, That the engineer of the board submit, at his earliest convenience, a report as to the character and general plan required for an intermediate prison, including therein a report as to the feasibility of adapting the Preston School of Industry to such purpose; and further, that the probable cost of such a prison to accommodate two hundred and fifty inmates be included in said report."

Pursuant to this resolution, Mr. W. R. Eckart, the engineer of the State Board of Prison Directors, visited the Preston School of Industry at Lone and, after a careful study of the buildings, grounds, and other conditions and circumstances, submitted a report of his investigation to the State Board of Prison Directors, a copy of which, with the exception of the maps and photographs accompanying said report, is hereto attached and made a part hereof.

As will be seen from Mr. Eckart's report, he advises, for good and sufficient reasons, against the tentative plan of adapting the Preston School of Industry for the purposes of an intermediate prison, and your committee is of the same opinion.

It will be noted that Mr. Eckart goes very thoroughly into the matter of plans and estimates of cost for an intermediate prison. Without taking into consideration the cost of land for the prison, he estimates that it will require \$555,000 for the erection of buildings necessary for a complete institution of this character. However, he suggests that if the buildings actually necessary, such as cell buildings, kitchen, and dining-room, administration building, commissary buildings, officers' and guards' quarters, and warden's residence, be erected by contract, and the remaining buildings, consisting of a stable, the hospital, the trades buildings, the officers' residences and also the wall, be erected by prison labor, the first appropriation need only be \$255,000, as the latter buildings and wall could be erected by prison labor.

As a conclusion, your committee urgently recommends that the necessary appropriations for the erection and equipment of an intermediate prison should be made at once, and that a commission consisting of the Governor and State Board of Prison Directors, should be instructed and empowered to purchase a proper site for the needs of this institution.

C. M. BELSHAW.
H. E. CARTER.
J. A. McKEE.

COPY OF REPORT OF W. R. ECKART, ENGINEER OF THE STATE BOARD OF PRISON DIRECTORS.

The Honorable State Board of Prison Directors, San Francisco, California.

GENTLEMEN: At a meeting of the State Board of Prison Directors, held at San Quentin, December 8, 1906, upon request of the Senate Committee, the following resolution was passed:

"That the engineer of the board submit, at his earliest convenience, a report as to the character and general plan required for an intermediate prison, including therein a report as to the feasibility of adapting the Preston School of Industry to such purpose, and further that the probable cost of such a prison to accommodate 250 inmates be included in said report."

Pursuant to this resolution, I beg to offer the following:

Character of an intermediate prison.

An intermediate prison should undoubtedly be modeled along the lines of the modern reformatory, and among penological experts there seems to be an almost unanimous opinion as to the methods and requirements for such an institution, which briefly stated are, that the criminals to be confined are young men, generally between the ages of 16 and 30 years, who have not been previously convicted of a felony.

The sentence should in all cases be what is known as the "Indeterminate Sentence." Upon this subject there seems to be no divergence of opinion.

The discipline should be of the strictest, and in many of the institutions considered as models it is of the military type. The division into three classes is a prominent feature and essential. All prisoners are received into the second class and are held there until they have earned recognition by their conduct and application to work, whereupon they are promoted to the first class. Incurability, attempts to escape, or lack of application, etc., will cause a transfer to the third or lowest grade. No absolute discharge is given direct from the reformatory, but the men are sent out on probation or parole, and absolute discharge is given only when the paroled man has made good. No parole is made except from the first grade, and continuation in the third class may be cause for transfer to one of the penitentiaries.

General plan required.

The institution, confining as it does men convicted of serious crimes, requires all the features of a prison, and essentially a high surrounding wall, cells providing separate accommodation for each prisoner (although in some cases the first grade men are taken care of either in dormitories or in rooms with three or four men in a room). Besides the wall and cell house, the following buildings are required: dining-room, kitchen, commissary store-house, hospital, power-house, administration building, trades school building, stable, laundry.

Residences for general superintendent and other officers should be provided.

The laundry and power-house could be taken care of in the trade school building, which should provide shops and school rooms where the men can be taught all the principal trades, and the equivalent of a common school education given to those who are deficient in this respect. Also, either in this building or elsewhere, should be provided an assembly hall, suitable for use as a chapel and general lecture room, an adjunct of which might be a library.

The arrangement of the different buildings and disposition of department rooms, as mentioned above, must necessarily depend, in a great measure, upon the location and contour of the prison site selected.

The cost of construction, including labor and material to be had and used in the buildings, the making of them fireproof and otherwise safe for the confinement of prisoners, will be governed materially by local conditions and surroundings.

Also, the continued cost of fuel, freight rates, and abundant supply of pure water for domestic and factory purposes, are other important factors to be taken into consideration in connection with the intermediate prison wherever located.

In view of the foregoing considerations, and your instructions, several days were spent in investigating the "feasibility of adapting the Preston School of Industry, at Ione, to an intermediate prison."

(The following reference is to maps accompanying the original report of Mr. Eckart to the State Board of Prison Directors, which do not accompany the report of your committee.)

On the blue print, marked "D," attached, which is a contour map of the grounds in the vicinity of the main building, will be found the location of the principal buildings now erected and in use at the school. It will be seen that the Administration Building (print A) is located on the apex of a knoll some 40 feet higher than the dormitories (marked east and west cottages) and at a distance averaging over 500 feet in each direction from the same, while the Trades School Building (print B), and power-house, are on a still lower elevation, and at a slightly greater distance from the Administration Building.

In the interior arrangement, construction, and location of these buildings, it is everywhere apparent that they were only intended for the confinement of persons under the age of manhood, where prison bars, armed guards, and enclosure walls are not necessary or desirable. The east and west dormitories are each arranged for housing two companies (fifty boys to each company), or say, two hundred inmates, besides the matrons and care-takers. In the Administration Building, besides the Superintendent's living room, and the quarters of other officers, there are additional dormitories capable of housing say fifty more inmates. The dining-room, located in the latter building (over the kitchen) is of scant capacity for seating the present number of boys, say 220.

The Trades School Building (print B) contains, on the ground floor, a carpenter shop and laundry. The floor above is not occupied at present, as the building has just been rebuilt, after being partially destroyed by fire. An addition to this building has recently been erected out of concrete blocks, in a creditable manner, by the boys belonging to the school. This addition will contain the machine shop, blacksmith shop, and other departments.

Water supply and system. (Print F.)

The main car and domestic supply is derived from Sutter Creek by means of diverting dam and ditches, and certain times of the year it is necessarily restricted in quantity

and inferior in quality, requiring storage and settling reservoir to render it fit for use, and at best it is not potable. The drinking water at present is dependent upon springs developed on the Preston School tract since the main water supply rights were purchased by the State. It is not over sufficient for the present daily wants.

To adapt the Preston School for use as a reformatory to accommodate 250 men would require:

First—Other accommodations to be provided for over two hundred boys, well housed and provided for in buildings suited and well located for their requirements at present.

Second—The erection of a cell building for 250 men, built with all the modern requirements for prison life, allotting one cell to each person confined.

Third—The erection of a prison enclosure wall of sufficient height to prevent the escape of prisoners from the reformatory. The rolling nature of the ground adjacent to the main building, and the scattered locations of the dormitories and Trades School Building would require an excessive length of wall over what would be required under more favorable conditions.

Fourth—The water supply will have to be carefully conserved to meet even the present requirements of the Preston School, and further expenditure to provide a sufficient quantity and quality for an intermediate prison with its additional trades capacity would be necessary.

Fifth—The remodeling of the present buildings and dormitories to make them suitable for the changed conditions would be necessary. The present dining-room is located over the kitchen, as an annex to the Administration Building, and is barely of capacity for 220 persons. Any administration building, or building for officers, should be on the outside of any prison wall, and the prison dining-room and kitchen must necessarily be on the inside, which would necessitate entirely new buildings for those purposes, including a store-house and refrigerator building.

In view of the foregoing considerations, and the fact that the present purposes of the Preston School are well served by these buildings and their location, I am moved to advise against any tentative plan of adapting the Preston School of Industry to the purposes of an intermediate prison.

General plan for an intermediate prison.

In attempting to comply with that part of your instructions calling for a "general plan for an intermediate prison," including the "probable cost of such a prison for 250 inmates," nothing more than a tentative one can be submitted in advance of some knowledge of the prison site to be selected, as the disposition of all buildings in relation to each other, as previously stated, will depend, in a great measure, upon the contour of the ground, power and heat supply to the required buildings, and sanitary arrangements as to ventilation and disposal of sewage, while cost of construction is governed by material to be had and used in the buildings, and the labor market, at a place yet indeterminate.

Print marked ¹⁰⁸⁷ L.P. is a general outline ground plan for confining and housing 250 inmates, with administration building and officers' quarters. The cell building, as arranged, is for 250 single cells, arranged in cell block inside of the main cell building. All cells are spaced and arranged on the utility corridor system, with separate lavatory and round hopper closet prison outfit. Ventilating and lavatory piping enters the utility corridor back of each row of cells; all cells to have open gratings for fronts, and building arranged for hot-air heating.

The dining-room and kitchen are one-story buildings, so as not to obstruct light from the cell building, while being conveniently located to the cells, and being arranged as wing buildings to the connecting passage ways, additional dining-room could be added for 250 more prisoners, if desirable, and still retain the convenient arrangement for segregating and handling prisoners in dining-rooms where the ventilation would be of the best.

The Trades School Building would be two stories in height. In the basement the power and boiler-room for heating all buildings could be provided for, while on the ground floor and second story would be the trades and educational departments, all arranged as has been found desirable in the Eastern reformatories. Space has been provided for a second trades building, convenient to the first, in case of enlargement of the prison.

Other buildings, such as hospital and commissary department, are laid out on the plan.

The main enclosure wall is 2,252 feet, including gates, but excluding the frontage covered by the main cell building. It is laid out for a height of 20 feet, which can be raised to 25 feet, if desirable. The total ground enclosure within the wall is 7.4 acres. This enclosure has been taken as sufficient for an increase of prison capacity to 1,000 prisoners.

While the cell building and dining room are laid out for 250 men, it seems likely, in view of past experience with prison work, that future requirements would demand greatly increased capacity, say, up to 1,000 prisoners. Therefore, the general plan has been arranged to admit of a symmetrical increase in capacity to that number as will be found tabulated, in the accompanying memoranda of approximate costs.

MEMORANDA OF APPROXIMATE COSTS.

Building.	Remarks.	Estimated Cost.
Wall	Area enclosed suitable for prison of ultimate capacity of 1,000 men	\$111,500 00
Cell building	Capacity 256 single cells, space provided for additional cell blocks up to 1,000 cells	105,000 00
Dining-room	Seating capacity 250 men, ground space provided for increase up to 1,000 men	16,000 00
Kitchen	Ample space for cooking for 1,000 men	21,500 00
Commissary building	Will take care of 1,000 men, depending upon convenience of supply center	7,500 00
Administration building	Size practically independent of capacity of prison, depends on organization	40,000 00
Officers and guards' building	Probably ample for prison of capacity up to 1,000, further extensions should be in the form of individual cottages for married employés. Depends on convenience to town	42,500 00
Warden's residence	Independent of prison capacity	22,500 00
Deputy warden's residence	Independent of prison capacity	12,000 00
Officers' residences	Six provided, probably sufficient up to prison capacity of 1,000, depends on organization, proximity to town, etc.	24,000 00
Stable	Size and cost dependent upon acreage farmed, and prison requirements, distance from station, etc.	7,500 00
Hospital	Ample for prison of 1,000 men under ordinary conditions	35,000 00
Tradeschool	Probably ample for prison capacity up to 500 men, depends upon attention paid to agriculture and similar pursuits	110,000 00
Total erected by contract		\$555,000 00

If only the buildings actually necessary were built by contract, cell building, kitchen and dining-room, administration building, commissary building, officers and guards' quarters, warden's residence, which would leave the wall, the stable, the hospital, trades building and officers' residences to be erected by prison labor, the first appropriation need be only \$255,000.00. This would make a large saving on the labor item in the last named buildings, besides furnishing useful work for the inmates for several years.

Respectfully submitted.

W. R. ECKART.

February 5, 1907.

SPECIAL ORDER SET.

Senator Belshaw moved that the consideration of the report of special committee on prison legislation and reform, appointed by the Senate of the thirty-sixth session of the California Legislature, be made a special order for Wednesday, March 6, 1907, at eleven o'clock A. M.

Motion carried.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That the Controller be and is hereby directed to draw his warrant in favor of the names of the persons attached hereto, in the amounts set after their respective names, the same being payable out of the Contingent Fund of the Senate.

H. E. Carter	\$45 60
J. A. McKee	10 00
W. R. Eckart	28 50

Resolution read, and referred to Committee on Contingent Expenses.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No.

159—An Act to change, establish, and permanently locate the boundary line of the County of Kings—the same was taken up for consideration, and, on motion of Senator Miller, the further consideration was postponed and made a special order for Wednesday, March 6, 1907, at two o'clock P. M.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 428—An Act making an appropriation for searching for beneficial insects—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BELSHAW, Chairman.

Assembly Bill No. 428 ordered on Assembly special file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 848—An Act making an appropriation to pay the expenses of legislative printing for the thirty-seventh session.

And report that the same has been correctly enrolled, and presented the same to the Governor on the 28th day of February, 1907, at twelve o'clock M.

REILY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 259—An Act appropriating one hundred and fifty thousand dollars (\$150,000) to aid in the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

And report that the same has been correctly engrossed.

REILY, Chairman.

Senate Bill No. 259 ordered on file for third reading.

WITHDRAWAL OF BILL.

Senator Carter asked for and was granted unanimous consent to withdraw Senate Bill No. 709—An Act to change the boundaries of the County of Los Angeles.

Senate Bill No. 709 withdrawn, and ordered stricken from the file.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At three o'clock P. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

BILL RECALLED FROM ENROLLMENT AND ORDERED ON FILE.

On motion of Senator Lukens, Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof and adding two new sections thereto—was recalled from enrollment and ordered on file.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Lukens, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day requests your honorable body to return to the Assembly for further consideration Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto, and repealing Section 580 of the Civil Code.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

In accordance with the above request, Senate Bill No. 396 was ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER ON MOTION TO RECONSIDER.

The hour having arrived for the consideration of the special order heretofore set for this day, and in compliance with his notice given on March 2, 1907, Senator Leavitt moved that the vote whereby Assembly Constitutional Amendment No. 1—Amending Constitution relative to rights of suffrage—was refused final adoption be now reconsidered.

Motion duly seconded.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wright moved a call of the Senate.

Motion carried.

Time, three o'clock and twenty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Markey, Mattos, McKee, Miller, Muenter, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

At three o'clock and twenty-four minutes P. M., Senator Carter was brought to the bar of the Senate, and, on motion of Senator Wright, was excused for absence from the Senate Chamber.

At three o'clock and twenty-five P. M., Senator Greenwell was brought to the bar of the Senate, and, on motion of Senator Keane, was excused for absence from the Senate Chamber.

At three o'clock and twenty-seven minutes P. M., Senator Rolley moved that further proceedings under the call of the Senate be dispensed with.

Motion lost.

At three o'clock and twenty-eight minutes P. M., Senator McCartney was brought to the bar of the Senate, and, on motion of Senator Leavitt, was excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and twenty-nine minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll was called.

Whereupon the President announced that the motion to reconsider

the vote whereby Assembly Constitutional Amendment No. 1 was refused final adoption, was lost by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Irish, Keane, Kennedy, Lukens, Lynch, Mattos, Miller, Rambo, Reily, Rolley, Rush, Sanford, Walker, Willis, and Wright—25.

NOES—Senators Anthony, Greenwell, Hartman, Leavitt, Markey, McCartney, McKee, Muentner, Nelson, Price, Weed, Welch, and Wolfe—13.

SENATOR LEAVITT IN THE CHAIR.

At three o'clock and thirty-five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

SECOND READING OF ASSEMBLY BILLS.

On motion of Senator Rolley the Assembly second-reading file was taken up for consideration.

Assembly Bill No. 484—An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 102—An Act to amend Section 384 of the Penal Code, and repeal Sections 384a and 384b of said Penal Code, all relating to forest fires.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 872—An Act to create a fund to be known as the United States Forest Reserve Fund, and to provide for the payment out of such fund to the treasurers of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditures by the counties of the moneys so paid.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 976—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 562—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.

During second reading of the bill, the following amendments were submitted by the committee:

Amend Section 1, line 4, page 1 of the printed bill, by striking out the following: "one assistant bookkeeper."

Amendment adopted.

Also:

Amend Section 1, lines 9 and 10, page 1 of the printed bill, by striking out the following: "of the assistant bookkeeper one thousand six hundred dollars."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 842—An Act to amend Section 1668 of the Political Code of the State of California, relating to physical culture and exercise in public schools.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 38—An Act to prevent the destruction of young forest trees.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 635—An Act to regulate the keeping of large trees and to forbid the growing and planting thereof in such places and in such manner as may endanger or damage adjoining property.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 366—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Sections 7, 10, and 12 thereof.

On motion of Senator Leavitt, Assembly Bill No. 366 was temporarily passed on file, to retain its place.

Assembly Bill No. 861—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 831—An Act fixing the price, terms, and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment for offenses under the same.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 709—An Act to regulate the building and occupancy of tenement houses in incorporated cities.

During second reading of bill, the following amendments were submitted by committee:

On page 1, amend the title by inserting after the word "cities," the following: "and to provide penalties for the violation thereof."

Amendment adopted.

Also:

On page 6, Section 7, amend by striking out all of said Section 7, and renumbering the following sections accordingly.

Amendment adopted.

Also:

On page 8, Section 18, strike out all of said Section 18, and renumber the following sections accordingly.

Amendment adopted.

Also:

On page 11, Section 27, lines 15, 16, and 17, strike out all of these lines: 15, 16, and 17.

Amendment adopted.

Also:

On page 19, Section 53, lines 1 and 2, strike out the words "every tenement house hereafter constructed shall have a vent shaft," and insert in lieu thereof the following: "Every vent shaft hereafter constructed in a tenement house shall be."

Amendment adopted.

Also:

On page 24, Section 62, line 5, strike out the word "Seven," and insert in lieu thereof the following: "Eight."

Amendment adopted.

Also:

On page 24, Section 64, line 4, strike out the word "removed," and insert in lieu thereof the following: "renewed."

Amendment adopted.

Also:

On page 25, Section 68, line 2, strike out the word "an," and insert in lieu thereof the following: "and."

Amendment adopted.

Also:

On page 28, Section 81, line 2, insert after the figures "79," "and 80."

Amendment adopted.

Also:

On page 29, Section 86, strike out all of said Section 86, and renumber the following sections accordingly.

Amendment adopted.

Also:

On page 30, Section 89, line 9, insert after the word "presumption," the word "may."

Amendment adopted.

Also:

On page 31, Section 91, line 5, strike out the word "motion," and insert in lieu thereof the following: "notice."

Amendment adopted.

Also:

On page 31, Section 93, line 4, strike out the word "constructed," and insert in lieu thereof the following: "construed."

Amendment adopted.

Also:

On page 31, Section 93, line 8, strike out the word "therein," and insert in lieu thereof the following: "thereto."

Amendment adopted.

Also:

On page 31, Section 95, line 1, strike out the word "an," and insert in lieu thereof the following: "and."

Amendment adopted.

Also:

On page 20, Section 55, line 4, strike out the word "ads," and insert in lieu thereof the following: "and."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 269—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relating to the settlement of the final accounts of guardians of insane persons.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 270—An Act to add a new section to the Political Code of the State of California, to be known as Section 2197a, relating to claims against counties for the expense of keeping insane prisoners.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 676—An Act supplementary to the Act approved June 16, 1906, entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," providing for the making and recordation of notice of ownership or claim to real property.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 966—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1243 thereof, relative to the place and court in which actions in eminent domain must be brought.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 665—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, relating to eminent domain and the purposes for which it may be exercised.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 809—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, known as county sheep inspector and assistant county sheep inspector, and their compensation, and providing for prosecution and punishment under the same, and to suppress and prevent dissemination of scab, scabies, and all other infectious or contagious diseases among sheep.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 928—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 794—An Act to regulate nominations of public officers in party conventions by instructing delegates thereto and limiting their power.

During second reading of bill, the following amendments were submitted by committee:

On page 4, Section 8, line 1, strike out the word "twenty-five," and insert in lieu thereof the following: "thirty."

Amendment adopted.

Also:

On page 5, Section 12, line 8, strike out the period at the end of the line, and insert in lieu thereof the following: "describing such color as nearly as may be, with notice that such color is posted as prescribed by this section."

Amendment adopted.

Also:

On page 6, Section 13, line 13, add the following: "To vote for such a candidate whose name is not printed on the ballot, write the name of the candidate for whom you wish to vote in the space provided."

Amendment adopted.

Also:

On page 11, Section 27, line 2, strike out the word "or," and insert in lieu thereof the following: "of."

Amendment adopted.

Also:

On page 12, Section 27, at the end of the section, add the following: "Whenever the apportionment of delegates as provided by Section 1361 of the Political Code shall be for a territory less than an entire assembly district or ward, then the instruction of each delegation within such assembly district or ward shall be by the entire popular vote of such assembly district or ward; *provided*, that in no case shall a delegation be instructed by a popular vote outside the county in which it is elected or by any vote where the existing primary law is not mandatory, or any vote in a territory not making the nomination."

Amendment adopted.

Also:

On page 13, Section 33, line 3, strike out after the word "law" the following: "Primary election officers where there is a direct vote under this Act may be paid, in the discretion of the election commissioners or body having charge of the election, an amount for their services equal to that which may be paid at a general election."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 410—An Act to amend Section 1372 of the Political Code of the State of California, relating to the territory of this State within which primary elections shall be obligatory and mandatory.

Bill read second time, and ordered on Assembly special file for third reading.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 536—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

On motion of Senator Rolley, Assembly Bill No. 536 was temporarily passed on file, to retain its place.

Assembly Bill No. 799—An Act to amend Section 1817 of the Political Code, relating to county and city and county school tax.

On motion of Senator Anderson, Assembly Bill No. 799 was temporarily passed on file, to retain its place.

Assembly Bill No. 662—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602a, relating to corporations sole.

Read third time.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Wolfe, Assembly Bill No. 662 was re-referred to Committee on Judiciary.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 677—An Act to amend Section 249 of the Penal Code, relating to punishment of libel.

Read third time.

On motion of Senator Wright, Assembly Bill No. 677 was temporarily passed on file, to retain its place.

Assembly Bill No. 765—An Act to amend Section 20 of an Act entitled "An Act to provide for the work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

TRANSPOSITION OF BILLS ON FILE.

Senator Willis asked for and was granted unanimous consent to have Assembly Bill No. 765 and Assembly Bill No. 931 transposed on file.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 931—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of a central ward building, to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same," approved March 25, 1903, and to change and redirect the manner of expenditure thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 931 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Irish, Keane, Leavitt, Lynch, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 748—An Act making an appropriation of \$2,900 to be applied to the cost of grading, curbing with wood, macadamizing, and concrete guttering Hearst Avenue in Berkeley, along the northerly boundary of the grounds of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.

On motion of Senator Nelson, Assembly Bill No. 748 was temporarily passed on file, to retain its place.

Assembly Bill No. 867—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate, approved March 17, 1897, by amending Section 6 of said Act, and by adding a new section thereto, to be known as Section 6a, the latter relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by 'An Act to provide for the establishment and quieting of titles to real estate in cases of the loss or destruction of public records,'" approved June 16, 1906

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 867 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Broughton, Caminetti, Curtin, Greenwell, Irish, Keane, Leavitt, Markey, Mattos, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 177—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known and designated as Section 995, relating to the sale and transfer of hops and the amount to be deducted as tare.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 177 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Boynton, Broughton, Caminetti, Greenwell, Irish, Keane, Kennedy, Leavitt, Mattos, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 258—An Act to authorize the State Board of Charities and Corrections to send its secretary and any of its members as delegates to the National Conference of Charities and Corrections, and to the National Prison Congress of the United States, and to visit the charitable and correctional institutions of other states, and to pay the necessary expenses thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 258 refused final passage by the following vote:

AYES—Senators Anthony, Belshaw, Black, Boynton, Caminetti, Greenwell, Keane, Price, Reily, Rolley, Savage, and Walker—12.

NOES—Senators Anderson, Broughton, Kennedy, Leavitt, Mattos, Muentner, Nelson, Rush, Sanford, Weed, Welch, Willis, and Wolfe—13.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 702—An Act to promote the safety of employes and travelers upon railroads by limiting the number of hours of service of employes thereon, and to provide a penalty for the violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 702 finally passed by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Broughton, Caminetti, Greenwell, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, Miller, Muentner, Nelson, Reily, Rolley, Rush, Savage, Walker, Welch, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 636—An Act to amend Section 266 of the Political Code of the State of California, relating to mileage of members of the Legislature.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 636 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Mattos, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 420—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes, and for the supervision of all societies or organizations engaged in such work, and known as children's home finding societies.

Read third time.

On motion of Senator McKee, Assembly Bill No. 420 was temporarily passed on file, to retain its place.

Assembly Bill No. 799—An Act to amend Section 1817 of the Political Code, relating to county and city and county school tax.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Anderson moved to refer to Senator Bell, as a special committee of one, to amend as follows:

By striking out of line 26, the word "seven," and inserting in lieu thereof the following: "eight."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 799, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELL, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

Assembly Bill No. 640—An Act to add a new section to the Political Code, to be numbered 2295a, and relating to the supplying the State Library with State publications for exchange purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 640 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Hartman, Keane, Leavitt, Lynch, Mattos, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Rush, Walker, Weed, Welch, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF MEMBERS' URGENCY-FILE — THIRD READING OF BILLS.

Senate Bill No. 768—An Act to promote the horticultural interests of the State by providing county commissions of horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 31, 1897, and amended and approved March 20, 1905.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 768 passed by the following vote:

AYES—Senators Anderson, Anthony, Belshaw, Black, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Welch, Willis, Wolfe, and Wright—26

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 886—An Act to amend Section 530 of the Code of Civil Procedure of the State of California, relating to injunctions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 886 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Hartman, Keane, Leavitt, Lukens, Markey, Mattos, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At four o'clock and thirty-five minutes P. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 843—An Act to amend Sections 6 and 7 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, so as to provide for the payment of services of county auditor, county tax collector, and county treasurer.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Belshaw moved to refer to Senator Keane, as a special committee of one, to amend as follows:

By inserting the following between the title and Section 1 of the bill: "The people of the State of California, represented in Senate and Assembly, do enact as follows: "

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 843, with instructions to amend, respectfully reports the same back, amended as per instructions.

KEANE, Special Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for printing Senate Bill No. 843, the same to retain its place on file.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 552—An Act providing for the disposition of actions and proceedings in which the proceedings upon the trial thereof have been lost or destroyed by conflagration or other public calamity.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 552 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Hartman, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Muentner, Price, Bush, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR WRIGHT IN THE CHAIR.

At four o'clock and forty minutes P. M., Senator Wright, of the Fortieth District, in the chair.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 934—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 934 finally passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Kennedy, Leavitt, Lukens, Lynch, Mattos, Miller, Muentner, Price, Reily, Rolley, Savage, Walker, Welch, Willis, Wolfe, and Wright—23.

NOES—Senators Keane, Nelson, Rush, and Weed—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE CONCURRENT RESOLUTION No. 16.

Relative to the consent of the Legislature to the absence of Hon. Warren R. Porter, Lieutenant-Governor of the State of California, for more than sixty (60) days.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California has consented, and does hereby consent, that the Hon. Warren R. Porter,

Lieutenant-Governor of the State of California, may absent himself from the State of California at such times as he may choose, or as necessity may require, during his official term for a period of more than sixty (60) days; *provided*, that the periods of such absence taken together do not exceed in any one calendar year a period of four (4) months.

Senate Concurrent Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 16 adopted by the following vote:

AYES—Senators Anderson, Anthony, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, Miller, Muentner, Nelson, Price, Reilly, Rolley, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Senate Concurrent Resolution ordered transmitted to the Assembly.

SENATE CONCURRENT RESOLUTION No. 17.

Relative to the consent of the Legislature to the absence of His Excellency, Hon. James N. Gillett, Governor of the State of California, for more than sixty (60) days.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California has consented, and does hereby consent, that His Excellency, James N. Gillett, Governor of the State of California, may absent himself from the State of California at such times as he may choose, or as necessity may require, during his official term for a period of more than sixty (60) days; *provided*, that the periods of such absence taken together do not exceed in any one calendar year a period of four (4) months.

Senate Concurrent Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 17 adopted by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, Miller, Nelson, Price, Reilly, Rolley, Rush, Savage, Walker, Weed, Welch, Willis, and Wolfe—27.

NOES—None.

Senate Concurrent Resolution ordered transmitted to the Assembly.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of Assembly code-revision bills be made a special order for Wednesday, March 6, 1907, at eight o'clock P. M.

Motion carried.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Belshaw, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day recedes from its amendments to Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expense of such investigation.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bill No. 58 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 413—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and as amended March 20, 1905.

Also: Senate Bill No. 565—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof approved March 23, 1901, and the amendment thereof approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in the counties of the thirty-ninth class.

Also: Senate Bill No. 582—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, March 19, 1903, and March 20, 1905, by amending Section 185 thereof relating to salaries and fees of county and township officers of the twenty-eighth class.

Also: Senate Bill No. 778—An Act to provide for drainage by irrigation districts.

Also: Senate Bill No. 62—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto five new sections, to be designated as Sections 1044, 1133, 1120, 1151, and 1121, and to repeal an Act entitled "An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters, or upon amendments to existing charters, and to repeal an Act entitled 'An Act in relation to elections held under authority of Section 8 of Article XI of the Constitution,' approved March 31, 1897," approved March 4, 1899, all relating to elections.

Also: Senate Bill No. 188—An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 189—An Act authorizing and directing the constructing and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 190—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Assembly Bill No. 579—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 8 and 14 thereof, and adding a new section thereto, to be numbered and designated Section 9½.

Also: Adopted, as amended, Assembly Constitutional Amendment No. 7—Relative to county and township offices.

Also: Concurred in Senate amendments to Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relative to duties of text-book committee.

Also: Assembly Bill No. 512—An Act regulating the hours of labor of women, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

Also: Assembly Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 14, 15, 17, 20, 22, 35, 47, 56, 57, 60, and 61, by repealing Section 18 and by adding a new section, to be known as Section 55a.

Also: Assembly Bill No. 352—An Act to amend Section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of State hospitals.

Also: Assembly Bill No. 455—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by amending Section 5 thereof, in relation to practicing without a certificate.

Also: Assembly Bill No. 415—An Act providing that in any city or city and county in this State where by general law or by charter the board of police commissioners of such city, or city and county, is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that superior courts and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Also: Assembly Bill No. 19—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 1247, relating to the transcription of testimony taken at the trial of a criminal case.

Also: Assembly Bill No. 674—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with

respect thereto; providing for the appointment of probation officers, and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duties of such board; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903, as amended by Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same, approved March 22, 1905.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bills Nos. 413, 565, 582, 778, 62, 188, 189, and 190, ordered to enrollment.

Assembly Bill No. 579 read first time, and referred to Committee on Public Health and Quarantine.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and passed as amended Senate Bill No. 348—An Act to prohibit the use of chemicals and other materials in milk and milk products to prevent fermentation therein.

Also: Senate Bill No. 503—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class and repealing all conflicting Acts.

Also: Senate Bill No. 475—An Act to amend Section 209 of the County Government Act, relating to the compensation of the various county officers in counties of the fifty-second class.

Also: Senate Bill No. 332—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.

Also: Senate Bill No. 506—An Act to amend Sections 1115, 1118, and 1125 of the Code of Civil Procedure, relating to contesting certain elections.

Also: Senate Bill No. 113—An Act to amend Sections 628, 628a, 628b, 632, and 634 of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 632b, all relating to the protection and preservation of fish.

Also: Senate Bill No. 560—An Act to amend Sections 1189, 1192, 1358, 1079, 1361, 1186, and 1188 of the Political Code, relating to elections.

Also: Senate Bill No. 588—An Act to amend Sections 1123 and 1126 of the Code of Civil Procedure, relating to contesting certain elections.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 348?"

Amend Section 3 by inserting after the word "days," line 6, Section 3 of printed bill, as amended in Senate February 5th, the following: "Provided, That no conviction shall be had when a conviction is sought upon any alleged sample of milk, or product of milk, unless such sample has been taken in duplicate, sealed and marked for identification, and one of such samples left with the person accused."

The roll was called, and the above Assembly amendment to Senate Bill No. 348 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Nelson, Reily, Rolley, Rush, Savage, Walker, Willis, Wolfe, and Wright—21.

NOES—None.

Senate Bill No. 348 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 503?"

Strike out of line 30, Section 1, page 2 of the printed bill, the word "license," and insert in lieu thereof the word "licenses."

Also: Strike out of line 32, page 2, Section 1, printed bill, the word "assistances," and insert in lieu thereof the word "assistance."

Also: Strike out of line 34, page 2, Section 1, printed bill, the word "the" where it first occurs.

Also: Strike out of line 67, page 3, Section 1, printed bill, the word "thereof," and insert in lieu thereof the word "hereof."

Also: Strike out of line 82, page 3, Section 1, printed bill, the word "of," and insert in lieu thereof the word "or."

Also: Strike out of line 157, page 5, Section 1, printed bill, the word "for," at the end of said line, and insert in lieu thereof the word "of."

Also: Strike out of line 186, page 6, Section 1, printed bill, the brackets inclosing the numerals "18."

The roll was called, and the above Assembly amendments to Senate Bill No. 503 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Broughton, Caminetti, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, Nelson, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Willis, Wolfe, and Wright—25.
NOES—None.

Senate Bill No. 503 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 475?"

Amend the title by striking out all after line 1 thereof, and by inserting in lieu thereof the following: "to amend an Act entitled an Act to establish a uniform system of county and township government, approved April 1, 1897, and amended March 23, 1901, by amending Section 209 thereof, relating to the compensation of county and township officers in counties of the fifty-second class."

Also: Strike out lines 1, 2, and 3 of the printed bill, and insert in lieu thereof the following:

"Section 1. Section 209 of an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, and amended March 23, 1901, is hereby amended to read as follows:"

The roll was called, and the above Assembly amendments to Senate Bill No. 475 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lynch, Mattos, Nelson, Reily, Rolley, Rush, Savage, Walker, Willis, Wolfe, and Wright—23.
NOES—None.

Senate Bill No. 475 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 332?"

Amend by inserting in line 17, Section 1, page 2 of the printed bill, after the word "thousand," the word "dollars."

The roll was called, and the above Assembly amendment to Senate Bill No. 332 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Caminetti, Keane, Kennedy, Leavitt, Lynch, Mattos, Nelson, Price, Reily, Rolley, Rush, Savage, Walker, Welch, Willis, Wolfe, and Wright—22.
NOES—None.

Senate Bill No. 332 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 506?"

Amend by striking out all of lines 14, 15, and 16 on first page, printed bill, and inserting in lieu thereof the following: "Such statement must be verified by the contesting party, as provided by section four hundred and fifty-six of this Code."

Also: Amend by striking out the words "the return day of the election," on line 5, first page, printed bill, and inserting in lieu thereof the following: "the declaration of the result of the election by the body canvassing the returns thereof."

Also: Amend by adding the words "contest or," on line 13, second page, printed bill, after the word "such."

The roll was called, and the Assembly amendments to Senate Bill No. 506 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Greenwell, Keane, Kennedy, Leavitt, Lynch, Mattos, Muenter, Nelson, Reily, Rush, Savage, Walker, Welch, Willis, Wolfe, and Wright—22.
NOES—None.

Senate Bill No. 506 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 560?"

Amend by adding after the word "outside," on line 58, Section 7, thirteenth page, printed bill, the following: "The number of the precinct, and for which Assembly district, as the same are numbered in the county, city, or city and county and."

Also: Amend by striking out the word "immediately," after the word "effect," on line 1, Section 8, fourteenth page, printed bill, and inserting in lieu thereof the following: "and be in force from and after July 1, 1907."

Also: Amend Section 7 by adding at the end of said section the following: "Any number of electors not less than five residing within the territory or political subdivision for which they desire to present a candidate or candidates, pursuant to this section, or who desire to present a petition to participate in a primary signed by electors, pursuant to section thirteen hundred and sixty-one of the Political Code, may present a written or printed petition signed by such electors setting forth such desire and intention signed by them and verified by at least one thereof to the county clerk, registrar of voters, or the clerk of the body having control of elections in the political subdivision. If such nomination or nominations are to be made for a State or district office embracing more than one county, or city and county, then such petition may be presented by a similar number of electors in the same manner to the county clerk or registrar of voters in each county or city and county in the State or district, as the case may be, for which nominations are to be made. Such a petition must specify the territory for which the petitioners desire to nominate candidates for public office, the name or political designation under which such candidates or delegates at a primary election, as above referred to, will appear, and that the petitioners desire to proceed to procure the necessary signatures of electors to so nominate such candidates or to so participate in such primary election (as the case may be), and to have the same verified and arranged as required by law, and that they desire to have the persons whose names are set forth in such petition, in the manner hereby required, appointed as 'special verification deputies.' The petition must give the full name of each such proposed special verification deputy, adding his name and address with street and number, where there is such, and occupation, and state that each such person is a citizen of the United States, and a qualified and registered elector within the county, city, or city and county for which he is to act under this section, and that he can read and write the English language, and upon the receipt of such petition the county clerk, registrar of voters, or person to whom the same is lawfully presented pursuant to this section shall forthwith examine the same, and as soon as examined, if it be in accordance with the requirements of this section, such officer shall file the same and immediately appoint such persons as such special verification deputies in the manner, and to the number herein provided. The number to so be appointed, shall not exceed one for each five hundred voters registered at the last preceding general election within the territory for which such deputies may act under their appointment under this section nor in any event the number whose names are as aforesaid specified in the said petition requesting their appointment. If the officer to whom the said petition is presented shall find the persons whose appointment is requested to be registered electors as required, he shall appoint them as herein provided, not to exceed the number aforesaid. The appointment shall be in writing, signed and sealed by the officer making the same, and be substantially in the following form:

"This is to certify that (insert name and address in full, and occupation) is hereby appointed pursuant to section eleven hundred and eighty-eight of the Political Code, as a special verification deputy, with all the powers provided by that section, and none other, and is authorized to take the oath of any signer who shall in his presence sign a certificate of nomination under Section 1188 of the Political Code, or a petition paper under Section 1361 of the Political Code by electors (stating under which section, and omitting reference to the other, as the case may be), where the paper so signed refers to and designates the (insert the name of the political party or organization as set forth in the petition requesting the appointment of such deputies) within the (insert the designation of the territory for which the petition requests appointments to be made, not to exceed a county, or city and county, or the territory for which the officer making the appointments has power to act), under and pursuant to law, and a petition filed in the office of (insert the office where filed) upon the — day of (insert the day and year of filing).

"Each such certificate of appointment must also be dated and made in duplicate, and be delivered only to the appointee in person upon his application therefor, and before delivery such appointee must before the officer issuing the same, or his deputy, sign and subscribe an oath annexed to such certificates, or following the same in duplicate, to the effect that he is the person named therein, and resides at the address specified therein, that he accepts such appointment, and will perform the duty enjoined upon him by this section, and thereupon such certificate with such oath shall be delivered in person to the special verification deputy named therein and the duplicate filed in the office from which the appointment issues, and be kept for three years. The special verification deputy shall thereupon be authorized and empowered to take the oath of verification required by this section or required by or to a petition by electors under Section 1361 of the Political Code (as the case may be), and sign and certify the same in the form required by this section, and no seal of office need be impressed or used, in certifying

such oath, but he can not take any oath for any other purpose whatever, or outside of the territory specified in his appointment, nor certify the oath of any such signer residing outside of the territory so named in his certificate of appointment. If any such special verification deputy shall certify any such oath, not subscribed and sworn in his presence, or shall wilfully or knowingly certify such an oath, as to any person who does not reside at the place specified as the residence of the signer, whose oath is so taken, or as to any person who does not sign his true name to such oath shall upon conviction be punishable by a fine not exceeding five hundred dollars, or by imprisonment in the State prison not exceeding five years. Upon the expiration of the time fixed by law, when the certificate of nomination provided for by this section, or the petition by electors, provided by Section 1361 of the Political Code (as the case may be), must be presented to the proper officer for filing, all authority of such special verification deputy under his appointment shall wholly cease and determine. No charge or fee of any nature for any service by any such special verification deputy shall under any circumstances be made against or paid by the State or any county, city, city and county, or political subdivision."

The roll was called, and the above Assembly amendments to Senate Bill No. 560 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Greenwell, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Willis, Wolfe, and Wright—27.
 NOES—None.

Senate Bill No 560 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 588?"

Amend by striking out the words "This Act shall take effect immediately," after the figure 3, on line 1, Section 3, second page, printed bill, and inserting in lieu thereof the following: "None of the provisions of this Act shall be held to apply to any pending contest or any contest in which the decision of the Superior Court shall have been rendered prior to the passage of this Act."

The roll was called, and the above Assembly amendment to Senate Bill No. 588 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Greenwell, Hartman, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Willis, Wolfe, and Wright—27.
 NOES—None.

Senate Bill No. 588 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 113?"

Amend by inserting after the word "State" on line 13, page 2, printed bill, the following: "or who between the first day of May and the first day of September of the same year, takes, catches, kills, or has in his possession, any shrimps."

The roll was called, and the Senate refused to concur in the above Assembly amendment to Senate Bill No. 113 by the following vote:

AYES—None.
 NOES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Greenwell, Keane, Kennedy, Lynch, Mattos, Nelson, Rambo, Reily, Rolley, Savage, Walker, Welch, Willis, Wolfe, and Wright—22.

COMMITTEE ON CONFERENCE.

Senator Belshaw moved that a committee on conference be appointed to meet a similar committee of the Assembly, on Senate Bill No. 113.
 Motion carried.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The Acting President announced that he had appointed Senators Belshaw, Nelson, and Welch on the Committee on Conference on Senate Bill No. 113.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Assembly Bill No. 929—An Act to authorize the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

Also: Assembly Bill No. 649—An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said hospitals, and to provide for their compensation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MUENTER, Chairman.

Assembly Bills Nos. 929 and 649 ordered on Assembly special file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 701—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1532a, determining the meaning of the words "average daily attendance," in relation to the apportionment of the State School Fund—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

ANDERSON, Chairman.

Assembly Bill No. 701 ordered on Assembly special file for second reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Lynch asked for and was granted unanimous consent to have Senate Bill No. 699 taken up for the purpose of amendment.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 699.

An Act making an appropriation to the State Agricultural Society to encourage agricultural exhibits and fairs in the State of California.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of thirty thousand dollars is hereby appropriated out of the moneys in the State treasury not otherwise appropriated, to be paid to the State Board of Agriculture, and to be used by the said board for the purposes hereinafter provided.

SEC. 2. Whenever the board of directors of four or more district agricultural associations shall, upon a majority vote of each board elect to unite, the said several district associations may associate together as one district for the purpose of holding agricultural exhibitions and fairs in any of said districts to be determined by the board of directors of all of said associations, and if it is proposed to hold an agricultural fair under the provisions of this Act, the secretary of the board of directors of the district association in which the fair is to be held shall notify the said State Board of Agriculture of their said intention, and shall also forward to the said State Board of Agriculture a list of all articles upon which premiums are to be paid and the amount to be paid upon each item, and the State board shall have power to advance to the said association where said fair or exhibition is to be held a sum not to exceed three thousand dollars to pay the said premiums; *provided, however, that any district association shall not participate in more than one State appropriation in any one fiscal year.*

SEC. 3. This Act shall take effect from and after its passage.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senator Leavitt asked for and was granted unanimous consent to have Senate Bill No. 801 taken up for the purpose of amendment.

Senate Bill No. 801—An Act to provide for the improvement, protection and management of wharves, docks, piers and certain of the water front lands and premises at the City of Oakland and for the possession and control thereof, defining the limits thereof, creating a Board of State Harbor Commissioners therefor, providing for the manner and time of their and their successors' appointment, defining their powers, jurisdiction, duties and qualifications, fixing their terms, salaries and bonds, providing for the filling of vacancies in said board, for the appointment, salaries and removal of officers and employes thereof, for the collection, deposit and disbursement of the revenues and funds arising from the carrying into effect this Act, creating the Oakland Harbor and Improvement Fund, appropriating public moneys to carry this Act into effect, defining the duties of certain State officers with reference to said board, said lands and premises, said revenues and fund, declaring and defining a misdemeanor for and providing for the punishment as a misdemeanor of any person upon conviction of, the violation of the lawful rules or regulations of said board, and giving jurisdiction to any police court of the City of Oakland in cases of such misdemeanor.

During second reading of bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 801.

An Act establishing a Board of State Harbor Commissioners for a part of the Bay of San Francisco lying in front of the City of Oakland, to be known as the Board of State Harbor Commissioners for the City of Oakland, and defining its jurisdiction, powers and duties.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A board, to be known as "The Board of State Harbor Commissioners for the City of Oakland," is hereby established, constituted as hereinafter set forth, with the powers and duties hereinafter prescribed, and such other powers and duties as may be granted to and imposed on the same by law.

Said board shall consist of the Governor of the State, the Mayor of the City of Oakland, and three persons appointed by the Governor of the State. At least two of the persons so appointed shall be citizens of the City of Oakland. The persons who for the time being are filling the offices respectively of Governor of the State and Mayor of the City of Oakland shall ex officio during the terms of their respective offices be members of said board. The other members of said board shall hold their offices for the term of two years and until their successors are appointed and qualified. A majority of said board shall constitute a quorum for the transaction of business. The board shall appoint a secretary, and such other officers and employes as from time to time may be deemed necessary. Such officers and employes shall hold for a term of two years from the date of their respective appointments, but may be removed by the board at any time, after due investigation, for causes affecting their official character or competency. The order for such removal, stating the grounds or causes therefor, must be entered on their minutes. In case of a vacancy in such offices, or any of them, by the expiration of a term, or for any other cause, the board must fill the same by an appointment for two years.

The secretary and the other officers and employes of the board shall perform such duties as the board may require and shall enforce and carry into effect such rules and regulations, as the board may from time to time adopt. The secretary shall safely keep and be responsible for all moneys paid into the office, and for all the books and papers of the board, attend their meetings and keep a perfect record of their proceedings, with the names of the commissioners present thereat. He must keep in proper books an account of all moneys received and paid, and on or before the fifth day of each month must send to the State Controller a statement thereof, under oath, for the preceding month, showing the dates and sources from which such moneys were received, and the purposes for which they were paid, and must also report to the Controller the amount paid to the State Treasurer for the month covered by such statement. When money is received from any source, he must retain a stub corresponding in number, date and amount with the receipt given therefor, and he must require the person paying it to sign said stub. He must record at length all contracts and agreements made by the board, and keep a record of all personal property purchased, and its cost; and in case any be sold, the name of the purchaser, date of sale, and the price received therefor. Before entering on

the duties of his office, he must give an official bond in the sum of ten thousand dollars, and take and subscribe an official oath. Said bond must be approved by the board by written endorsement thereon, and be filed with such oath in the office of the Secretary of State. The board may require any of its officers or employees to take and subscribe an official oath, and give such official bond as the board may require, subject to their approval, to be endorsed thereon. Said bond and oath must be filed in the office of the board. The board may when necessary employ an engineer, at a per diem not to exceed fifteen (15) dollars for each day actually employed.

SEC. 2. Said board shall have jurisdiction, possession and control, for the purposes set forth in this Act, and none other, of so much and such parts of the Bay of San Francisco, or the lands constituting the bed of the same, whether now submerged or reclaimed by natural or artificial causes, as may be owned by the State of California, in the County of Alameda, and within the following described boundaries, to wit:

That part of the Bay of San Francisco, bounded on the eastern side by the line of ordinary low tide as the same existed on May 4, 1852; on the western side by the pier-head line as the same is now or shall hereafter be lawfully established by or under the authority of the Government of the United States; on the southern end by the north jetty or training wall of San Antonio Estuary, and on the northern end by a line drawn parallel with and fifty feet north of the long wharf of Central Pacific Railway Company as the same is now located.

The jurisdiction of said board shall be for the following purposes to wit: the sole and exclusive possession, management and control of said lands and of the waters covering them and of all wharves and other structures thereon and of all rights, easements and appurtenances connected therewith or appertaining thereto, for the purposes herein mentioned and for such purposes only, saving and reserving, however, to all persons who occupy or exercise control over any such lands, wharves, or other structures under valid grants thereof, or of any right to occupy or use the same, whether indefinitely or for a fixed term, all rights so acquired or held, whether the same be derived through or from the State or the City of Oakland or by prescription against the State or said city.

SEC. 3. The commissioners may, by and with the consent and advice of the Attorney-General, institute and prosecute to final judgment actions in the name of the people of the State of California, for the possession of any and all parts of the lands and premises described in this Act, or for the enforcement of any agreement, lease or contract entered into by the commissioners in behalf of the State, by virtue hereof or of any general or special law, or for the collection of any money due, or that may become due by virtue of such general or special law or of this Act; and the commissioners may also institute and prosecute to final judgment, actions for the removal of all unlawful obstructions in or upon said premises, or for the removal of all or any unlawful obstructions in or upon the streets leading to or running upon or through the said premises. They may also remove any unlawful obstructions thereon after the owner, possessor, or occupant of such obstructions shall have five days' notice, in writing, to remove the same, either served on such owner, possessor, or occupant or posted upon said obstruction by the secretary of said board.

The board shall have power by and with the consent and advice of the Attorney-General, to begin and prosecute to final judgment in the name of the people of the State of California, actions in the proper courts against any and all persons claiming any lands, wharves, structures or easements within the boundaries herein specified, or maintaining any wharves, docks or other structures or obstructions therein, requiring such persons to set forth the nature and extent of their rights and interests; and said rights and interests may be determined by the judgment of the court rendered in such actions, in the same manner and to the same extent as in the case of actions brought under the provisions of the Code of Civil Procedure to determine adverse claims to real property; and said board generally to have power in like manner to commence and maintain in the name of the people of the State of California, all actions which may be necessary and proper to the execution of the powers and duties of said board, and to be entitled to all remedies allowed by law for the enforcement of any judgment recovered in any action brought under the provisions of this section.

SEC. 4. Within the area described in Section 2 of this Act the said board shall make leases of portions of said land, upon the terms and conditions and in the manner hereinafter stated, to any company or corporation owning or operating or bona fide engaged in constructing a railroad in whole or in part within the State of California, for the purposes of terminals and for other railroad and shipping purposes; *provided*, that no such lease shall be made for a period of more than fifty years; *and provided further*, that not more than one thousand (1,000) feet of said land fronting upon the Bay of San Francisco within the said area shall be leased to or be held or occupied by any company or corporation owning or operating railroad lines wholly within the State of California, and that not more than twenty-five hundred (2,500) feet of the frontage of said land on the Bay of San Francisco shall be granted to or be held or occupied by any company or corporation owning or operating or incorporated for the purpose of owning and operating an interstate line of railway; *and provided further*, that no lease shall be granted to any company

or corporation for a frontage of said lands upon said bay which, together with any frontage thereon then occupied or held by it under any claim of right, shall exceed the maximum for such corporation hereinbefore prescribed, but such company or corporation may, if it so elect, include such premises so claimed by it within its application for any such lease, and the acceptance of such lease including such premises by such company or corporation, shall not be deemed a waiver or surrender by it of any right of occupancy or use of such premises then validly held by it; and *provided further*, that no lease hereunder shall be made to any corporation whose road is leased in whole or in part to, or is operated or to be operated under agreements or otherwise by, another company or corporation which enjoys under this Act the extent of water frontage hereinbefore mentioned under any lease made by said board, or to any corporation in which a majority of the stock is owned or otherwise controlled by another corporation enjoying the said extent of water frontage hereunder, or in which a majority of the stock is owned or otherwise controlled by persons owning or controlling another corporation enjoying under the provisions of this Act such water frontage to the extent hereinbefore mentioned. Any lease which is made in violation of the terms of this Act shall be void, and the said board shall have the right of re-entry upon the premises leased.

The rental to be reserved in all leases made under the provisions of this section shall be at the rate of not more than one dollar per front foot per annum of the water frontage of the premises leased. No dockage, wharfage or tolls shall be imposed or collected by the State or the City of Oakland for the use of any dock, wharf or pier on any lands that may be leased pursuant to the terms of this Act during the term of any such lease; *provided* such dock, wharf or pier shall be or shall have been constructed and shall be maintained at the cost and expense of the railway company securing the said lease, or at the cost and expense of its predecessor in interest.

By "water frontage" or "frontage" in this Act is meant frontage on the Bay of San Francisco, within the boundaries above described, and all water frontage so leased under the provisions of this Act shall be measured on a line running due north from the west end of the north jetty or training wall of San Antonio Estuary as the same now exists.

SEC. 5. Said board shall have power to direct surveys to be made of any lands within said area, and may require any railroad company or corporation that may apply for any frontage or area of land to pay the costs of any survey of the lands embraced within the application of such railroad company or corporation, before final action is taken in the matter of such application.

SEC. 6. Before any lease for the purpose of terminals, or other railroad purposes, shall be made covering any part of said lands, an application shall be filed with the secretary of said board by the applicant desiring to lease such lands, verified by an officer of said corporation, setting forth the name of the applicant; the purposes for which it is incorporated; the number of miles of railroad owned and operated by it in the State of California and elsewhere; the number of miles which are in actual course of construction in the State of California and elsewhere; the amount and general description of the water frontage on said bay owned, held or enjoyed by it; the purposes and time for which the lease is desired; and a general description of the particular lands desired to be leased; and said application shall also contain a statement that the applicant has not leased and does not intend to lease in whole or in part, its railroad to any corporation already enjoying water frontage under this Act, and that a majority of its stock is not controlled, directly or indirectly, by any other corporation which already enjoys such frontage or by any person or persons who control such corporation already enjoying such frontage, with the further statement that the applicant does not enjoy (either through ownership, lease, license, agreement or otherwise, by itself or through other railroad corporations of which it has the management or the control, or which are managed or controlled by the same persons who manage or control the applicant, directly or indirectly) frontage on the Bay of San Francisco granted under the provisions of this Act to the maximum extent above mentioned.

SEC. 7. Upon receipt of said application the said board shall at its first meeting thereafter, fix a time and place for the hearing of said application, and shall direct notice of the time and place of said hearing to be given by the secretary by publishing in at least three papers of general circulation in the State of California in which legal notices may be published, one of which shall be a newspaper published in the City and County of San Francisco, and one of which shall be a newspaper published in the City of Oakland, for at least once a week for the period of thirty days; a notice of the time and place of hearing such application. Any persons may file objections to the granting of said lease, setting forth briefly the grounds of such objections, at any time before the day of hearing set as aforesaid. Upon the day set for hearing or at any time to which the hearing may be continued, the board may hear the application and receive evidence relative to the said application and any objections urged against the same, and shall make the said lease on such terms as it may designate in accordance with the provisions of this section. The costs of all advertising and notices shall be paid by the applicant, and the secretary before filing any application shall demand such sum as he deems advisable to cover the necessary costs of such advertising and notice and shall refuse to file the same unless such costs are paid in advance.

SEC. 8. Priority of application shall not give priority in right in case of any application for a lease. If conflicting applications are made, the existing terminal facilities of the several companies shall be considered by the board, and preference shall be given to the company whose necessities for the facilities applied for shall be the greater, reasonable regard being had to the interests of the public as well as to the interests of the applicant, and preference in such case shall also be given to any corporation owning or operating railroads in more than one State as part of an entire system, or incorporated for the purposes of operating and owning railroads in more than one State as part of an entire system and either actually operating such interstate railroad or bona fide engaged in constructing such interstate railroad.

SEC. 9. No lease hereunder of any of the lands hereinbefore described shall be made to any corporation, unless the same is actually operating a line of railroad in the State of California of at least fifty miles in length, or unless such corporation has bona fide in course of construction at least one hundred miles of railroad in the State of California.

The board shall make no lease of any such land except for actual occupancy and use; such occupancy and use must be for railway terminal and ferry shipping purposes, and the lease shall be so conditioned; and if the land is not used for such purposes the lease may be forfeited by such board.

So long as any lessee hereunder shall in good faith comply with the terms and conditions of its lease and of this Act, it shall have the exclusive and undisturbed possession and control of the premises covered by its said lease.

All leases that may be made pursuant to the terms of this Act shall be subject to the condition that the improvements shall be of such nature as will not conflict with the paramount authority of the United States Government over the navigable waters of the bay.

Said board shall have power to lease a less frontage and area than may be prayed for by any applicant, or if several applicants shall make application for the same parcel of land, said board shall have power to apportion such area and frontage by making leases to said applicants in such manner as it may deem proper and for the best interests of commerce, subject to the provisions hereinbefore contained.

SEC. 10. Every lease made pursuant to the provisions of this Act shall be signed by a majority of the members of the board and attested by the secretary of the board.

SEC. 11. Every lessee of lands under this Act shall within six months from the date of its lease proceed to improve the premises leased for the purposes therein prescribed, and shall proceed with reasonable diligence to construct said improvements, and in the event of failure to so begin the improvement of the same and to proceed with reasonable diligence to construct said improvements, said lease shall be forfeited.

SEC. 12. All moneys collected under the provisions of this Act shall be paid into the State treasury, and be credited to a fund to be known as the "Oakland Harbor Improvement Fund," at least once each month, except so much thereof as may be necessary to pay the salaries of officers, office rent, cost of office furniture, books, stationery, lights, fuel, and other incidental expenses.

SEC. 13. The commissioners shall take vouchers for all sums of money by them expended under the authority of this Act, and safely keep the same on file in the office of the board. For all sums of money going into, and to be drawn from, the State treasury, under the authority of this Act, drafts shall be drawn by said board on the Controller of State, countersigned by the secretary of the board, and the Controller of State shall draw his warrant on the State Treasurer, who shall pay the same out of any money in said treasury credited to the Oakland Harbor Improvement Fund. No warrant shall be drawn by the Controller upon the Treasurer of the State, as provided in this section, unless the order bears the signature of three commissioners, and of the secretary of the board.

SEC. 14. The commissioners shall, on or before the first day of November, A. D. nineteen hundred and eight, and every two years thereafter, make to the Governor a full report of all moneys by them received or disbursed, stating, specifically, for what the same was received and for what purpose expended.

SEC. 15. All official bonds required to be given by the authority of this Act shall be to the people of the State of California.

SEC. 16. The board shall procure and adopt a seal.

SEC. 17. The commissioners shall act without compensation. The secretary shall receive a salary of two thousand dollars (\$2,000) per annum. The board shall fix the compensation of all other employees. Nothing herein contained shall be construed as creating the office of engineer, nor shall his employment extend beyond the particular service for which he is employed.

SEC. 18. The Attorney-General shall act as the attorney for said board; and said board or the Attorney-General shall have the power to begin and prosecute actions to enforce forfeitures and all other actions hereunder. All actions in which said board is an interested party shall be brought in the name of the people of the State of California.

SEC. 19. Except as to the appropriation provided for in Section 20 hereof, no greater amount of money shall be expended or contracted for in any one year than the income received for such year under the provisions of this Act.

SEC. 20. The sum of ten thousand dollars is hereby appropriated out of any funds belonging to the State coming to or remaining in the General Fund and not otherwise appropriated, in order to carry into effect the provisions of this Act, and said sum shall forthwith upon the passage of this Act be transferred by the State Treasurer to the Oakland Harbor Improvement Fund from any funds coming to or remaining in the General Fund and not otherwise appropriated. And thereafter such moneys so transferred or any moneys accruing to said Oakland Harbor Improvement Fund shall be used exclusively for the purposes of this Act, or in such other manner as may hereafter be provided by law, and shall be paid out of said fund, in the manner above provided concerning moneys in said Oakland Harbor Improvement Fund, upon drafts signed by a majority of the commissioners drawn on the Controller of State and countersigned by the secretary of said board, and upon the warrant of said Controller of State upon the State Treasurer corresponding in amount to such draft, or to so much thereof as there shall be funds in said improvement fund to meet.

The State of California shall in nowise be responsible for any moneys or funds except such only as shall come into and become part of said Oakland Harbor Improvement Fund.

SEC. 21. All Acts and parts of Acts in conflict herewith are hereby repealed.

SEC. 22. This Act shall take effect from and after its passage.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for printing Senate Bill No. 801.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of Senate Bill No. 801 be made a special order for Wednesday, March 6, 1907, at three o'clock and thirty minutes P. M.

Motion carried.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Price asked for and was granted unanimous consent to have Senate Bill No. 825 taken up for the purpose of amendment.

Senate Bill No. 825—An Act to define the duties of and to license land surveyors and to repeal an Act entitled "An Act to define the duties of and to license land surveyors," approved March 21, 1891.

During second reading of bill, the following amendments were submitted by committee:

On page 4, Section 11, lines 1, 2, and 3, strike out the words "Upon the failure of any licensed surveyor to comply with the requirements of this Act and the furnishing of satisfactory proofs of such fact," and insert in lieu thereof: "It shall be the duty of the county surveyor of each county, immediately on ascertaining that any licensed surveyor has failed to comply with the requirements of this Act, to furnish the Surveyor-General with satisfactory proofs of such fact. Upon receipt of such proofs."

Amendment adopted.

Also:

On page 4, Section 11, line 8, strike out the words: "more than."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Price, the Secretary was directed to issue a rush order for printing Senate Bill No. 825, the same to retain its place on file.

SECOND READING OF BILLS.

On motion of Senator Willis, the second-reading file was taken up for consideration.

Senate Bill No. 827—An Act fixing time for passing sentence in criminal actions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 771—An Act creating a board to be known as the "Board of Pardons, Paroles and Relief," whose duties shall be to hear and pass upon all applications for pardon, commutations, and paroles, and to have the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of terms of imprisonment, or other lawful termination thereof, in the State of California; defining the duty and power of such board, and authorizing the employment of agents, clerks, and other employes, and for other purposes connected with the duty of the board, and appropriating money for the use and control of said board, its agents, clerks, and employes.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 867—An Act to amend the Penal Code by adding thereto a new section, to be numbered Section 515, relating to embezzlement by co-owner or co-partner.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, insert after the enacting clause:

"SECTION 1. A new section is hereby added to the Penal Code, to be known and numbered Section 515, and to read as follows:"

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Willis, the Secretary was directed to issue a rush order for printing Senate Bill No. 867, the same to retain its place on file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 933—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and power plants, and the right to take material from such land for the construction of such works, and to take any waters belonging to the State for the purpose of supplying such municipalities and its inhabitants with water.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 934—An Act to amend Section 757 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to eligibility to office in cities of the fifth class.

Bill read second time, considered engrossed, and ordered on file for third reading.

RECESS.

At five o'clock and twenty minutes P. M., on motion of Senator Bates, the Acting President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Assembly Bill No. 366 taken up for the purpose of amendment.

Assembly Bill No. 366—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Sections 7, 10, and 12 thereof.

During second reading of bill, the following amendment was offered by Senator Leavitt:

On page 1, after the title, insert the following: The people of the State of California, represented in Senate and Assembly, do enact as follows:

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senator Belshaw asked for and was granted unanimous consent to have Assembly Bill No. 428 taken up for consideration.

Assembly Bill No. 428—An Act making an appropriation for searching for beneficial insects.

Bill read second time, and ordered on Assembly special file for third reading.

WITHDRAWAL OF BILLS.

Senator Belshaw asked for and was granted unanimous consent to withdraw Senate Bill No. 454—An Act to amend Section 637a of the Penal Code of California, and to add thereto four new sections, to be numbered 637b, 637c, 637d, and 637e, all relating to protection of wild birds, other than game birds, and their nests and eggs—and Senate Bill No. 599—An Act to promote the safety of employés and travelers upon railroads by limiting the number of hours of service of employés thereon, and to provide a penalty for the violation thereof.

Senate Bills Nos. 454 and 599 withdrawn and ordered stricken from the file.

Senator Nelson asked for and was granted unanimous consent to withdraw Senate Bill No. 443—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children, prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duties of such board; and providing when proceedings under this Act shall be admissible in evidence, approved February 26, 1903, as amended by Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same, approved March 22, 1905."

Senate Bill No. 443 withdrawn, and ordered stricken from the file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read :

ON FINANCE.

SENATE CHAMBER, SACRAMENTO March 5, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 872—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County and making an appropriation therefor.

Also: Assembly Bill No. 16—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 230—An Act making an appropriation of one thousand dollars (\$1,000.00) to pay the claim of Edward W. Lehner against the State of California.

Also: Assembly Bill No. 594—An Act to authorize the District Court of Appeal for the Second District to provide proper rooms in which to hold court and for the proper accommodation of its officers and library, and authorizing the presiding justice to enter into contracts or leases therefor; and providing for an appropriation of money therefor.

Also: Assembly Bill No. 828—An Act to pay the claim of Mrs. John F. Kidder against the State of California.

Also: Assembly Bill No. 890—An Act making an appropriation to be used to develop water and furnish equipment for the same, and to repeal Chapter CCLXIII, Statutes 1905, all relating to the water supply at the Whittier State School.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BELSHAW, Chairman.

Senate Bill No. 872 ordered on file for second reading.

Assembly Bills Nos. 16, 230, 594, 828, and 890 ordered on Assembly special file for second reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 975, the same was taken up for consideration.

Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 975 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Hartman, Kennedy, Leavitt, Mattos, McKee, Nelson, Rambo, Reilly, Rush, Savage, Walker, Weed, Welch, and Willis—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 455—An Act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products and to provide for enforcing its provisions.

Also: Senate Bill No. 124—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to officers of municipalities of the sixth class.

Also: Senate Bill No. 384—An Act to convert, transfer and return to the General Fund of the State treasury, all unexpended moneys heretofore appropriated for the care, management or improvement, or for any other purpose, with reference to the "Yosemite Valley and Mariposa Big Tree Grove," or any money which may be or hereafter come into the "Yosemite Valley and Mariposa Big Tree Grove."

Also: Senate Bill No. 385—An Act to repeal an Act entitled "An Act to provide for the management of the 'Yosemite Valley and the Mariposa Big Tree Grove,'" approved April 15, 1880, and all Acts amendatory thereof or supplementary thereto.

Also: Senate Bill No. 386—An Act to repeal Sections 357, 3584, 3585, and 3586 of the Political Code, relating to the "Yosemite Valley and the Mariposa Big Tree Grove."

Also: Senate Bill No. 236—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Also: Senate Bill No. 5—An Act making an appropriation to be used under the provisions of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin, approved March 9, 1885," approved March 16, 1889.

Also: Senate Bill No. 275—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.

Also: Senate Bill No. 119—An Act to amend the Penal Code of California by adding four new sections thereto, to be numbered Section 597a, Section 597b, Section 597c, and Section 597d, relating to docking of horses' tails, and providing a punishment therefor.

Also: Senate Bill No. 224—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Also: Senate Bill No. 225—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Also: Senate Bill No. 226—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Also: Senate Bill No. 29—An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor.

Also: Senate Bill No. 364—An Act appropriating \$13,500 to complete the buildings, equipment, and furnishing of the State Normal School at San Francisco.

Also: Senate Bill No. 587—An Act to make an appropriation for the location, survey, and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville; thence in a southeasterly direction by Eureka to Downieville, Sierra County.

Also: Senate Bill No. 290—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct and equip for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of \$800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost and authorizing and directing the State Controller to draw his warrant for the said sum and the State Treasurer to pay the same.

Also: Senate Bill No. 222—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Also: Senate Bill No. 736—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employés.

Also: Senate Bill No. 351—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which said offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Also: Senate Bill No. 477—An Act to amend Section 109 of the Penal Code, relating to assisting prisoners, paroled prisoners, and escapes to escape.

Also: Senate Bill No. 74—An Act to amend Section 806 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to recorder's courts, and giving the city justice's court jurisdiction and power over all records, registers, dockets, books, papers, causes, actions, and proceedings lodged, deposited, or pending before the recorder's court."

Also: Senate Bill No. 654—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, and to repeal Chapter XXXII of the Statutes of 1883.

Also: Senate Bill No. 549—An Act to amend an Act entitled "An Act to regulate the work and hours of employés engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof," approved February 28, 1905.

Also: Senate Bill No. 480—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Senate Bill No. 714—An Act to add a new section to the Political Code, to be numbered 1617a, requiring that the United States flag shall be hoisted on all public school houses and displayed in each school room.

Also: Senate Bill No. 115—An Act appropriating money for the construction and equipment of a cold storage plant at the Preston School of Industry.

And report that the same have been correctly enrolled, and presented the same to the Governor on the 4th day of March, 1907, at ten o'clock P. M.

REILY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 818—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of boards of school trustees and city boards of education.

Also: Senate Bill No. 918—An Act to regulate the use of highways in the State of California; any violations of the provisions of the same a misdemeanor.

Also: Senate Bill No. 873—An Act making an appropriation to pay the deficiency in the appropriation for the maintenance of the Sonora and Mono road, a State highway under the supervision of the Department of Highways for the fifty-eighth fiscal year.

Also: Senate Bill No. 901—An Act to amend Section 2757 of the Civil Code.

Also: Committee Substitute for Senate Bill No. 293—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and improving the navigability of such streams.

Also: Committee Substitute for Senate Bill No. 741—An Act to amend Section 3788 of the Political Code, relating to sale of public lands and delinquent taxes due on assessment thereof.

Also: Committee Substitute for Senate Bill No. 806—An Act to pay the claim of John E. Toler against the State of California, and making an appropriation therefor.

Also: Committee Substitute for Senate Bills Nos. 3, 266, 278, 412, and 524—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State Laboratory of Plant Pathology, and the appointment of a State Plant Pathologist for this purpose, and for investigation in the field of viticulture, and making an appropriation therefor.

Also: Committee Substitute for Senate Bill No. 557—An Act to provide for the recordation of contracts and subscription agreements to stock in water users' associations, organized in conformity with an Act of Congress, approved June 17, 1902, and to regulate recorders' fees for filing, recording and indexing same.

Also: Committee Substitute for Senate Bill No. 502—An Act to provide for permanently draining Lake Earl, in Del Norte County, and making an appropriation therefor.

Also: Committee Substitute for Senate Bills Nos. 273 and 342—An Act providing for the organization and management of mutual fire insurance companies.

Also: Senate Bill No. 862—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522a thereof, relating to the certification of the monthly statement by the secretary of the Board of State Harbor Commissioners to the State Controller, and the employment of a certified public accountant therefor.

Also: Senate Bill No. 903—An Act to add a new section to the Civil Code, to be numbered 580, relating to banking corporations.

Also: Senate Bill No. 846—An Act to insure the better education of practitioners of chiropractic, and to regulate the practice thereof in the State of California, and providing penalties for the violation of the same.

Also: Senate Bill No. 512—An Act to add a new section to the Civil Code of the State of California to be known and numbered as Section 633, relating to corporations that furnish light and power for public use.

Also: Senate Bill No. 810—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

Also: Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 3 of Article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties.

Also: Senate Concurrent Resolution No. 15—Relative to creating a special legislative committee to inspect sites for State rifle ranges, and to report thereon at the next session of the Legislature.

And report that the same have been correctly engrossed.

RILEY, Chairman.

Senate Bills Nos. 818, 918, 873, 901, 862, 903, 846, 512, and 810 ordered on file for third reading.

Committee Substitute for Senate Bills Nos. 3, 266, 278, 412, and 524 ordered on third-reading file.

Committee Substitute for Senate Bills Nos. 273 and 342 ordered on third-reading file.

Committee Substitute for Senate Bill No. 293 ordered on third-reading file.

Committee Substitute for Senate Bill No. 741 ordered on third-reading file.

Committee Substitute for Senate Bill No. 806 ordered on third-reading file.

Committee Substitute for Senate Bill No. 557 ordered on third-reading file.

Committee Substitute for Senate Bill No. 502 ordered on third-reading file.

Senate Constitutional Amendment No. 36 ordered on file.

Senate Concurrent Resolution No. 15 ordered on file.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 901—An Act to amend Section 2757 of the Civil Code. Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 901 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Leavitt, Lynch, Markey, Mattos, McKee, Nelson, Rambo, Reily, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 862—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 252¹/_a thereof, relating to certification of the monthly statement by the secretary of the Board of State Harbor Commissioners to the State Controller, and employment of a certified public accountant therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 862 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Keane, Leavitt, Lynch, Markey, Mattos, Nelson, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 498—An Act authorizing the payment of a claim of the National Bank of O O Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 883—An Act to protect all citizens in their civil and legal rights and to fix a penalty for violation thereof.

Also: Senate Bill No. 884—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, and amended March 2, 1903, in relation to cruelty to animals and the arrest, trial and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act and a manner in which said societies may receive compensation for the performance thereof.

Also: Senate Bill No. 919—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, relating to eminent domain and the purposes for which it may be exercised.

Also: Senate Bill No. 857—An Act to amend Section 530 of the Code of Civil Procedure of the State of California, relating to injunctions.

Also: Senate Bill No. 875—An Act to amend Section 73 of the Code of Civil Procedure, relative to sessions of the Superior Court.

Also: Senate Bill No. 908—An Act to repeal Section 145 of the Political Code of the State of California.

Also: Senate Bill No. 907—An Act to amend Section 852 of the Political Code of the State of California.

Also: Senate Bill No. 799—An Act to establish the payment of weekly wages to certain employes and providing a penalty for a violation thereof.

Also: Senate Bill No. 718—An Act to amend Section 11 of an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905.

Also: Senate Bill No. 887—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be designated as Section 1874a, relating to contracts involving carriers of newspapers and newspaper carriers' business.

Also: Senate Bill No. 663—An Act to amend Section 102 of the Civil Code of the State of California, relating to desertion in connection with actions of divorce.

Also: Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to Article II, of the Constitution of California, by amending Section 2½ thereof, relating to primary elections, so as to permit the direct or other nomination of candidates for public office without conventions.

Also: Senate Bill No. 886—An Act to provide for the printing and distribution of proposed bills and amendments to the Constitution offered by members of the Legislature and by members-elect thereto; to define the duties of the Secretary of the Senate, Chief Clerk of the Assembly, and of the Superintendent of State Printing in relation to such proposed bills and amendments, and to provide for the payment of the cost of printing and distribution thereof.

Also: Senate Bill No. 871—An Act providing for the inspection of sheep, the appointment of a board of sheep commissioners and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation thereof.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 498, 883, 884, 919, 857, 875, 908, 907, 799, 718, 887, 663, 886, and 871 ordered on file for third reading.

Senate Constitutional Amendment No. 19 ordered on file.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 810—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 810 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Keane, Kennedy, Lynch, Mattos, Nelson, Rambo, Reily, Rolley, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 829—An Act to add a new section to the Political Code, to be numbered Section 1361, and to amend Section 1367 of the Political Code, in relation to primary elections.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 829 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Irish, Keane, Kennedy, Mattos, Nelson, Rambo, Reily, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Reily gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 934—An Act to add a new section to the Political Code, to be numbered 1366*a*, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering—was this day finally passed.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Anderson, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 513—An Act to authorize municipal corporations organized under the Act of the Legislature entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, or the Acts of which the same are amendatory, or any Act amendatory thereof, to commence and prosecute an action, or actions, to recover real or personal property within the limits of such municipal corporations, acquired, or held by the Board of Fire Commissioners, created by an Act of the Legislature entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, and to provide for the procedure in such action or actions.

Also: Senate Bill No. 35—An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from \$65,000 per annum to \$75,000 per annum for the fifty-ninth fiscal year, and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled "An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita,' approved March 12, 1901, by providing for a fixed annual appropriation of \$65,000 in the place and stead of \$75 per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home."

Also: Senate Bill No. 87—An Act to add a new section to the Political Code, to be numbered Section 3804*a*, relating to the cancellation of erroneous assessments.

Also: Senate Bill No. 876—An act to definitely establish and permanently locate the eastern boundary line of Mendocino County, between Mount Hull and the southwest corner of Tehama County, and establish the western boundary of the County of Glenn, between Mendocino and Glenn counties.

Also: Senate Bill No. 643—An Act to provide for and regulate the deposit of public moneys in banks and banking corporations, and providing a penalty for the illegal deposit and use thereof.

Also: Senate Bill No. 824—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches, a misdemeanor.

Also: Assembly Bill No. 51—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 53—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 54—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 55—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 58—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 749—An Act repealing an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles, for the use of State officers, or the officers and employers of State institutions," approved March 19, 1903.

Also: Read and adopted Assembly Concurrent Resolution No. 23—Approving the charter of the City of Riverside, in Riverside County, California, which was voted for by the qualified electors of said city, at a special election held therein, for the purpose of ratifying said charter, on the 1st day of March, 1907.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bills Nos. 513, 35, 87, 876, 643, and 824 ordered to enrollment.

Assembly Bills Nos. 51, 53, 54, 55, and 58 read first time, and ordered on file without reference to committee.

Assembly Bill No. 749 read first time, and referred to Committee on Labor, Capital and Immigration.

Assembly Concurrent Resolution No. 23 ordered on file.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At nine o'clock P. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 918—An Act to regulate the use of highways in the State of California; any violation of the provisions of the same a misdemeanor.

Read third time.

On motion of Senator Anderson, Senate Bill No. 918 was temporarily passed on file, to retain its place.

SENATOR WILLIS IN THE CHAIR.

At nine o'clock and five minutes P. M., Senator Willis of the Thirtieth District, in the chair.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 814—An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 814 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Bolshaw, Black, Boynton, Caminetti, Greenwell, Irish, Keane, Kennedy, Leavitt, Mattos, McKee, Nelson, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, Willis, and Wright—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 726—An Act to secure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California; to provide for the creation of

a board of five members, who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.

WITHDRAWAL OF BILL.

Senator McKee asked for and was granted unanimous consent to withdraw Senate Bill No. 726.

Senate Bill No. 726 withdrawn and ordered stricken from the file.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 854—An Act entitled "An Act to amend Section 737 of the Political Code, relating to salaries of superior judges."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 854 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Greenwell, Keane, Kennedy, Leavitt, Markey, McKee, Nelson, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 855—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Read third time.

On motion of Senator Wolfe, Assembly Bill No. 855 was temporarily passed on file, to retain its place.

Assembly Bill No. 875—An Act to amend Sections 1908, 1914, 1916, 1922, 1923, all of the Political Code of the State of California, relating to the enrolled militia.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 875 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Greenwell, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, Nelson, Rambo, Reily, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PORTER IN THE CHAIR.

At nine o'clock and forty-five minutes p. m., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 886—An Act to provide for the printing and distribution of proposed bills and amendments to the Constitution offered by

members of the Legislature and by members-elect thereto; to define the duties of the Secretary of the Senate, Chief Clerk of the Assembly and of the Superintendent of State Printing in relation to such proposed bills and amendments, and to provide for the payment of the cost of printing and distribution thereof.

On motion of Senator Wright, Senate Bill No. 886 was temporarily passed on file, to retain its place.

WITHDRAWAL AND SUBSTITUTION OF CONCURRENT RESOLUTION.

Senator Anderson moved that Senate Concurrent Resolution No. 18—Relative to approving the charter of the City of Riverside, in Riverside County, California, which was voted for by the qualified electors of said city, at a special election held therein, for the purpose of ratifying said charter, on the 1st day of March, 1907—be withdrawn and stricken from the file, and Assembly Concurrent Resolution No. 23 be substituted therefor.

Motion carried.

ASSEMBLY CONCURRENT RESOLUTION No. 23.

Approving the charter of the City of Riverside, in Riverside County, California, which was voted for by the qualified electors of said city, at a special election held therein, for the purpose of ratifying said charter, on the 1st day of March, 1907.

WHEREAS, The City of Riverside, a municipal corporation, in the County of Riverside, State of California, is now, and was at all the times herein referred to, a city containing a population of more than three thousand five hundred inhabitants; and

WHEREAS, At a special municipal election duly held in said city on the ninth day of October, nineteen hundred and six, in accordance with law and the provisions of section eight of article eleven of the constitution of said state, a board of fifteen freeholders, duly qualified, was elected in and by said city and by the qualified electors thereof, to prepare and propose a charter for said city; and

WHEREAS, Such charter was, on the thirty-first day of December, in the year one thousand nine hundred and six, signed in duplicate by all of the members of said board of freeholders and, on said last mentioned day, one copy was returned to and filed with the chairman of the board of trustees, and the other copy thereof was filed with, and in the office of the county recorder of the County of Riverside; and

WHEREAS, Such proposed charter was then published in two daily newspapers of general circulation in said City of Riverside, to-wit: "Riverside Enterprise," and the "Riverside Daily Press," for more than twenty days and the first publication thereof was made within twenty days after the completion of said charter; and

WHEREAS, Said charter was within not less than thirty days after the completion of said publication submitted by the said board of trustees of the City of Riverside to the qualified electors of the said city at a special election previously duly called and thereafter held therein on the first day of March, A. D., nineteen hundred and seven; and

WHEREAS, At said election a majority of such qualified electors voting thereat did vote in favor of and duly ratified said charter so proposed; and

WHEREAS, Said board of trustees after canvassing said returns duly found and declared that a majority of such qualified electors voting at said special election had voted for and ratified said charter; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the constitution of said state; and

WHEREAS, The said charter so ratified is in the words and figures following, to-wit:

CHARTER PREPARED AND PROPOSED FOR THE CITY OF RIVERSIDE BY THE BOARD OF FREEHOLDERS; ELECTED ON THE NINTH DAY OF OCTOBER, A. D. NINETEEN HUNDRED SIX.

CHARTER OF THE CITY OF RIVERSIDE

ARTICLE I.

GENERAL POWERS OF THE CITY.

SECTION 1. The municipal corporation now existing, known as the City of Riverside, shall remain and continue a body politic and corporate in name and in fact by the name of the City of Riverside and by that name shall have perpetual succession; may sue and be sued in all courts and places and in all proceedings

whatever; shall have and use a common seal alterable at the pleasure of the said city; may purchase, lease, receive, hold and enjoy real and personal property and control and dispose of the same for the common benefit; may determine and declare what are public uses and when the necessity exists of condemning property therefor; may receive bequests, gifts or donations of every kind of property, within or without said city, in fee simple or in trust for charitable or other lawful purposes, with full power to do and perform all acts and things necessary to carry out the purposes of such bequests, gifts or donations; and may do and perform all other acts necessary or incident to the exercise of the powers by this charter or otherwise granted to said city.

SEC. 2. The City of Riverside shall continue under this charter to have, hold and enjoy all property, rights of property, rights of action of every nature and description of the existing municipality and is hereby declared to be the successor of the same.

ARTICLE II.

BOUNDARIES AND WARDS OF THE CITY.

SECTION 3. The boundaries of the City of Riverside shall be and remain as now fixed and established and are described as follows:

Commencing at the northeast corner of section thirteen (13), township two (2) south, range five (5) west of San Bernardino base and meridian; thence along the north line of said section thirteen (13) to the easterly line of Jurupa Rancho; thence southerly along the easterly line of Jurupa Rancho to the southeasterly corner of lot one hundred five (105) of the lands of the Southern California Colony Association as surveyed by Goldsworthy and Higbie, a plat of which survey is of record in the office of the county recorder of the County of San Bernardino, State of California; thence in a northwesterly direction along the southerly side of lots one hundred five (105), one hundred four (104), one hundred three (103), one hundred two (102), one hundred one (101), one hundred (100) and ninety-nine (99) of said lands, according to said plat; thence on the same direct line produced to the southerly or left bank of the Santa Ana river; thence along the southerly or left bank of said river to the west line of township two (2) south, range five (5) west of San Bernardino base and meridian; thence south along said township line to the southeast corner of La Sierra Rancho; thence in a southwesterly direction on the line of La Sierra and El Sobrante de San Jacinto Ranchos to the west line of township three (3) south, range six (6) west of said base and meridian; thence in a southeasterly direction in a direct line to the southwesterly terminus of Magnolia Avenue as shown upon a plat of a survey of the lands of the Riverside Land and Irrigating Company, of record in the office of the county recorder of the County of San Bernardino, State of California, in book one of maps, at page seventy thereof, thence along the southerly boundary of the lands of said company as segregated from El Sobrante de San Jacinto Rancho, to the west line of township three (3) south, range five (5) west; thence south along said township line to the southwest corner of section nineteen (19), township three (3) south, range five (5) west; thence east on section lines to the southeast corner of section nineteen (19), township three (3) south, range four (4) west; thence north along section lines to the southeast corner of section thirty-one (31), township two (2) south, range four (4) west; thence west to the southwest corner of said section thirty-one (31); thence north along the township line between township two (2) south, range four (4) west and township two (2) south, range five (5) west to the place of beginning.

SEC. 4. The City of Riverside is hereby divided into six wards, which shall be designated respectively the First Ward, the Second Ward, the Third Ward, the Fourth Ward, the Fifth Ward and the Sixth Ward, and are described as follows:

First Ward.

Commencing at the intersection of the northerly boundary line of the City of Riverside with the westerly boundary line of the city, which is the southerly or left bank of the Santa Ana river; thence easterly along said northerly boundary line to the extreme northeasterly corner of the city; thence south along the east boundary line of the city to its intersection with the center of the right of way of the Southern California Railway Company; thence southwesterly along the said center of the right of way of the Southern California Railway Company to its intersection with the center line of Fourth Street; thence westerly along the center line of Fourth Street and the center line of Fourth Street prolonged to the intersection of said center line of Fourth Street prolonged with the westerly boundary line of the city; thence northerly along the westerly boundary line of the city to the northerly boundary line of the city, the point of beginning.

Second Ward.

Commencing at the intersection of the center line of Main Street with the center line of Fourth Street in the city; thence southerly along the center line of Main Street to its intersection with the center line of Fourteenth Street; thence westerly and southerly along the center line of Fourteenth Street to its intersection with the center line of Cypress Avenue; thence along the center line of Cypress Avenue in a southerly and a westerly direction to its intersection with the southerly bank of Tequesquite arroyo; thence westerly along the southerly bank of Tequesquite

arroyo to its intersection with the center line of Brockton Avenue; thence northerly along the center line of Brockton Avenue to its intersection with the center line of Tequesquite Avenue; thence along the center line of Tequesquite Avenue in a westerly direction to a point where the westerly line of lot two hundred ninety-six (296) of the lands of the Southern California Colony Association, prolonged southerly, intersects the center line of Tequesquite Avenue; thence northerly along said westerly line of said lot two hundred ninety-six (296) of the lands of the Southern California Colony Association to its intersection with the southerly or left bank of the Santa Ana river; thence easterly along the southerly or left bank of the Santa Ana river to its intersection with the center line of Fourth Street prolonged in a westerly direction; thence easterly along the center line of Fourth Street prolonged and along the center line of Fourth Street to its intersection with the center line of Main Street, the point of beginning.

Third Ward.

Commencing at the intersection of the center line of Main Street with the center line of Fourth Street in the city; thence southerly along the center line of Main Street to its intersection with the center line of Fourteenth Street; thence westerly and southerly along the center line of Fourteenth Street to its intersection with the center line of Cypress Avenue; thence along the center line of Cypress Avenue in a southerly and westerly direction to its intersection with the southerly bank of Tequesquite arroyo; thence easterly along the southerly bank of the Tequesquite arroyo until it intersects the upper canal of the Riverside Water Company; thence northerly along the upper canal of the Riverside Water Company until it intersects the center line of Fourth Street; thence westerly along the center line of Fourth Street to its intersection with the center line of Main Street, the point of beginning.

Fourth Ward.

Commencing at the intersection of the center of the right of way of the Southern California Railway Company with the easterly boundary line of the city; thence in a southwesterly direction along the center of the right of way of said Southern California Railway Company to its intersection with the center line of Fourth Street; thence westerly along the center line of Fourth Street to its intersection with the upper canal of the Riverside Water Company; thence southerly along said canal to its intersection with the center line of Fourteenth Street; thence easterly along the center line of Fourteenth Street to its intersection with the center line of High Street; thence south along the center line of High Street to its intersection with the center line of Pennsylvania Avenue; thence east along the center line of Pennsylvania Avenue to the east boundary line of the city; thence north along the east boundary line of the city to its intersection with the center line of the right of way of the Southern California Railway Company, to the point of beginning.

Fifth Ward.

Commencing at the intersection of the center line of Fourteenth Street with the upper canal of the Riverside Water Company; thence running easterly along the center line of Fourteenth Street to its intersection with the center line of High Street; thence south along the center line of High Street to its intersection with the center line of Pennsylvania Avenue; thence east along the center line of Pennsylvania Avenue to the east boundary line of the city (being the east line of township two south, range five west of San Bernardino base and meridian); thence south along said township line to the northwest corner of section six, township three south, range four west of said base and meridian; thence east along the north line of said section six to the northeast corner of said section six; thence south along the east line of sections six, seven, eighteen and nineteen, township three south, range four west of said base and meridian to the southeast corner of said section nineteen; thence west along the south boundary line of section nineteen, township three south, range four west and sections twenty-four, twenty-three, twenty-two, twenty-one, twenty and nineteen, township three south, range five west to the west boundary line of township three south, range five west; thence north along the west line of said township three south, range five west to its intersection with the lower canal of the Riverside Water Company; thence easterly and northeasterly along said canal to its intersection with the center line of Indiana Avenue; thence easterly along the center line of Indiana Avenue to its intersection with the upper canal of the Riverside Water Company; thence northeasterly along said canal to its intersection with the center line of Fourteenth Street, the point of beginning.

Sixth Ward.

Commencing at the intersection of the west boundary line of township two south, range five west of San Bernardino base and meridian with the southerly or left bank of the Santa Ana River; thence south on said township line to the southeast corner of La Sierra Rancho; thence in a southwesterly direction on the line of La Sierra and El Sobrante de San Jacinto Ranchos to the west line of township three south, range six west; thence in a southeasterly direction in a direct line to the southwesterly terminus of Magnolia Avenue as shown upon a plat of a survey of the lands of the Riverside Land and Irrigating Company, of record in the office of the county recorder of the County of San Bernardino, State of California, in book one of maps, on page seventy thereof; thence along the southerly boundary line

of the lands of said company as segregated from La Sierra de San Jacinto Rancho to the west line of township three south, range five west; thence north along said township line to its intersection with the lower canal of the Riverside Water Company; thence northeasterly along said canal to its intersection with the center line of Indiana Avenue; thence easterly along the center line of Indiana Avenue to its intersection with the upper canal of the Riverside Water Company; thence northeasterly along the said canal to its intersection with the southerly bank of Tequesquite arroyo; thence northwesterly along the southerly bank of Tequesquite arroyo to its intersection with the center line of Brockton Avenue; thence northerly along the center line of Brockton Avenue to its intersection with the center line of Tequesquite Avenue; thence along the center line of Tequesquite Avenue in a westerly and southwesterly direction to a point where the westerly line of lot two hundred ninety-six (296) of the lands of the Southern California Colony Association, prolonged southerly, intersects with the center line of Tequesquite Avenue; thence northerly along the westerly line of lot two hundred ninety-six (296) of the lands of the Southern California Colony Association to its intersection with the southerly or left bank of the Santa Ana River; thence southwesterly along the southerly or left bank of the Santa Ana River to its intersection with the west line of township two south, range five west, the point of beginning.

SEC. 5. The boundaries of the said wards may at any time hereafter be changed by ordinance passed by the mayor and council; *provided*, that such change shall not be made more than once in every two years and shall be made at least ninety days before any general municipal election.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Chapter 1. The Council.

SECTION 6. The legislative power of the city is hereby vested in a mayor and a common council consisting of six members. A member of the council must be at least twenty-five years of age and must have been a qualified elector of the city for the three years and a resident of the ward from which he is elected for one year next preceding the day of his election, and in case any member of the council shall change his residence from the ward which he represents his office shall immediately become vacant and shall be filled as directed in this charter; *provided, however*, that in case the boundaries of any ward are changed, no member of the council whose residence is included within a different ward from that from which he was elected shall lose his office by reason of such change.

SEC. 7. Four members of the council shall constitute a quorum, but a less number may adjourn from time to time or compel the attendance of other members. No order, except to adjourn for a lack of quorum or to compel the attendance of a quorum, and no ordinance or resolution shall be valid unless it receives the affirmative vote of four councilmen, such vote to be by the ayes and noes and recorded on the journal.

SEC. 8. No resolution granting any franchise and no ordinance for any purpose shall be passed by the council on the day of its introduction nor within five days thereafter nor at any other than a regular or an adjourned regular meeting. No resolution or order for the payment of money shall be passed at any other time than at a regular meeting or at an adjourned regular meeting.

SEC. 9. Ordinances and resolutions are the formal acts of the council reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts which being less formal in character, require only to be duly passed by the council and spread upon the minutes. No order, resolution or ordinance shall have any effect without the approval of the mayor. In the case of orders, the approval of the mayor shall be presumed, unless at the same meeting at which the order was passed, the mayor causes his disapproval with his reasons therefor to be spread upon the minutes.

All resolutions and ordinances after passage by the council must be submitted to the mayor who shall, within ten days after he has received the same, endorse his approval or disapproval thereon, giving the reason of his disapproval; *provided, however*, that if the mayor disapproves any order, resolution or ordinance it may be passed by a vote of not less than five members of the council and shall then be as valid as if approved by the mayor. Any written contract requiring the action of the council shall be subject to the approval of the mayor in the same manner as resolutions and ordinances.

SEC. 10. All ordinances shall be attested by the city clerk, and before taking effect shall be published at least once in a newspaper published in said city, or posted in at least three public places therein, or printed and mailed as provided in Section 251, Article XVIII.

SEC. 11. The council shall judge of the qualifications of its members and of all election returns and determine contested elections of all city officers. The council shall establish rules for the conduct of its proceedings and punish any member or other person for disorderly behavior at any meeting, and shall cause the city clerk to keep a correct journal of all its proceedings, and at the desire of any member of the council shall cause the ayes and noes to be taken on any question and entered on the journal.

SEC. 12. All meetings of the council shall be public and the council shall by ordinance fix the time and place of all regular meetings: *provided*, that at least one regular meeting shall be held each month and until such ordinance is passed, the existing ordinance of the city relating to meetings of the board of trustees shall apply. Adjournments may be taken from a meeting to a day certain and in such case the adjourned meeting shall be deemed an adjourned regular meeting. Special meetings may be called by the mayor or by two members of the council as herein provided, but no business can be transacted except that mentioned in the call.

SEC. 13. The mayor shall preside at all meetings of the council but shall not be entitled to vote, except in case of a tie, when he shall have the casting vote. The council shall choose one of their own number to preside in the absence of the mayor and who shall retain the right to vote upon all questions under consideration. The member thus chosen shall be designated the president of the council. In case of vacancy, or if by reason of absence from the city, or sickness, or from any other cause, the mayor is unable to perform the duties of his office, the president of the council shall act as mayor pro tempore and shall have all powers and authorities which the mayor would have possessed if personally present and attending to such duties, but such mayor pro tempore shall not lose his vote as councilman.

SEC. 14. The enacting clause of all ordinances shall be as follows: "The mayor and common council of the City of Riverside do ordain as follows:"

Chapter 2. Powers of the Council.

(a) General corporate and governmental powers.

SEC. 15. The mayor and common council of said city shall have power:

1. To pass ordinances, not in conflict with the Constitution of this State, or of the United States, or of the provisions of this charter;

2. To purchase, lease, or receive such real estate and personal property within and without the limits of said city as may be necessary or proper for municipal purposes and to operate, lease, control, dispose of and convey the same for the benefit of the city;

3. To erect and maintain buildings for municipal purposes;

4. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind, including water, water rights and water works, within or without the corporate limits, necessary or convenient for the use of the said city or its inhabitants;

5. To establish and maintain police and fire departments;

6. To provide a seal for the City of Riverside, for the police courts and for such officers and departments of the city government as may require the same;

7. To provide for the holding of municipal elections, give notice thereof, establish and alter election precincts as provided for in this charter, and appoint necessary election officers;

8. To contract for supplying the city with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or the inhabitants, or for irrigating purposes;

9. To acquire, own, construct, maintain, and operate street and other rail-ways, and other means of public conveyance of passengers and freight, telephone and telegraph systems, gas, electric, and other works for light, heat, power, ice, and refrigeration, public libraries, museums, gymnasiums, parks, lavatories, toilets and baths;

10. To own, manage and control cemeteries within or without the city; to sell or lease lots therein; to regulate or prohibit the burial of the dead in the city; and to authorize the disinterment and removal of any body buried within said city or in a cemetery belonging thereto;

11. To create offices other than those established by this charter or by the general law whenever the public convenience or necessity may require the same; to prescribe the duties pertaining to the offices thus created; and to provide for the election or appointment and to fix the compensation of the officers to fill the same;

12. To prescribe by ordinance the duties of all officers whose duties are not defined by this charter; and it may by ordinance prescribe for any officers duties in addition to those herein prescribed, when the same are not inconsistent with the provisions of this charter, and may fix the hours during which the public offices of any officer shall remain open, if not otherwise herein provided for;

13. To fix the salary and prescribe the compensation of all officials and employes of the city whose salary or compensation is not fixed or prescribed by this charter;

14. To fix the fees and charges for official services not otherwise provided for;

(b) Finance and revenue powers.

15. To levy and collect taxes on all property, real or personal, within the city;
16. To impose on and collect from every male citizen, between the ages of twenty-one and sixty years, an annual street poll stax, not exceeding two dollars, and no other road poll tax shall be collected within the limits of the city;
17. To license for the purpose of revenue and regulation, all and every kind of business authorized by law, and transacted and carried on in such city, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same and to provide for the collection of the same by suit or otherwise;
18. To impose and collect an annual license not exceeding two dollars on every male dog, and four dollars on every female dog, owned or harbored within the limits of the city;
19. To divide the city into fire districts and provide that each district be assessed to pay the expense of acquiring and maintaining appliances, apparatus, engines, and a fire department, with all other necessary means and agencies for protection against fire;
20. To manage and control the city's finances and to examine accounts, claims, and demands against the city as provided for in this charter, and to allow and cause same to be paid or rejected, in whole or in part, as found just and legal or otherwise;
21. To allow not to exceed five hundred dollars in any one year for the observance and celebration of Memorial Day, Fourth of July, and such other occasions as may promote the public interest and welfare;

(c) Powers relating to public health, welfare and safety.

22. To determine what are nuisances and prevent and remove the same;
23. To establish and maintain fire limits and to regulate building and construction within the municipality;
24. To regulate or prohibit the excavation or construction and use of cesspools, privy vaults, privy pits, etc., within said city or any part thereof;
25. To regulate or prohibit the manufacture, keeping, storage, transportation and use of powder, dynamite, gun-cotton, nitro-glycerine, fireworks and other explosive substances and materials;
26. To regulate the use of steam, gas and other engines and steam boilers, elevators and other machinery within said city;
27. To regulate the storage and deposit of hay, straw, and other inflammable material;
28. To regulate, license or prohibit the construction and use of billboards and signs adjacent to or near the streets, alleys and public places of the city;
29. To regulate the entrance to and exit from all theaters, lecture rooms, public halls, schools, churches and public buildings of every kind, and to prevent the placing of seats, chairs, benches or other obstructions in the halls, aisles or open places therein;
30. To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street and other railway companies using or crossing the public streets of the city; to require railroad companies to station flagmen and place gates or viaducts at all such street crossings as it may deem proper; to require street cars to be provided with adequate fenders and other appliances for the better protection of the public; to prohibit the making up of railroad trains upon any of the streets, street-crossings or street intersections of the city; to regulate the speed with which persons may ride, drive or propel bicycles, tricycles, automobiles or other vehicles along or upon any of the streets or highways of the city;

(d) Police and criminal powers.

31. To impose fines, penalties and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment or both; but no such fine shall exceed five hundred dollars nor the terms of imprisonment exceed six months;
32. To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the city;
33. To regulate or prohibit the sale of intoxicating liquors within the limits of the City of Riverside;
34. To establish and maintain a public pound; to regulate or prohibit the running at large of animals within the city and to provide for the impounding, sale or destruction of such animals as may be found at large in violation of its ordinances and regulations;
35. To prohibit by ordinance, within the City of Riverside, the killing, wounding, trapping, or injury of any and all song birds and all harmless wild birds, other than birds commonly known as game birds or the destroying or injuring of the nests of such birds or the removing or injuring of their eggs;
36. To enact such necessary measures to prevent truancy from the public schools and compel attendance therein, as may be recommended by the board of education and to authorize said board or proper officer to enforce the same;

(e) Streets, sewers and drains.

37. To build and repair bridges; to establish, lay out, alter, keep open, close, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city; to drain, sprinkle, oil and light the same; to remove all obstructions therefrom; to establish the grades thereon; to grade, pave, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks thereon or on any part thereof; to cause to be planted, set out and cultivated, shade trees therein; and generally, to manage and control all such highways and places; and in the exercise of the powers herein granted, to expend, in their discretion, the ordinary annual income and revenue of the municipality in payment of the costs and expenses of the whole or any part of such work or improvement.

38. To set apart as a boulevard or boulevards, any street or streets or part of a street, and to lay out, construct and improve boulevards as a part of the park system of said city;

39. To construct, establish and maintain drains and sewers;

40. To prohibit the diversion or drainage into a public sewer of any refuse or waste material from gas works, chemical works or refineries or other sources destructive to the sewer pipe or conduit, and to prohibit the diversion or drainage into any public sewer of any matter that will render the sewerage unfit for irrigation;

41. To prescribe sewerage districts, and to require and compel the owners of all buildings and dwellings situated within such districts to connect the same with the city sewer system and in case of default on the part of such owners to cause such work to be done and the cost thereof to be made a lien against such property;

42. To form, out of any territory within said city, storm water districts, and provide that the real estate in each district so formed be assessed to pay the expense of constructing storm drains and acquiring rights of way therefor, for the purpose of diverting, conducting and caring for storm water and protecting property therein from injury therefrom, *provided* no such district shall be formed if a protest, signed by the owners of two thirds in assessed value of all the real property in such proposed district as it appears on the assessment roll as assessed for city purposes, be filed before the final passage of the resolution or ordinance providing for the formation thereof;

43. To form drainage districts for the purpose of draining swamp or wet lands and caring for water from irrigation, and provide that such district so formed be assessed to pay the expenses of constructing the necessary drains, conduits and drainage works and rights of way therefor;

44. To acquire, construct, operate and maintain, to grant the right to construct, operate and maintain, and to regulate and prohibit the construction and maintenance of all pipes, tubes, conduits, poles, wires and other electric, telegraph and mechanical apparatus in, along, over, under and across all public streets, alleys and public places of the city, and to grant franchises as in this charter provided;

45. To cause the removal and placing underground of all telephone, telegraph, electric or other wires or cables within the city or within any designated portion thereof;

46. To provide for planting and maintaining shade trees and shrubbery along the public streets and caring for the same at the expense of the abutters;

47. To require the owners of real estate in the city to remove grass, weeds and obstructions from the sidewalk in front of their property, and upon their default, to cause such work to be done and the cost thereof to be made a lien upon such property;

48. To provide for the removal of weeds, rubbish or any material from lots which may endanger or injure neighboring property or the health or welfare of the residents of the vicinity and assess the expenses thereof upon such lot and make it a lien thereon;

49. To make provision for cleaning, sprinkling and oiling streets, alleys, sidewalks, crossings and highways, and to provide for the payment of the expense thereof as to any or all of such streets, alleys, sidewalks, crossings and highways, in whole or in part, by a charge and lien upon the lands fronting upon the places so cleaned, sprinkled and oiled.

(f) Powers over trade and commerce.

50. To provide for the inspection and sealing of all weights and measures used in the city and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed; and to regulate the sale and quality of all oils and gasoline and provide for the testing thereof;

51. To regulate telephone service and the use of telephones, and to fix and determine the charges for telephones, telephone service and connections within the city;

52. To regulate the use, distribution, quality, pressure and sale of water, gas, electric light and power, and other light and power, within the city, and to fix and determine the price thereof, as well as the rental price of all meters used in the measurements of said commodities and to provide for the inspection and correction of such meters;

53. To provide for and regulate the inspection of all food, food products, water, ice, and refreshments offered for sale in the city, and to provide for the taking and summarily destroying of any such articles or products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent the bringing into the city or having or keeping within the city of such unsound, spoiled, adulterated or unwholesome articles or products;

54. To provide for and regulate the inspection of all dairies, either within or without the city limits, that offer for sale or sell any of their product in the city; also to provide for the inspection of slaughter houses, vegetable and fruit gardens, whose products are sold in the city;

55. To establish stands for, and regulate the charges of hacks, public carriages, express wagons, drays, automobiles or other public vehicles for hire and require schedules for such charges to be posted in or upon such public vehicles.

(g) *Incidental and general powers.*

56. To do and perform all other acts and things not herein enumerated but required by this charter or by law or necessary or incidental to the exercise of any power conferred upon said council;

SEC. 16. The powers given in this article to the council shall be considered to be general powers of the city, whether they are exercised by the council or hereinafter conferred on other boards, and they shall not be construed to limit similar powers given hereinafter in this charter to other boards, unless the powers of said boards are specifically made subject to those of the council.

ARTICLE IV.

RELATING TO OFFICERS OF THE CITY IN GENERAL.

Chapter 1. Officers of the City.

SECTION 17. The officers of the city shall be:

Mayor.

One councilman from each ward.

City clerk who shall be ex-officio city assessor.

City auditor.

City treasurer who shall be ex-officio tax collector.

City attorney.

Judge of the police court.

City engineer.

Superintendent of streets.

Five park commissioners.

Five members of the board of education.

Five directors of the Riverside Public Library.

Five members of the board of health.

Five members of the board of public utilities.

Chief of police.

Chief of the fire department.

Health officer.

And such other officers as the council shall, under this charter, have power to create.

Chapter 2. Salaries of Officers.

SECTION 18. The officers of the city in this section named shall receive in full compensation for all services of every kind rendered by them, the following salaries payable in equal monthly installments at the end of each calendar month, viz:

The mayor, twelve hundred dollars per annum;

Each member of the council, three dollars for each regular meeting of the council which such member shall attend; *provided*, that the number of such regular meetings for which compensation shall be paid shall not exceed four during any one month and that the member shall be present at the roll call which must be read upon the hour set for the said meeting, and the city clerk must certify that these provisions have been complied with and to the number of regular meetings so attended before demands for salaries of councilmen can be allowed or paid.

City clerk and ex-officio city assessor, twelve hundred dollars per annum;

City auditor, eighteen hundred dollars per annum;

City treasurer and ex-officio tax collector, six hundred dollars per annum; *provided*, that during such period and as long as the city treasurer shall collect the regular city taxes, as hereinafter provided, his salary shall be nine hundred dollars per annum.

SEC. 19. Except where such power is herein given to other boards of the city, the council shall by ordinance fix the salary of all other officers herein created or hereafter created by ordinance, whose salaries are not herein fixed or otherwise provided for.

SEC. 20. The salary of any elective officer as fixed by this charter may be changed by ordinance of the council, but such ordinance must be adopted at least sixty days previous to an election at which such officer is to be elected and shall not take effect until the regular time for taking office after such election.

SEC. 21. The members of the board of education, directors of the Riverside Public Library, members of the park commission, members of the board of health (serving as such members) and the members of the board of public utilities (serving as such members) shall serve without compensation.

Chapter 3. Official Bonds.

SEC. 22. Officers and employes of the city, before entering upon the discharge of their official duties, shall give and execute to the city such official bonds as may be required by general law this charter or by ordinance of the city.

SEC. 23. All such official bonds must be given by some lawfully authorized and approved surety company and the city shall pay the premium therefor; *provided*, that the premium paid shall not exceed one half of one per cent per annum; *and provided further*, that if the council deems the premium charged to be excessive, then in that event the council may accept bonds with approved personal sureties.

SEC. 24. Every bond given by any officer or employe must be approved as to form by the city attorney and must be approved by the council, subject to the veto of the mayor. The approval of every bond must be endorsed thereon and signed by the city attorney and certified by the city clerk. Upon the approval of a bond, it must be recorded in the office of the city clerk in a book kept for that purpose, as elsewhere provided. After recording, all official bonds shall be filed and kept in the office of the city auditor, except the auditor's bond, which shall be filed and kept in the office of the city clerk.

SEC. 25. The following-named officers shall execute official bonds to the city in the following sums, to wit:

City treasurer and ex-officio city tax collector, in the sum of thirty thousand dollars;

City clerk and ex-officio assessor, in the sum of five thousand dollars;

City auditor, in the sum of ten thousand dollars;

City engineer, in the sum of two thousand dollars;

Superintendent of streets, in the sum of five thousand dollars;

Members of the council, in the sum of three thousand dollars each;

Mayor, in the sum of five thousand dollars;

Chief of police, in the sum of five thousand dollars.

SEC. 26. The council may at any time by ordinance, increase or decrease the penal sum of any bond or require bonds of any officer and employe and fix the amounts thereof.

SEC. 27. No city officer, deputy or employe shall be accepted as surety for any other city officer, deputy or employe on any official bond or on any bond given to the city for any other purpose.

The form and conditions of all official bonds, other than surety company bonds, the affidavits and justification thereon, shall be as is required by the general laws of the State in force at the time such bonds are given.

SEC. 28. Every officer shall be liable on his official bond for the acts and omissions of his deputies, assistants, clerks, and employes appointed by him, and of each of them, and every official bond shall contain such a condition. All officers may require of their deputies, clerks or employes, bonds of indemnity with sufficient sureties for the faithful performance of their duties, and all boards and departments may require bonds of their officers, clerks and employes, the amount of such bonds to be fixed and the bond approved by the council.

SEC. 29. In the event that any official bond of any officer of the city or of any officer or employe under any board or commission shall be reported in writing to the mayor to be insufficient, the mayor and council shall determine the status of such bond and in all such cases be the final authority in relation thereto, and in case additional security shall be demanded, said officer or employe shall perform no official act without the approval of the mayor, until such new bond shall be given and approved, and in case of his failure to file such additional bond within fifteen days, he may be removed by the council if the officer is elected and by the mayor if the officer or employe is appointed; and it shall be the duty of the mayor at once to take into his charge all books and papers, money, and other public property at the time in the hands or under the control of such officer or employe so notified, and retain the same until such additional security is given or the election or appointment and qualification of a successor to such officer or employe. For the better enforcement of this section, the mayor is authorized to commence and prosecute at the cost of the city, in his own name, all appropriate actions and proceedings.

Chapter 4. Oath, Appointment and Term of Officers, Deputies and Employes.

SECTION 30. Every officer or deputy provided for in this charter or created in pursuance thereof shall, before entering upon the discharge of the duties of his office, take and file with the city clerk the constitutional oath of office.

SEC. 31. Every elective or appointive officer of the city shall hold office during the term prescribed by this charter, or as prescribed by ordinance, if such office is hereafter created, and until his successor is elected or appointed and has qualified.

SEC. 32. All appointments of officers, deputies, superintendents and heads of departments to be made under any provision of this charter must be made in writing and in duplicate, authenticated by the person or persons, board or officer, making the same. One of the duplicates must be filed with the city clerk and the other with the auditor.

SEC. 33. In all voting upon the appointment, confirmation, suspending or removal of officers, deputies and heads of departments, the members of the council or any board having jurisdiction, shall vote by call of roll and the vote of each member shall be spread upon the minutes.

SEC. 34. Whenever it is provided in this charter that the members of any board, department or commission shall so classify themselves by lot that their terms of office shall expire at different times, such members shall, on the day of making such classification, cause the same to be entered on the record of their proceedings and a copy of such record, certified by the secretary of said board and signed by all the said members, shall be filed with the city clerk.

SEC. 35. Any officer appointed by the mayor shall hold office at the pleasure of the mayor and may be by him removed at any time, but in case of any such removal the mayor shall file his reasons therefor with the council. The approval of the council shall not be necessary.

The qualification for office of any mayor at any time shall end the term of any appointive officer then in office other than members of boards or commissions; *provided*, that all officers shall hold office until their successors have been elected or appointed and have qualified.

SEC. 36. Any vacancy in the office of member of the council shall be filled by a special election in the ward from which such member was elected. Such election shall be called by the council and shall be held not more than thirty days after such vacancy occurs, and the person elected shall hold office for the unexpired term. Vacancies in all other elective offices shall be filled by the council, the affirmative vote of a majority of the whole council being necessary therefor, and except in case of a vacancy in the office of mayor, the approval of the mayor shall also be necessary. In all such cases, except vacancies in the office of councilman, the officer so appointed shall hold office until the next succeeding general municipal election, at which time the office shall be filled for the balance of the term by election. Vacancies in all appointive offices shall be filled by appointment of the mayor, and the person so appointed shall hold office for the unexpired term. All persons elected or appointed to fill vacancies must possess the qualifications required of the office so filled.

SEC. 37. The city auditor, city clerk, city attorney, and the city treasurer may appoint, remove or suspend such deputies, assistants, and clerks, and the city engineer and superintendent of streets may appoint, remove or suspend such deputies, assistants, clerks, laborers and other employes as the duties of their offices and the work of their departments may require; *provided*, the number of such appointees and their compensation shall be fixed by the council.

SEC. 38. All departments and offices which may hereafter be created by the council shall be subject to the same provisions as to appointment and removal of heads of departments and other officers by the mayor as are respectively the executive officers and appointive boards herein provided for.

Chapter 5. Sundry Duties of Various Officers.

SEC. 39. All city officers except the mayor, the members of the council, and of the various boards of the city shall devote their entire time during business hours to the interests of the city, except when otherwise provided by this charter or by ordinance.

SEC. 40. All books, papers, archives, plats, maps, charts, records, files, stationery, documents and memoranda, made or made use of by the officers, boards, commissions or employes of the city in the performance of their official duties or in any way pertaining to their respective offices, shall be deemed and considered as belonging to the city and shall be delivered, together with all city property, moneys, bonds or other things in their possession or under their charge and control, upon going out of office, to their respective successors in office, who shall give duplicate receipts in writing therefor, one of which shall be filed with the city auditor by such successor.

SEC. 41. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Certified copies of extracts from said books and records shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents a folio of one hundred words for such copies or extracts, but the records of the police department shall not be subject to such inspection, except permission be given by the mayor or by the chief of police.

SEC. 42. No officer or employé shall be compensated by fees or commissions unless specifically so provided herein or by ordinance, and all fees or commissions shall be immediately paid over to the treasurer.

SEC. 43. Every executive and judicial officer of the city, except the mayor and city attorney, and every other officer and agent of the city charged with the collection or disbursement of any money of the city, shall furnish at the end of each month to the council a full and detailed statement upon oath of all moneys received or disbursed by him and of his official transactions during such month. Like statements shall be made at and for such other times as the council may require.

SEC. 44. All officers of the city shall keep their respective offices open for the transaction of business from the hours of eight in the forenoon until five in the afternoon of each day, Sundays and legal holidays excepted, unless otherwise provided by ordinance.

SEC. 45. It shall be the duty of every officer or employé of the city, when it shall come to his knowledge that any contract or agreement with the city or any officer or department thereof or relating to the business of any office, has been or is about to be violated by the other contracting parties, forthwith to report to the mayor all facts and information within his knowledge or possession concerning such matter, and a willful failure so to do shall be cause for removal of such officer or employé, as in case of malfeasance in office. The mayor shall give a certificate on demand to any person reporting such facts and information that he has done so, which certificate shall be evidence in exoneration from a charge of neglect of such duty.

SEC. 46. All officers of the city shall have the power to administer oaths and affirmations in any investigation or proceeding pending before any of said officers or before any board or committee thereof or concerning any demand on the city treasury, and the city clerk shall have the power to administer all oaths and affirmations required by this charter; for which no charge shall be made by any officer.

SEC. 47. The mayor, council and each board and commission provided for in this charter, or committee thereof, shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence, papers, records and books before such mayor, council, board, commission or committee, as the case may be, by subpoena, to be issued in the name of the City of Riverside, and to be attested by the city clerk. The city clerk shall upon the demand of the mayor or the president of the council or the presiding officer of any such board, commission or committee, issue such subpoena in the name of the city and attest the same with the corporate seal thereof and shall in such subpoena direct and require the attendance of the witness or witnesses sought to be summoned before the mayor, council or the respective board, commission or committee, requiring the attendance of such witness or witnesses and the production of the records, book or papers in said subpoenas specified. The chief of police shall cause said subpoenas to be served by some member of the police department upon the person or persons required to attend before the council, board, commission or committee in such subpoenas designated. The council shall from time to time adopt ordinances providing suitable penalties for disobedience of such subpoenas and the refusal of witnesses to testify before such council, board, commission or committee when required so to do.

SEC. 48. After the adoption of this charter, each appointive board of the city shall meet and organize immediately upon the qualification of all members of said board or a majority thereof. Thereafter they shall organize annually on the second Monday in January at 10 o'clock, A. M., or as soon thereafter as the new members shall have been appointed and have qualified.

SEC. 49. Whenever special meetings of the council or of any other board or commission of the city, except the board of health, are called, written notice thereof shall be served on each member personally or by mail addressed to his place of residence; if by mail, the notice, postpaid, shall be deposited in the postoffice of the city at least twenty-four hours before the time of meeting; if served personally it shall be so served at least three hours before the time of meeting.

Such special meeting may be called by the mayor or by two members of the council, board or commission, as the case may be. No business shall be transacted at any special meeting except that mentioned in the call, unless otherwise provided herein.

SEC. 50. The council or a committee of the council duly authorized by it may investigate any department of the city government and the official acts and conduct of any city officer or employé.

Chapter 6. Specific Prohibitions and Penalties for Officers and Employés.

SECTION 51. If any member of the council or of any board or commission of the city shall absent himself from the city for more than thirty days consecutively or if any other officer of the city shall absent himself from his office for more than ten days consecutively, without the consent of the council in either case, or if there exists any reason sufficient in law for the removal of any officer, his office shall thereupon be declared vacant by the council if the office is an elective one and by the mayor if the office is an appointive one. The council must not grant leave of absence to any officer, except for the purpose of attending to official business, for a longer period than sixty days; *provided*, that such permit may be renewed if good and sufficient reason exists therefor.

SEC. 52. Whoever, being a city officer or being in nomination for or while seeking nomination or appointment for any city office, shall use or promise to use, whether directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, to aid any other person to secure any office or appointment in the service of the city or any nomination or increase of salary, upon the condition that his vote or political influence shall be given or used in behalf of any candidate, officer or political party or association, or upon any corrupt condition, shall be deemed guilty of a misdemeanor. And every person found guilty of such misdemeanor as aforesaid shall, upon conviction thereof, be liable to be punished by a fine of not less than one hundred dollars or more than one thousand dollars, or to be imprisoned not less than ten days or more than one year, or to both said fine and said imprisonment, in the discretion of the court. If the person convicted be a public officer, he shall, in addition to any other punishment imposed, be deprived of his office and be forever debarred and disqualified from holding any position in the service of the city.

SEC. 53. No officer or employé of the city shall become a party worker or solicitor or active partisan in any city election, except in his own behalf. A violation of any of the provisions of this section shall be sufficient cause for his removal from office.

SEC. 54. Any officer of the city who shall, while in office, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employé or from any candidate or applicant for any position as employé or subordinate under him, shall forfeit his office.

SEC. 55. No person in the service of the city is under any obligation to contribute to any political fund or to render any political service and no person shall be removed, reduced in grade or salary or otherwise prejudiced for refusing so to do. Any officer or employé of the city convicted of violating any of the provisions of this section shall be removed from office.

SEC. 56. No member of the council shall hold any other city office or hold any office or employment, the compensation for which is paid out of the city moneys, or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected, or be interested directly or indirectly in any contract with the city, or be in the employ of any person having any contract with the city or of any grantee of a franchise granted by the city.

SEC. 57. Any officer or employé of the city may be suspended or removed for notorious non-payment of his debts or gross disregard of his financial obligations.

SEC. 58. No member of the council or of any board provided for by this charter and no officer or employé of the city shall be or become directly or indirectly interested in any contract, work or business, the consideration, price or profits of which are payable in whole or in part from the city treasury or school funds and are determined or in any way directly affected by any official act of said council, board, officer or employé, respectively; or in the sale of any article, the price of which or the purchase of which by or for the city or by or for the public schools thereof, depends directly or indirectly upon any official act of such council, board, officer or employé respectively. No member of the council or of any board provided for by this charter and no officer or employé of this city having any authority or power relating to or affecting the granting of any franchise, right or privilege, shall be or become directly or indirectly interested in any such franchise, right or privilege. Any member of the council or of any board herein mentioned and any officer or employé of the city violating the provisions of this section shall forfeit his membership or office or employment; and all contracts made or rights, franchises or privileges granted in violation of this section shall be absolutely void.

SEC. 59. The council shall institute all suits necessary to remove persons from office for cause and for the enforcement of all proper penalties, but this shall not be construed to prevent any citizen bringing any proper suit to remove from office any officer for any sufficient cause specified in law or this charter, or construed to limit the power of the mayor in making removals and suspensions and preferring charges, given elsewhere in this charter, and it shall be the duty of the mayor to remove from office any appointive officer violating any of the provisions of this chapter or this charter.

ARTICLE V.

EXECUTIVE DEPARTMENT.

Chapter 1. The Mayor.

SECTION 60. The chief executive officer of the City of Riverside shall be designated the mayor. He must be at least thirty years of age and shall have been a resident and qualified elector of the city for the three years next preceding the day of his election.

SEC. 61. He shall be elected by the qualified electors of the city at each general city election and shall hold office for two years and until his successor is elected and has qualified.

SEC. 62. When a vacancy occurs in the office of mayor, it shall be filled for the unexpired term by the council, assembled for that purpose, and any person pos-

sessing the necessary qualifications may be chosen mayor at such election by a majority vote of the whole council. A member of the council during the term for which he shall have been elected or appointed shall be ineligible to fill such vacancy.

SEC. 63. During the temporary absence or disability of the mayor or in case of his neglect or refusal to act, the president of the council shall act as mayor pro tempore and during such period shall possess the powers of the mayor and perform his duties; *provided*, that he shall not remove from office any person subject to removal by the mayor, unless such absence, disability, neglect or refusal to act continues for a period of at least sixty days, except he may suspend as provided herein, at any time, any officer. If such period continues thirty days or less, the mayor shall be entitled to his salary and the mayor pro tempore shall not receive any compensation other than that as councilman. Thereafter, during any further period of disability, neglect or refusal to act or absence, unless said absence is due to the business of the city, the mayor's salary shall cease and shall be paid to the mayor pro tempore who shall not receive any salary as councilman during such period.

SEC. 64. Within fifteen days after reassuming his powers and duties after any disability or absence, the mayor shall have the power by filing a written notice with the city clerk, to recall any ordinance, resolution, contract or grant of a franchise which has been passed by the council and approved or disapproved by the mayor pro tempore during such period, and by such action the approval or disapproval of the mayor pro tempore is rendered null and void and of no effect, and the mayor shall then have a further period of ten days in which to exercise the powers and duties in relation to approving or disapproving such ordinance, resolution, contract or grant of a franchise as are provided in this chapter; *provided*, that the foregoing provisions shall not apply to any ordinance, resolution, contract or grant of a franchise which at the date said notice was filed with the city clerk by the mayor, has already gone into full force and effect under the provisions, exceptions and time limit as contained in Section 259, of Article XXI of this charter.

SEC. 65. The mayor shall preside over the council when in session and shall have authority to preserve order, to enforce the rules of the council and to determine the order of business, subject to such rules and subject to the right of appeal to the council. He shall not be entitled to a vote except in case of a tie, when he shall have the casting vote.

SEC. 66. He shall see that the laws of the State of California, the provisions of this charter and the ordinances of the City of Riverside are strictly enforced and duly observed within said city.

SEC. 67. He shall have a general supervision over all the departments and public institutions of the city and shall see that they are honestly, economically and lawfully conducted. The mayor shall from time to time recommend to the proper officers of the different departments such measures as he may deem beneficial to the public interest. He shall have the general supervision of all city officers, elected or appointed. He shall vigilantly observe the conduct of all public officers and employes.

It shall be his duty to receive and examine into all complaints made against such officers and employes for violation or neglect of duty. Any delinquency, dereliction, refusal to act, wilful neglect of duty, unlawful absence from the city, official misconduct or incompetency which he may discover or which may be reported to him shall be laid before him by the council or other proper board. If such person is subject to removal by the mayor it shall be his duty at once to remove him according to the provisions of this charter.

SEC. 68. He shall, at least once in each month, and may at any other time, together with the city attorney and the city clerk, count the cash in the city treasury and see that it corresponds with the books of the treasurer and the auditor and report the result of such count to the council at its next meeting.

SEC. 69. He shall have the books and records of all public departments pertaining to the finances of the city and may of all institutions, objects or causes which are in part or wholly maintained or assisted by money appropriated by the city, audited by a competent person expert in such matters, at least once in every year. Such person shall make a full written report to the mayor and council of the results of such examination and of recommendations based thereon. The mayor may at any time, with or without notice, investigate in person or through one or more competent persons appointed by him for the purpose, the offices and accounts of any department, board or officer of the city or of any employe and the official acts and conduct of any official or employe in the service of the city, and the money, securities and property belonging to the city in the possession or charge of such department, board, officer or employe. Any person refusing to permit such examinations or purposely delaying or impeding the same, may be removed from office by the mayor if removable by him under this charter, or if not removable by the mayor may be suspended from office by the mayor and removed for malfeasance in office. The expense of any such investigation shall be paid out of the general fund in the same manner as other claims against the city are paid. The result of all such investigations and examinations shall be reported to the council and such report filed with the city clerk.

SEC. 70. For the purpose of examining into the conduct of any board, commission, committee or other body intrusted with interests pertaining to the

city, or for any other purpose, the mayor shall have power to call a special meeting of such board, committee, commission or other body. At such meeting, unless otherwise provided herein, only such business may be transacted as is mentioned in the call therefor.

SEC. 71. The mayor shall have the right to be present at regular, special or executive sessions of any board, commission, committee or other body intrusted with the interests of the City of Riverside, and shall have the right to sit in such body and take part therein, but shall not have the right to vote, except as specifically provided herein.

SEC. 72. Whenever he considers it advisable, the mayor may call upon the heads of departments or other officers for such reports relating to the public business under their control and management as he may require of them, and it shall be their duty to prepare and submit the same at once to the mayor.

SEC. 73. The mayor may at any time, and at his own pleasure, remove from office or position any officer not elective, provided the cause therefor shall be stated in writing, which writing shall be filed with the city and a copy thereof given to such officer, but the same need not be made public unless by direction of the mayor or on request of the officer so removed.

SEC. 74. The mayor shall have the power to suspend, pending an official investigation, any officer of the city, except councilmen, or any employé thereof after refusal of the head of his department to so suspend him, for any official delinquency, dereliction, refusal to act, willful neglect of duty, official misconduct, incompetency, unlawful absence from the city, or if the official bond of such officer or employé shall be deemed by the mayor to be insufficient for any cause, or if any of the sureties on said bonds have withdrawn therefrom, and other and sufficient sureties have not immediately qualified thereon.

SEC. 75. Any elective officer, except councilmen and mayor, may be removed by the council upon charges preferred by the mayor; *provided*, that such charges are, by law, by this charter or the ordinances of the city, made sufficient cause for removal from office. Such charges may originate, however, in the council or from any citizen and shall be presented in writing to the council and a copy furnished to such officer, who shall have the right to appear before the council in person and by counsel and be heard in his defense. If such charges be sustained by an affirmative vote of not less than five members of the council and approved by the mayor, the officer shall be deemed removed and his place filled as in case of other vacancies, or the council may, with the mayor's approval, continue such suspension for such time as it deems proper. Otherwise the charges shall be dismissed and such officer, if he has been suspended, shall thereupon be restored to office.

SEC. 76. The mayor shall appoint all officers of the city and fill all vacancies in office where provision for such appointment is not otherwise specifically made in this charter or by law.

SEC. 77. The mayor shall take all proper measures for the preservation of public order and the suppression of all riots, tumults and unlawful assemblies, for which purpose he may use and command the police force, and in such case shall have power to add to the police force and call upon the citizens as may in his judgment be required. If the police force of the city is insufficient he shall call upon the governor for military aid, in the manner provided by law, so that such riots, tumults or unlawful assemblies may be promptly and effectively suppressed.

SEC. 78. The mayor may on his own motion, and must upon a resolution passed by the council directing him so to do, cause to be instituted on behalf of the city, such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the city to any person, company or corporation, which have been forfeited in whole or in part, or which for any reason may be irregular and void and not binding upon the city, and the city attorney, upon demand of the mayor, must institute and prosecute the suits or actions required to enforce the provisions of this section. Each mayor taking office under this charter shall cause a careful investigation to be made of the exact condition of all franchises theretofore granted by the city, and of the respective rights and obligations of the parties, and the performance of the same, and shall report the results thereof in his next annual message or report, or at such other times as he may deem proper.

SEC. 79. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted, in the name of the city, against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part.

SEC. 80. The mayor shall sign all conveyances made by the city, unless otherwise provided in this charter, and all contracts to which it is a party, unless otherwise provided herein; shall acknowledge the execution of all instruments executed by said city that require acknowledgment, and shall sign demands as elsewhere provided herein.

SEC. 81. The mayor shall have the veto power as provided in this charter. In case an ordinance or resolution of the council shall appropriate money, the mayor may approve one or more items in such ordinance or resolution and disapprove the others. In such case, those which he shall approve shall become effective, and those which he shall disapprove shall become effective only if again passed as provided in this charter.

SEC. 82. The mayor shall, at the end of each year of his official term, and at such other times as he may deem proper, communicate in writing to the council a general statement of the affairs of the city, together with such recommendations regarding the public health, the cleanliness and ornamentation of the city, the improvement of its government, its finances and such other matters as he may deem proper or beneficial.

SEC. 83. The mayor may contract such bills for typewriting and necessary clerical work as are required in the performance of his duties.

SEC. 84. The mayor shall perform such other duties and exercise such other authority and powers as may be prescribed by this charter.

SEC. 85. Any person who shall solicit personally, or through another, either for himself or for another, the appointment to, or retention in, any city office or position from a candidate or prospective candidate for election as mayor, previous to his election, shall thereby be guilty of a misdemeanor, and shall be punished therefor as provided by law.

Chapter 2. City Clerk and Assessor.

SECTION 86. The city clerk shall be at least twenty-five years of age and shall have been a qualified elector of the city for the three years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for four years and until his successor is elected and has qualified.

SEC. 87. The city clerk shall have the custody of, and be responsible for, the corporate seal, all books, papers, documents, records and archives belonging to the city, not in actual use by other officers or committed to their custody by special provisions of this charter or ordinance. All papers and documents shall be filed under appropriate heads. He shall be the custodian of, and be responsible for, the city hall, unless otherwise provided for by ordinance, and of all personal property, the custody of which has not been otherwise provided for.

SEC. 88. He shall be present at all meetings of the council and shall keep a journal of its proceedings, with marginal notes and references thereon. He shall authenticate by his signature, certificate and the corporate seal of the city, all ordinances and other official acts of said council. He shall record in separate books to be kept for that purpose, all ordinances of the city, with his certificate annexed to each ordinance stating that the foregoing ordinance is a true and correct copy of an ordinance of the city, and giving the number, title, date of passage, the vote thereon and stating that the same had been adopted, approved by the mayor and published, posted or printed and mailed according to the provisions of this charter. Such record copy with said certificate shall be prima facie evidence of the contents of the ordinance and of the passage and publication of the same and shall be admissible as such evidence in any court or proceeding. Such records shall not be filed in any case but shall be returned to the custody of the clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. He shall, in separate books, also record all contracts to which the city or any officer thereof in his official capacity is a party, similarly attested, and all official bonds or other bonds given to or for the benefit of said city or in which it is interested. He shall keep all books and records properly indexed and cross indexed so as to afford instant access to any record, action or paper, whether looking in the index for the name of the officer, person, thing or place concerned, or the nature of the action desired, attempted or taken.

SEC. 89. He shall make out, sign and deliver to the city auditor all licenses other than building permits.

SEC. 90. The city clerk shall make monthly and annual reports to the council showing the number of licenses issued and the amounts, the condition of the property under his care and the expenses and receipts of his office.

SEC. 91. The city clerk shall perform such other duties and exercise such other powers as may be required of or conferred upon him by the ordinances of the city, the provisions of this charter or by the mayor and council.

SEC. 92. The city clerk shall be ex-officio assessor. As assessor he shall be present at all meetings of the city board of equalization, act as clerk of said board and keep a journal of its proceedings. He shall perform all the duties and shall possess such powers as may be prescribed by this charter, by the ordinances of the city or by law in relation to the assessing of property in the city for the purposes of taxation and shall collect such taxes upon personal property as are required to be collected by him, by law, by this charter or by ordinance.

SEC. 93. During such period as the city shall continue to avail itself of the provisions of the act of the legislature approved March twenty-seventh, eighteen hundred ninety-five, relating to the assessing and collecting of the city taxes by the county officials, said act being particularly referred to in Article XV, Section 234, of this charter, the duties and powers as ex-officio assessor herein conferred on the city clerk shall be deemed inoperative, and they shall not take active force and effect until the mayor and council shall enact an ordinance providing for the assessing and collecting of all city taxes by the city assessor and city tax collector, and abolishing the provisions under which said taxes are assessed and collected by the county officers of Riverside county.

Chapter 3. The City Auditor.

SECTION 94. The city auditor shall be at least twenty-five years of age, a citizen of the State, and shall have been a resident of the city for a period of two years next preceeding the day of his election. He shall be elected by the qualified electors of the city, and shall hold office for four years and until his successor is elected and has qualified.

SEC. 95. The city auditor shall possess such powers, perform such duties and keep such records in relation to the investigation, approval, disapproval, endorsement, verification, numbering, registration and delivery of claims and demands as are elsewhere set forth in this charter, and as set forth in the report of the board of city accounting. He shall sign all demands on the city treasury except as otherwise in this charter provided.

SEC. 96. It shall be his duty to be constantly acquainted with the exact condition of the city treasury. He shall, on the application of any person indebted to the city or any officer or person holding money payable into the city treasury or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable and by whom to be paid. He shall, upon the written order of the city treasurer directing him to issue a receipt for money paid into the city treasury, charge the city treasury with the money and give the person paying the same a receipt therefor. He shall apportion among the several funds all public moneys at any time in the city treasury, not otherwise by law or ordinance specifically apportioned and appropriated, and forthwith notify the city treasurer of such apportionment or appropriation.

SEC. 97. He shall, at the first meeting of the council every month and oftener if required, report to the council the condition of each fund in the treasury. He shall make a similar report to the mayor at any time when requested by the mayor in writing so to do. On or before August first of each year unless said date is changed by ordinance, he shall make an annual report to the council showing in detail the sources from which the revenue of the city was derived and how expended during the year ending June thirtieth of said year, segregating therein the different departments and funds and business interests of the city. Said report shall also give a detailed statement of the debt of the city, of the purposes for which such debt had been incurred, of the accounts of said city with the grantees of franchises, and inventory of all public property of the city together with its condition and approximate value and shall also include a summary of the assets and liabilities of the city and of unpaid demands. The council shall publish this report or a condensed summary thereof, prepared by the auditor, in a daily newspaper of the city or print the same in pamphlet form for free distribution. He shall make the annual estimate and budget preliminary to the levying of taxes by the council referred to in Article XV, Section 229.

SEC. 98. He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner, as hereinafter provided, every money transaction of the city, so as to show at all times the state of each fund, from what source the money was derived, for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person, so that he can tell at any time the exact condition of the city finances. He shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the city, its debts, revenues and other financial affairs.

SEC. 99. The city auditor shall act as the general accountant and fiscal agent of the city and shall exercise a general superintendence over all the officers and employes of the city charged in any manner with the receipt, collection or disbursement of the city revenues, and shall examine their accounts and books at least once in each month and if they be found incorrect, he shall at once notify the mayor in writing. He shall keep or cause to be kept under his direct control, all financial and property records, books and accounts of departments, boards and officers of the city government, except those of the city clerk, ex-officio city assessor, city treasurer, ex-officio city tax collector and board of education. Monthly and annual reports shall be made to the council of the financial transactions and condition of each department. His authority over such records, the manner of keeping the same and the control over the deputies and clerks engaged in such work shall be paramount and shall not be subject to the authority of the board, commission or officer at the head of such department, but shall be subject only to the provisions of this charter and to the report of the board of city accounting hereinafter referred to.

SEC. 100. There is hereby constituted and appointed a board of city accounting consisting of five members, and the following citizens are hereby appointed to serve on said board:

W. G. Fraser, W. B. Clancy, Stanley J. Castleman, William L. Peters and Frank F. Chase, who shall serve without compensation. For the purpose of this section this charter shall take effect immediately upon its approval by the legislature and the members of the board of city accounting herein appointed shall, within ten days thereafter, qualify by taking the oath of office before the city clerk of Riverside then in office. It shall be the duty of the said board by a majority vote thereof to originate and adopt such a system of accounting, books, records,

reports, vouchers, receipts and blanks relating to the financial and property records and transactions of every department and office of the city government and prescribe such duties for the officers, deputies and employes therein concerned, as will clearly and systematically show the transactions of such departments and offices, and will harmonize one department with another, to the end that the accounts, books, records and reports in the auditor's office will show the financial and property records of the city as a whole and in detail, as clearly as would be the case in a private corporation conducted on modern business lines. To this end the board is authorized to employ expert advice, if thought wise by them, to incur other necessary expenses and to order the proper books, blanks and supplies. All expenses shall be certified to, and allowed by, the council elected under this charter and such bills shall be allowed and paid by the auditor and treasurer. The said board shall submit to said council a duly certified report of such system of accounts, books, records, reports, vouchers, receipts and blanks and such duties prescribed for such officers and employes. Said report shall be spread on the book of ordinances by the city clerk and shall thereafter have the full force and effect of a duly enacted ordinance of the city, requiring compliance by all departments, officers and employes of the city. Thereafter such system of accounts, books, reports, vouchers, blanks and receipts shall be changed only by a duly enacted ordinance of the council approved by the mayor, except as otherwise provided in Article XVI, Section 246 of this charter. In minor matters of detail such report, if it so states, may supersede provisions of this charter relating to any manner herein committed to said board. The said board shall lapse with the entering of such report on the book of ordinances by the city clerk.

SEC. 101. The city auditor shall countersign all licenses and permits issued by any city officer or board, wherein money is to be paid for the use of the city and shall charge the proper officers with the proper amount. No such license or permit shall be valid unless countersigned by him.

SEC. 102. He shall keep in his office in a place accessible and open at all times during office hours to the public, a book containing a list of the names of all persons or corporations who are bondsmen for the officers of the city, giving the names of the officers for whom they are bondsmen and the amounts for which they are severally holden. He shall keep publicly posted in his office a list of all persons receiving salaries or wages from the city, with the amount of monthly salaries or wages received by each opposite his name, which list shall be revised and corrected by him monthly.

SEC. 103. He shall perform such other duties and possess such other powers as may be required of or conferred upon him by the provisions of this charter or by said report of the board of city accounting.

Chapter 4. City Treasurer and Tax Collector.

SECTION 104. The city treasurer shall be ex-officio tax collector. He shall be at least twenty-five years of age and shall have been a qualified elector of the city for the three years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for four years and until his successor is elected and has qualified.

SEC. 105. The treasurer shall receive and keep all moneys that shall come to the city from taxation or otherwise and pay the same out on demands properly audited in the manner provided for in this charter and without such auditing he shall disburse no public funds whatever, except the principal and interest on the bonded indebtedness of the city when the same shall be payable.

SEC. 106. He shall keep an accurate account of all his receipts and disbursements under such rules and regulations as are provided for in this charter by the report of the board of city accounting or as may be prescribed by ordinance.

SEC. 107. He shall receive no money into the city treasury unless accompanied by the certificate of the city auditor, provided for in Article V, Section 96 hereof. He shall issue receipts in duplicate to all persons paying money into the treasury, one of which receipts shall be forthwith deposited with the city auditor.

SEC. 108. He shall make such reports to the city auditor as may be prescribed by the board of city accounting. He shall make a monthly statement to the council of all his receipts and disbursements during the preceding month. He shall make such special reports from time to time as may be required of him by the council or the mayor. On or before August first of each year, he shall make and deliver to the council a detailed report and itemized statement of all receipts and disbursements of the city treasury for the year ending June thirtieth, of said year, and of each of its funds during such year and of the amount in each of said funds at the end thereof.

SEC. 109. Except as hereinafter provided, the treasurer shall not lend or use, nor shall he deposit any of the moneys received by him as such treasurer, or any part thereof, to or with any bank, banker, corporation or person, nor shall he pay out any part of such moneys nor allow the same to pass out of his personal custody, except as authorized by law or this charter. If the treasurer shall violate any of the provisions of this section he shall be deemed guilty of malfeasance in office, be suspended by the mayor and removed from office as provided herein.

SEC. 110. The mayor, city attorney, city auditor, the finance committee of the council or any special committee appointed by the council, separately or collectively and with the aid of an accountant selected by such officer or committee, shall have

the right and power to examine the books of the treasurer at all times; and such officers and committees shall also have the right to inspect and count all public moneys under the treasurer's control or on special deposit elsewhere.

SEC. 111. It shall be in the power of the council, by ordinance, at any time to require the city treasurer to devote his entire time to the duties of his office during office hours.

SEC. 112. The city treasurer and tax collector shall perform such other duties and exercise such other powers as may be required of or conferred upon him by the provisions of this charter, the report of the board of city accounting or by the ordinances of the city.

SEC. 113. The city treasurer shall be ex-officio tax collector and as such tax collector he shall receive and collect all city taxes, general and special and other branches of the city's revenue not otherwise provided for by this charter or by ordinance. He shall keep proper books, showing all moneys collected by him as tax collector. He shall keep a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed and shall be at all proper times open to public inspection. He shall pay all moneys collected by him as tax collector into the city treasury monthly. He shall make monthly and annual reports to the council of all money collected or received by him.

SEC. 114. As long as and during such period as the regular city taxes may be assessed and collected by the county officers of Riverside County as herein provided for in Article XV, Section 234, the duties of the treasurer as such ex-officio tax collector shall be deemed inoperative. Unless otherwise provided by ordinance or by law the treasurer shall collect all special assessments, liens or other special taxes.

SEC. 115. In case of suspension from office of the treasurer for any cause, the mayor shall appoint a treasurer who shall give the same bond as treasurer and who shall take charge of the office and funds and perform the duties of the treasurer during such suspension.

SEC. 116. The mayor and council shall have power to pass an ordinance in accordance with the provisions of section sixteen and one half of article eleven of the constitution of the State of California, or of any state law or laws passed in accordance with the provisions of said section sixteen and one half, said ordinance shall provide for the depositing of all moneys belonging to the city in national banks or in banks organized under the laws of this state and shall provide rules and regulations therefor. They shall have power, from time to time, to fix the interest rate, which shall not be less than two per cent per annum, to be paid by such depository banks, or they may provide for bids and cause such deposits to be made in such bank or banks offering to pay the highest rate of interest, subject to the provisions of said section sixteen and one half. They shall have power to alter the duties of the city treasurer when necessary and establish proper rules for his government. They shall have power to relieve the treasurer from all liability for funds after being so deposited, except that he shall still be liable for loss from demands which he may unlawfully allow or pay out of such funds so deposited.

SEC. 117. The mayor and council shall have power to take advantage of any existing law or any law that may hereafter be passed, providing for the receipt and disbursing of city funds by the county treasurer of Riverside County, and may thereupon by ordinance abolish the elective office of city treasurer and provide for the duties of tax collector and supersede provisions of this charter conflicting with such changes. And the mayor and council may, by ordinance, repeal the ordinances referred to in this and the last preceding section, and thereupon revive and renew the provisions of this charter relating to the city treasurer and city tax collector.

Chapter 5. The City Attorney.

SECTION 118. The city attorney shall have been a qualified elector of the city for a period of two years next preceding the day of his appointment. He shall have been duly admitted to practice his profession by the Supreme Court of the State of California; he shall have been actively engaged in the practice of his profession for a period of five years next preceding his appointment. He shall be appointed by the mayor.

SEC. 119. It shall be the duty of the city attorney to prosecute on behalf of the people all criminal cases arising from the violation of the provisions of this charter and of city ordinances, resolutions and regulations. It shall be his duty to attend to all suits, matters and proceedings to which or in which the city or any officer thereof in his official capacity is a party or may be legally interested. Whenever any cause of action at law or equity or by special proceedings exists in favor of the city, he shall notify in writing the mayor, council, board or officer having jurisdiction over such matter. He shall commence and maintain all suits and actions when directed so to do by resolution of the council or other board authorized herein to commence and maintain actions, or upon written request of any officer so authorized; and the council or such other board or officer so authorized, as the case may be, shall have control of all litigation so commenced and may employ other attorneys to assist the city attorney therein or to take charge thereof.

SEC. 120. He shall attend meetings of the council when so requested by the

mayor or by the council or any member thereof, or as may be required by ordinance. He shall be the legal adviser of all city officers, boards and departments and shall give his advice and opinion in writing concerning any matter in which the city is interested when required by the mayor, council or other board or any committee thereof or by any officer or department of the city. When required in like manner, he shall draft any and all proposed ordinances, resolutions, amendments, laws, rules, contracts, bonds, deeds and other legal papers for the city.

SEC. 121. He shall approve by endorsement in writing thereon, the form of all official or other bonds required by this charter or by ordinance, resolution or order of the council, before the same are submitted to the council or mayor for final approval, and no such bond shall be approved by the mayor or council without such approval by the city attorney; *provided*, that the mayor shall approve the form of the city attorney's bond, if such there be. He shall approve in writing the drafts of all contracts before the same are entered into by or on behalf of the city. He shall approve by endorsement in writing thereon, the form of all deeds of real property acquired or sold by or on behalf of said city.

SEC. 122. The city attorney shall have charge and custody of all legal papers pertaining to his office, which shall be arranged and indexed by him in such convenient and orderly manner as to be at all times readily accessible. He shall keep a complete docket and duplicate pleadings of all suits, actions or proceedings in which the city or any department or official thereof is interested, pending in any court or tribunal, upon which docket such appropriate entries shall be made as to show at all times the condition of each one of such cases. He shall keep and record in a book to be provided for that purpose, the original or duplicate copies of all written opinions furnished by him to the city or to any department or official thereof, and shall make and preserve an index thereof.

SEC. 123. The city attorney shall present an annual report to the council, showing the business of his office for the past year, and shall present a report of all actions and proceedings in the superior and supreme courts where the city is an interested party, and shall show what cases have been disposed of during the year and in what manner, and the condition of those remaining on the calendar, or still pending.

SEC. 124. He shall do and perform such other things as may be required of him by the provisions of this charter and all such things touching his office as the council or mayor may require of him.

Chapter 6. City Engineer.

SECTION 125. The city engineer shall have had not less than five years practical experience as a civil engineer, next preceding the day of his appointment. He shall be appointed by the mayor.

SEC. 126. He shall perform such duties as the council may prescribe by ordinance.

Chapter 7. Superintendent of Streets.

SECTION 127. The superintendent of streets shall be at least twenty-five years of age, a citizen of the State and a resident of the city. He shall be appointed by the mayor.

SEC. 128. He shall perform such duties as the council may prescribe by ordinance.

ARTICLE VI.

EDUCATIONAL DEPARTMENT.

SECTION 129. The school department of the city shall comprise all the schools within the City of Riverside, including the present Riverside, Palm Avenue, Magnolia and Victoria school districts, the Riverside high school district, and all the territory that is now or may hereafter be annexed thereto for school purposes, and shall be known as Riverside city school district, which shall succeed to all the obligations, property, rights and privileges of the former districts as above named, and shall consist of primary, grammar and high schools as now established and may, at the discretion of the board of education, include kindergarten, manual training and domestic science schools; *provided*, that no school money shall be used for kindergarten, manual training and domestic science schools when such use will prevent the board of education from maintaining primary, grammar and high school for nine months of each year. All territory included within the limits of the Riverside city school district, but not within the city limits, shall be deemed a part of said city for the purpose of holding the general municipal elections and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for the board of education and on questions submitted to a vote of the people pertaining to school matters; and said outside territory shall be deemed a part of said city for all matters connected with the school department, and with the levying and collecting of all taxes for school purposes.

SEC. 130. The government of the school department of the city shall be vested in a board of education and shall consist of five members, to be elected from the school district at large, as herein provided, to be called members of the board of education who shall serve without compensation; *provided*, that the present school

districts as above named in section 129 shall each continue as such until the election and qualification of the first members of the board of education elected at large. The members of this board shall be elected at the first regular municipal election held under this charter. At their first meeting the members so elected shall so classify themselves by lot that two of the members shall go out of office on the first Monday in January, nineteen hundred ten, and three on the first Monday in January, nineteen hundred twelve, and thereafter said members shall hold office for a period of four years, and until their successors are elected and have qualified. At the second regular election held under this charter two members shall be elected and at the third regular election three members, to fill the places of those members whose terms expire, and thereafter, alternating, two and three shall be elected at the succeeding elections.

SEC. 131. No person shall be eligible to become a member of the board of education who is not at least twenty-five years of age and who has not been a resident of the school district for the two years next preceding the day of his election.

SEC. 132. The officers for all elections called by the board of education shall receive not more than three dollars each as compensation for their services.

SEC. 133. The board of education shall enter upon the discharge of their duties on the second Monday after the second Tuesday in May, nineteen hundred seven; and the board shall meet upon said day and on the second Monday of January, nineteen hundred nine, and annually thereafter, and organize by electing one of their members president and his term of office shall be for one year and until his successor is elected. They shall hold regular meetings at least once each month at such time and place as may be determined by their rules. Special meetings may be called by the president or by written request of any two members as herein provided. No business shall be transacted at special meetings that has not been distinctly stated in the call. A majority of the members shall constitute a quorum, but a smaller number may adjourn from time to time; but the vote of three members shall be required for passing all orders for the expenditure of money and allowance of demands and for the election of teachers. The sessions of the board shall be public and its minutes open for inspection. The board may determine its rules for its proceedings, and the ayes and noes be taken when demanded by any member and entered upon the record of the board.

SEC. 134. The powers and duties of the board of education are as follows:

1. To establish and maintain public schools, including high schools, as herein provided; and at its discretion to establish kindergartens, manual training and domestic science schools; to change, consolidate and discontinue the same and to establish boundaries for each or any school building or any grade or grades in each or any school building, within which boundaries pupils must attend their respective building or grades.

2. To manage and control the school property; including the power to grade, fence and improve all school lots and the sidewalk and streets bordering the same; to select plans for and supervise and control the construction of school houses; to alter, repair, rent and provide school houses and to furnish the same with proper school furniture, apparatus and appliances and to provide the same with fire escapes, fuel, lights, water and all necessary supplies; to insure the same, including the contents, against fire, and to incur such other incidental expenses as may be deemed necessary.

3. To employ and dismiss the superintendent of schools and such teachers, janitors, school census marshals and other employes and laborers as may be deemed necessary to carry into effect the powers and duties of the board; to prescribe the duties to be performed by each and all of such employes, and to fix, alter, allow and order paid, their salaries or compensation; and to withhold for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided*, that no election or appointment of a teacher or other person employed by the board of education shall constitute or be construed as a contract, either as to the duration of time or of wages to be paid; but no teacher shall be dismissed before the end of any school year in order to make place for another, or for any other reason than insubordination, immoral or unprofessional conduct or evident unfitness for fulfilling the requirements of the position.

4. To make, establish and enforce all necessary and proper rules and regulations for the government of public schools, the teachers thereof, pupils therein, and for carrying into effect the laws relating to education; also to establish and regulate the grade of schools and determine what text books, course of study and the mode of instruction that shall be used in said schools.

5. To take advantage of and follow the line of procedure of any law now in force or which may be hereafter enacted allowing municipalities, or any board or commission of the same, including boards of education, to insure their public buildings and school houses by other methods or means than through insurance companies.

6. The board of education shall have power, under this charter, to set aside a certain amount of money each year as an insurance fund, which amount shall be submitted to a special election of the qualified electors of the Riverside city school district, and may be raised by special tax so voted or by a bond issue so voted, and

all such money so raised shall be deposited in some reputable savings bank or banks, either within or without the city. Said money shall be kept intact, together with the interest thereon, for the payment of loss by fire, earthquake or other extraordinary calamity, until some time as the aggregate of such insurance fund will amount to twenty thousand dollars or more, when the board of education may then withdraw the interest and divert it to the school fund. Such special or bond elections shall be held under the general school laws of the state for such elections; and it shall be the duty of the county treasurer after receiving such moneys to pay the same to the board of education on demand, and the county treasurer is hereby empowered and directed so to do. The board of education shall then at once deposit such moneys in the name of the Riverside city school district, and as above outlined and designated, and shall, as soon thereafter as possible, certify to the council where such money has been deposited and the purpose of such deposit; and thereafter, in order to withdraw any of the principal of said sum, the council must approve the order of the board of education withdrawing same or any part thereof, either to pay loss by fire or to transfer the funds from one bank to another.

7. To take and hold in fee or otherwise, in trust for the city, any and all real estate and personal property that may have been acquired or may hereafter be acquired by purchase, bequest or donation, for the use and benefit of the public schools of the city or for any educational purpose; to dispose of, at private or public sale, such personal property as shall be no longer required by the department, and to sell, exchange or lease any of such property; and to make, in the name of the district, conveyances of real property sold under the provisions hereof; *provided*, that all acts of the board of education relating to the sale or exchange of school houses or real estate belonging to the district be first ratified and approved by the council in order to make such transfer legal.

8. To receive and manage property or money acquired by bequest or donation in trust for the benefit of any school, educational purpose or school property, including gymnasiums, museums and athletic parks or grounds.

9. To sue for any and all property belonging to, or claimed by the board of education for the district, and to prosecute and defend all actions at law or equity necessary to recover and maintain the full enjoyment and possession of said property, and to require the services of the city attorney, free of charge, in all such cases.

10. To prohibit any child under six years of age from attending the public schools, except where kindergartens are established, and to fix the age not less than five years at which they may attend the kindergarten.

11. To admit non-resident children to any department of the schools at their discretion, on the payment within the school year at such time as the board may direct, of tuition fees not less in amount than the per capita cost per pupil per year, based on the average attendance for the previous year.

12. To furnish books to children whose parents are unable to furnish the same, and all books so furnished shall be stamped with the name of the district, shall belong to the district, and shall be kept in the library when not in use.

13. To visit each school building in the district at least once in each three months and examine carefully into its condition, management and wants.

14. To discharge all legal incumbrances now existing or which may hereafter exist, upon any school property within the district.

15. To have uniform instruction given by all teachers throughout the entire school course, in manners and morals, and upon the nature of alcoholic drinks and narcotics and their effect upon the human system; to include in such teaching the principles of morality, truth, justice and patriotism; to teach pupils to avoid idleness, profanity, and falsehoods; to instruct them in the principles of free government, and to train them up to a true comprehension of the rights, duties and dignity of American citizenship.

16. To prevent truancy and compel the attendance of school children between the ages of six and fourteen who may be found idle in public places during school hours.

17. To prepare in July of each year, a detailed report showing the income and expenditures of the department and such other information as will fully show the work accomplished by the department during the previous year. A copy thereof shall be delivered to the city clerk.

18. To enforce such rules and regulations as may be made by the board of health of the city.

19. To appoint a superintendent of schools, prescribe his powers and duties from year to year and fix his salary.

20. To determine annually the amount of money necessary to be raised by taxation for the maintenance of the public schools, in addition to the amount of money to be received from the State and county; and the board shall, on or before the first day of August of each year, submit in writing to the board of supervisors of Riverside County, a careful estimate of all money to be received from the State and county and the amount required to be raised by taxation in addition thereto, and said county board of supervisors shall, and they are hereby authorized and directed so to do, in each year when fixing the annual tax rate, levy and assess as a school tax

for the support and maintenance of the school department, such amount as the board of education shall report necessary for that purpose; *provided*, that the aggregate of the amount to be thus levied for school purposes shall not exceed thirty cents on each one hundred dollars valuation of property appearing on the assessment roll of the Riverside city school district; *provided further*, that the limit herein mentioned shall not be construed as including any money to be raised by taxation for the payment of bonds and the interest thereon for the Riverside city school district. The estimate of the board of education submitted to the county board of supervisors, as above specified, shall show the amount of money estimated to be received from the State for high school purposes and the amount needed for such purposes in addition thereto; and this amount when assessed and collected as above stated, shall be paid into the county treasury and placed to the credit of the high school fund and shall be used for high school purposes. Likewise the said estimate shall show the amount of money estimated to be received from the State and county for other than high school purposes and the amount needed for purposes in addition thereto; and this amount when assessed and collected as above stated shall be paid into the county treasury to the credit of the school fund of the district and shall be used only for the purposes of schools other than high schools as herein outlined, and none of such money shall be used for high school purposes. All school moneys shall be paid out by the county treasurer in accordance with the methods of the general school laws, when not inconsistent with the provisions of this charter.

21. To establish regulations for the just and equitable disbursement of all money belonging to any fund of the Riverside school district.

22. And generally, to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said board and to increase the efficiency of the public schools in said city.

SEC. 135. The board of education may, prior to the fifteenth day of August in any year when in their judgment it is advisable, call an election and submit to the electors of the district the question whether a tax shall be levied to furnish additional school facilities for the district or to maintain any school in such district or for building one or more school houses or for any or all of these purposes. Such election shall be called and money employed in accordance with the general laws of the State governing elections for district school tax.

SEC. 136. The board of education shall, at the same meeting at which it elects its president in each year, appoint a clerk, who may, or may not, be one of their own number, and shall prescribe the duties and fix the salary of such clerk.

SEC. 137. The city superintendent of schools, each member of the board of education and the clerk thereof, shall have power to administer oaths and affirmations in all matters connected with the school department.

SEC. 138. The board of education shall be the judge of the qualifications of teachers in all departments in the Riverside city school district, and said board may provide for special examinations for any or all positions in said schools. In the selection of teachers the board shall in all cases advise with the city superintendent, and in so far as possible they shall select teachers who by education and natural ability are best fitted for the positions; but said board shall in no case employ any teacher who does not, when so requested by the board, present a certificate of good health from the city health department, or from some reputable and known physician.

SEC. 139. The board of education shall have power to make suitable rules and regulations for the promotion of pupils from primary and grammar schools and from high schools and from all other departments of the schools when pupils have completed the respective courses of study therein, and to grant diplomas to such pupils in the name of the district.

SEC. 140. All buildings costing over one thousand dollars shall be built by contract and all contracts for buildings shall be given to the lowest responsible bidder offering adequate security, to be determined by the board after due public notice published for not less than five days in the official newspaper of the city, if there be such, and if there be no official newspaper, then in any newspaper published in said city; *provided*, that the board of education may reject any and all bids under this section. Any order for supplies in excess of two hundred dollars shall be advertised for and purchased in same manner as outlined in this section.

SEC. 141. In all matters not specifically provided for in this charter the board shall be governed by the provisions of the general law relative to such matters.

ARTICLE VII.

THE PUBLIC LIBRARY.

SECTION 142. The public library and reading room, known as the Riverside Public Library, is hereby continued in existence, and shall be free of access to all citizens of said city and the general public except as hereinafter provided, subject to such rules and regulations for the government and management thereof as may

at any time be adopted by the board of directors of said library, hereinafter provided. All property, real and personal, belonging to said library shall be turned over to the charge, custody and administration of said board, with like powers and liabilities as if such library had been established under this charter.

SEC. 143. The public library and the reading rooms and branches connected therewith shall be under the control and management of a board of five directors known as The Board of Directors of the Riverside Public Library and by such name shall have perpetual succession and may sue and be sued in all courts and places and in all proceedings whatever in relation to, or concerning any property, real or personal, or any right vested in said board.

SEC. 144. Said directors shall be appointed by the mayor immediately after his qualification under this charter, and thereafter as their terms expire, as hereinafter provided. Each director shall be at least twenty-five years of age and shall have been a resident of the city for a period of at least three years next preceding his appointment. Men and women shall both be eligible.

SEC. 145. Those directors first appointed shall so classify themselves by lot at their first meeting, that one director shall go out of office on the second Monday in January, nineteen hundred nine, one at the end of one year thereafter, one at the end of two years thereafter and two at the end of three years thereafter. Thereafter said directors shall hold office for a period of four years and until their successors are appointed and have qualified; *provided*, that the mayor may at any time remove members of said board and thereupon shall file with the council a written message giving the names of the directors removed and the actual reasons for such removals. Such removals shall not need the approval of the council.

SEC. 146. The office of director of the public library shall be honorary and the members shall serve without compensation.

SEC. 147. Said directors shall organize at their first meeting, and on the second Monday in January, nineteen hundred nine, and annually thereafter, by the election of a president and a secretary from among their number who shall serve without compensation for a term of one year and until their successors are elected; *provided*, that either or both of said officers may at any time be removed from office and their places filled by the action of a majority of the whole board of directors; and further *provided*, that the board may designate the librarian or any employé of the library as secretary, no additional salary being paid therefor.

SEC. 148. The board of directors shall hold regular meetings at least once every month at such times and places as it may determine by resolution. Special meetings may be called by the president or by any two members; *provided*, that written notice is served as herein provided for and that no business shall be transacted at any special meeting except that mentioned in the call, unless five directors shall consent thereto. Three directors shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

SEC. 149. The secretary shall keep a record and full minutes in writing of all proceedings of said board and may certify to such proceedings or any portion thereof, under his hand, to be verified by seal, if a seal has been adopted and provided by the board for that purpose. All accounts of property, money, receipts and expenditures shall be kept by the auditor of said city.

SEC. 150. The board, by a majority vote of all its members to be recorded on its minutes with ayes and noes, shall have power:

1. To take charge of the public library, grounds, reading rooms and branches and of all real and personal property thereunto belonging or that may be acquired by loan, purchase, gift, devise or otherwise, when not inconsistent with the terms and conditions of the devise, gift or bequest;

2. To purchase or lease all necessary real property whereon to construct a library building or buildings; to construct, maintain, extend and repair such buildings; to lease appropriate rooms, building or buildings for such reading rooms, library or branches; to furnish and equip such rooms and buildings as may be necessary therefor, and to insure library property;

3. To determine the number of librarians, assistants, janitors and such other employes as may be necessary to be appointed for such library, reading rooms and branches; to appoint such employes and at its pleasure, remove them; to describe their powers, duties and hours of employment; to fix the salaries and wages of all such employes; all appointments shall be made without regard to political belief but solely with regard to fitness;

4. To make and enforce such by-laws, rules and regulations as may be necessary or expedient for its own guidance and for the administration, government and protection of such library, reading rooms, branches and all property belonging, loaned, devised, bequeathed or donated thereto;

5. To extend the privileges and use of such library, reading rooms and branches to persons residing outside of the city upon such terms and conditions as said board of directors may from time to time prescribe; *provided* that non-resident taxpayers of the city shall have the same privileges as residents of the city;

6. To exclude from the privileges of the library, reading rooms and branches any and all persons who shall wilfully violate the rules established by the board, any and all persons who shall conduct themselves in an offensive or improper manner in or about the library or branches thereof and any and all persons afflicted with contagious, infectious, dangerous or offensive disease; it shall be the duty of the librarian upon receipt of notice from the city health officer that contagious or communicable disease exists in any family or any house or building, to at once bar from all library privileges all members of such family or occupants of such building or house, and not to renew such privileges until official notice is received from said health officer that said disease no longer exists and that said premises have been properly fumigated;

7. To exercise and administer any trust declared or created for the benefit of such library, reading rooms or branches thereof and to receive by gift, devise or bequest and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided in said trust, dispose of the same for the benefit of said library;

8. If the payment into the city treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of such donation or bequest, the board of directors of the public library shall provide for the safety and preservation of the same and the application thereof to the use of such library and reading rooms in accordance with the terms and conditions of such donation or bequest;

9. To provide memorial tablets and niches to perpetuate the memory of any person making donations or bequests to said library;

10. To purchase books, journals, maps, publications and other supplies and personal property for the use of said library;

11. To repair, sell, exchange or otherwise dispose of personal property;

12. It shall be the duty of the board to exclude from said library all books, papers and publications that it deems to be indecent, immoral, offensive or harmful, and it may, in its discretion, exclude all publications of a partisan or sectarian nature;

13. To borrow books from, lend books to and exchange the same with other libraries, upon such conditions and terms as said board may prescribe;

14. To establish and maintain, or discontinue, such branches of the public library or reading rooms, or both, as the growth of the city and convenience of the public may, from time to time, require; special rules and regulations for the government and opening of any or all such branches may be adopted and enforced at the option of said board;

15. To do and perform any and all other acts and things necessary or proper to fully carry out the intent of this charter in establishing and maintaining a public library and reading room;

16. To control and order the expenditure of all money at any time in the library fund, and order the drawing and payment of all moneys out of said fund for such expenditures or liabilities as are herein authorized, subject to the general provisions for the payment of demands on the city treasury, contained in Article XVI.

SEC. 151. The board of directors shall annually, on or before the first day of August, make a report to the council showing the condition of their trust for the year ending June thirtieth of that year: the various sums of money received from the library fund and from other sources; for what purposes such money has been expended, the amount so expended, and the balance on hand; the number of books and periodicals on hand; the number added by purchase, gift or otherwise during the year; the number lost or missing; the number of persons entitled to borrow books; the number of books circulated and the general character and kind of such books; the names of all employees and the salary paid to each; with such other information, statistics and suggestions as it may deem of general interest. The statement of financial receipts and disbursements shall be verified under oath by the secretary. The board shall, as specified in Article XV, Section 228, submit to the council a careful estimate of the amount of expenditure required for the coming fiscal year, specifying in detail the object thereof. A duplicate of said report and estimate shall be sent to the auditor.

SEC. 152. At the request of the board of directors of the public library, as expressed in the annual estimate and budget of the board, the council shall in making the annual tax levy and as a part thereof, if the maintenance of the library is not otherwise provided for, levy a tax sufficient to establish and maintain said library, reading rooms and branches, and for purchasing or leasing such real and personal property, books, papers, publications, furniture, fixtures and erecting such buildings as may be necessary therefor; said levy to be in addition to other taxes,

the levy of which is permitted in the municipality: *provided*, said levy for library purposes shall not be less than five cents, nor more than twenty cents on each hundred dollars of value of all real and personal property in the city as assessed for city purposes.

All money received for such library from any source, except as herein otherwise provided for, shall be deposited in the treasury of the city to the credit of the library fund and shall be kept separate and apart from all other moneys of the city, and shall be disbursed only for library purposes herein authorized and only upon the order of the board of directors of the public library as hereinbefore provided.

SEC. 153. No indebtedness exceeding the funds available for library purposes during such year, shall be incurred in any one year: *provided*, that this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the City of Riverside, in accordance with the provisions of this charter or of the general laws of the State, for the purpose of defraying the cost of such improvements; *and provided*, that the contracts for such improvements, the construction of the same and the allowing of demands in payment therefor shall be under the control of the board of directors of the public library, subject to the general provisions herein contained relating to the allowance of demands.

SEC. 154. Any person desiring to make donations of money, securities, or other personal property or real estate, shall have the right to vest the title to such money, personal property or real estate so donated in the board of directors of the Riverside public library, hereby created, to be owned, held and controlled by such board when accepted according to the terms of the deed, gift, devise or bequest of such property; and as to such property, the board shall be held and considered to be a special trustee thereof for the city. No real property used for library purposes can be sold by the council or otherwise disposed of without the approval of four directors of the public library.

SEC. 155. The council shall have the power to appropriate and authorize the use, either in whole or in part, of any real estate belonging to the city for the purpose of erecting and maintaining a building or buildings thereon to be used for the public library or branches thereof, and may appropriate the whole or any portion of any public building belonging to or used by the city, for such use.

SEC. 156. The council shall pass proper ordinances imposing suitable penalties for the punishment of persons committing any injury upon said library or the grounds or property thereof, and for injury to or failure to return or for unlawfully obtaining or detaining any book or publication or other property of said library.

SEC. 157. The board shall have the power to require the secretary of state and other state officials to furnish the library with copies of any or all reports, laws, and other publications of the State not otherwise disposed of by law.

ARTICLE VIII.

DEPARTMENT OF PUBLIC UTILITIES AND ELECTRICAL DEPARTMENT.

SECTION 158. There is hereby created a department of public utilities which shall be under the control and management of a board of public utilities, consisting of five commissioners, four of whom shall be appointed by the mayor immediately after his qualification and thereafter as their terms expire as hereinafter provided. Each of the four thus appointed shall be at least twenty-five years of age and shall have been a qualified elector of the city for the three years next preceding the day of his appointment. The fifth member of the board shall be the mayor who shall be the presiding officer of the board. Those members first appointed under this charter shall so classify themselves by lot at their first meeting that one shall go out of office on the second Monday in January, 1909, one at the end of one year thereafter, one at the end of two years thereafter, and one at the end of three years thereafter; and thereafter their successors shall hold office for four years until their successors are appointed and have qualified: *provided*, the mayor may at any time remove from office members of said board and thereupon shall file with the council a written message giving the names of the members removed and the reasons therefor. Such removals shall not need the approval of the council. The members shall serve without compensation. Unless otherwise provided by ordinance, the city clerk shall act as secretary of said board and keep the minutes and records thereof and shall, whenever required so to do, certify such proceedings under his hand, the same to be authenticated by seal if a seal is adopted and provided by said board for that purpose.

SEC. 159. The board shall hold regular meetings at least once in every month at such times and place as it may determine by resolution. Special meetings may be called at any time by the mayor or by any two members: *provided*, written notice is served as herein provided for, and that no business shall be transacted at any special meeting except that mentioned in the call, unless five members consent thereto. Three members shall constitute a quorum for the transaction of business but a less number may adjourn from time to time.

SEC. 160. The board of public utilities shall have the exclusive control and management of all electric and other light and power works, gas works, telegraph

or telephone systems, water works, ice works or other systems of providing and distributing refrigerating means, materials, and service, and all other public utilities that now belong to, or that may hereafter be acquired by the city; the acquisition, construction, extension, maintenance, operation and improvements of such works and systems; the management, rental, use, sale and distribution of the electricity, light, power, gas, fuel, water, ice or other products, merchandise or service therefrom; the collection of the rates and payment for the same and the general charge thereof; by ordinance of the council, the board may be given charge of the fire and police telegraph and alarm systems.

SEC. 161. The board may appoint, transfer, remove, discharge, suspend or require bonds of superintendents, engineers, laborers and all other persons employed in or by said department or in connection therewith in whatever capacity, and may prescribe their duties, compensation and authority, except as otherwise provided herein for the city auditor, his deputies and clerks.

SEC. 162. The rates to be charged for the use, rental and sale of electricity, light, power, heat, gas, water, telephone or telegraph service, or for any other service supplied by such department for which it is practicable to establish fixed rates, shall be fixed by the board of public utilities annually, or oftener if desired, but must be approved by the council. Said rates should preferably, but not necessarily, yield a reasonable profit and interest on the investment to the city, but must not be less than the actual cost of providing such service or utility, including all repairs, maintenance, operating expenses and the depreciation hereinafter provided for in Section 173 of this article, unless approved by two thirds of all the qualified electors voting on such proposition at any election, and further provided, that the board shall have power by a vote of four members, approved by a vote of five members of the council, and by the mayor, when, in their judgment such would be for the best interests of the city as a whole, to make special and discriminating rates and contracts which may or may not be less than the said cost.

SEC. 163. The board shall have authority to purchase all machinery, material, fuel, merchandise and supplies for the use of the department, and such purchase may be made in the open market for the best advantage of the city, and bids shall not be required except at the option of the board, notwithstanding any other provision to the contrary contained in this charter elsewhere. The board is authorized to acquire and take by purchase, condemnation or otherwise, in the name of the city, any and all property, including water and water rights, situated within or without the limits of the city, that may be necessary or convenient for the construction, operation, maintenance or extension of any of the said works or public utilities.

SEC. 164. Said board shall have the power to contract or to extend contracts for power, electric current, gas, fuel, or similar commodity; if said contracts or extensions are for a period exceeding one year and shorter than five years they shall require the approval of the council; if longer than five years they must, in addition, be ratified by a majority of the qualified voters voting on such proposition at any election, before they shall be binding on the city. The board may, however, subject to the approval of the council, make such contracts or make leases of machinery or apparatus for a longer term than five years if such contracts or leases provide for the acquisition by the city of the machinery or apparatus so leased, or provide for the acquisition of the machinery or apparatus producing the electric current, power, gas or other product so contracted for by the city.

SEC. 165. The city through its department of public utilities shall have the right to sell, lease, rent or furnish any of the commodities, merchandise or service herein provided for, to persons or corporations using the same outside of the city limits; *provided*, the same does not interfere with the proper service of the inhabitants of the city, and any contracts must be subject to this provision. The rates so charged shall be fixed by the board, but must be approved by the council.

SEC. 166. The city, through its department of public utilities, shall have power to purchase, acquire by leasing or renting, to sell, to rent or lease out, to install, repair and maintain every kind of electric current, power, fuel, heat, machinery, apparatus, supplies and all other articles of merchandise necessary, convenient or profitable either for its own use in any of the public utilities operated by the city, or for the use of the customers of the city wherever located. Such service to persons outside of the city shall be subject to the provisions of Section 165 of this article. When the board deems it to be to the profit and best interest of the city, it may furnish, free of charge, or give away to its customers, under proper restrictions, apparatus, lamps, and other articles intended to consume or make use of electricity, gas, power or other commodities furnished by the department.

SEC. 167. The board shall have entire charge of the system of street lighting; *provided*, that before any extensions of same are made, the approval of the council shall be necessary. The rate to be charged the city for street lighting shall be determined by the board and approved by the council, but must not be less than the actual cost of same. Bills for same shall be rendered monthly and approved in the same manner as other demands. The auditor shall then credit the electric fund and charge the proper fund with the said amount. Light, power and other

items and supplies furnished other departments of the city shall be treated in like manner.

SEC. 168. The board shall have power, by a resolution adopted by a majority of all its members and recorded at length on the minutes with the ayes and noes, to make and enforce all such reasonable regulations, rules and by-laws as may be necessary for its government, for the administration of the department and for the exercise of the powers conferred by this article. In the event that electric transmission lines have been paid for, in whole or in part, by persons or corporations other than the city, the board may require persons desiring to connect with said lines, to pay a proper proportion of such cost before being allowed to make such connection, and the said payment may be repaid pro rata to the persons originally paying for such lines.

SEC. 169. The board shall, as soon as practicable, cause to be made by the city engineer, a map or maps, showing full details of the distributing system, connections therewith and of all street lights, which maps shall be kept posted up to date or additional maps made as the service increases.

SEC. 170. The city auditor, as provided in Section 99 of Article V, Chapter 3, shall have entire charge and control of all records, books, documents and accounts relating to property and the receipts and expenditures and all accounts of purchases and sales of the department. His department shall also attend to the correspondence of the board or of the superintendent, but this shall be under the control and direction of the board. The board shall allow out of the electric fund the wages of the deputies and clerks so employed in the department, which wages shall be fixed by the council. The auditor shall make, as soon as practicable after the adoption of this charter, with the assistance of the superintendent, a complete detailed list with an inventory at the present value of all property belonging to the department, in order to determine the net value of the city's investment therein. The values in said inventory shall be set by the board, and it may engage a competent person to set same or to assist therein. The auditor shall keep this record posted up to date, and shall annually make a new inventory. A record shall be kept of all property sold, lost, destroyed, worn out or discarded, and a record of all connections and the number of lamps in use. The auditor shall accurately apportion all income and expenditures so that regular operating expenses, repairs, betterments, extensions, replacements, depreciation, cost of operation, power and fuel, the income from various sources, and the net income and real value of the plant can always accurately be told. The board and superintendent shall so conduct the department that this can be done and the auditor is instructed and given power to see that this provision is complied with.

SEC. 171. All money received by the board from the collection of rates or otherwise shall be paid over to the treasurer of the city, daily, unless otherwise provided by ordinance, to the credit of the electric fund, which shall be kept separate and apart from all other moneys of the city, and shall only be drawn from said fund by demands previously approved by a vote of three members of the board taken with the ayes and noes, and spread on the minutes, and the action of said board endorsed on said demands and signed by the mayor as president of the board and by the secretary thereof. All demands must be approved by the superintendent or managing head of the department and by the auditor or his deputy before being presented to the board. In case of emergency the council may transfer money from the general fund to the electric fund. Any moneys raised by issuing the bonds of the city for the use of the department of public utilities shall be expended and controlled by the said board. Money may be temporarily transferred from the electric fund to the general fund by the council, but only with the consent of the board of public utilities, and such money must be returned to the electric fund by the first day of the following May.

SEC. 172. None of the money in the electric fund shall be apportioned and used for any purpose or purposes other than for the following:

1. For the necessary expenses of conducting the electric department, operating the electric plant and making all current and ordinary extensions, betterments and repairs;

2. For the extraordinary improvement and betterment to the plant, property, equipment and system of supply and distribution of the electric department, including purchase of necessary lands, water rights and other properties;

3. Any unused balance in the electric fund, after deducting for the depreciation sinking fund as provided in Section 173 of this article, may with the approval of both the board and the council, be used for payment of principal and interest of any electric department bonds outstanding;

4. After all expenditures have been made that are required in the first, second, and third subdivisions of this section, the profit, if any there be, remaining in the electric fund at the end of the fiscal year, from the operation

of the plant for such year, may, with the consent of both the council and the board of public utilities, be transferred, in whole or in part, into the general fund for the use of said fund.

SEC. 173. At the end of each fiscal year the auditor shall take the total value of property belonging to the electric department as obtained from the inventory and property record; he shall deduct not less than 5 per cent therefrom, which shall represent the estimated depreciation of the whole plant and system for the year. Said per cent shall thereupon be transferred from the electric fund to the credit of the fund to be known as the "depreciation sinking fund." He shall then charge to such sinking fund and credit to the electric fund the amount expended during the year in actual replacements of wornout machinery and plant, but must not include therein amounts expended in betterments, extensions, changes and repairs. The balance remaining in the depreciation sinking fund shall then be invested by the treasurer, subject to the approval of the council, in United States, state, school or municipal bonds, or deposited in savings banks organized under the laws of California, at interest, and the interest thereon shall accrue to said fund. If the per cent deducted from the electric fund in any one year shall not be sufficient to offset the expenditures for said actual replacements for such year as above specified, then sufficient bonds from the depreciation sinking fund shall be converted into cash, or cash withdrawn from said savings banks, and said cash transferred to the electric fund to make up such deficiency; but this shall be done only on the recommendation of the auditor and approved by the said board and the council. The depreciation sinking fund shall otherwise remain inviolate except as authorized by a two-thirds vote of the qualified electors voting on such proposition at any election: *provided*, that the said board by a four-fifths vote of all the members, approved by the council by a vote of five-sixths of all the members and by the mayor, shall have the power to instruct the treasurer and auditor to convert sufficient of said bonds into cash or withdraw said deposits, and thereupon to temporarily transfer the proceeds and to use same for betterments and extensions of said plant, or to acquire any other public utility elsewhere provided for in this charter, but must not use the same for repairs or operating expenses. Said temporary transfers must be repaid to said sinking fund by the electric fund or other fund, as the case may be, in annual installments not less than ten in number, with five per cent interest on same, computed semi-annually, and the auditor is authorized and instructed to make such transfer and the council must provide the funds therefor if the balances in such fund be insufficient. Annual reports in detail must be made by the auditor and the treasurer of all increments, changes, conversions, investments, interest, loans from and repayments to said depreciation sinking fund.

The auditor may take expert advice other than that of the electric department, as to the proper per cent of depreciation to be charged to the electric fund and credited to the depreciation sinking fund, as above provided; if, from such advice he believes five per cent to be too small, he shall make use of such per cent as he believes conservative and safe. If the money in the electric fund be insufficient to provide the amount of the depreciation charge the auditor shall create a deficit in the electric fund and if said deficit be not balanced at the time the next annual tax levy is made, the council must, by levy or otherwise, provide the money to balance the said fund. Said per cent shall not be less than five per cent unless approved by a majority of the electors voting on such proposition at any election.

SEC. 174. The board shall present to the council a monthly report showing expenditures for operating expenses, fuel, power, wages, repairs, replacements, betterments and extensions; also all income and net profit itemized into proper classes, and also an annual report showing in addition to these items the nature and condition of the property under their control with such information and suggestions as it may deem of general interest. If funds be needed for extensions, improvements, repairs or other expenditures, too great to be paid out of the estimated current income of the department, the board shall, as provided in Section 228, Article XV, make an itemized statement of the same to the council and the council may make such proper tax levy to provide such funds, and said taxes shall, when collected, be credited to the electric fund. Duplicates of all reports shall be filed in the auditor's office.

SEC. 175. It shall be the duty of the council to pass such ordinances as may be necessary to enforce the rules and regulations made by the said board.

SEC. 176. The board shall possess such other powers and perform such other duties as may be necessary to carry any of the powers and duties prescribed in this article into full force and effect, or as may be elsewhere prescribed by this charter or by ordinance.

SEC. 177. It is understood that at the time of the adoption of this charter, the electric department is the only public utility operated by the city. In case any other public utility herein mentioned in Section 160 of this article shall hereafter be acquired and pass under the control and management of the board of public utilities, the said board shall create separate departments therefor, and such departments shall each be subject to all the provisions of this article as far as they can be made applicable, and the accounts thereof shall be kept entirely separate each from the other, and separate and appropriate funds shall be established for each.

SEC. 178. No public utility once acquired and operated by the city shall, nor shall the control of same or the products therefrom, ever be sold, leased, abandoned or otherwise disposed of to any person or corporation except such proposition is approved by a two-thirds vote of all the qualified electors voting on such proposition at any election at which said proposition shall be legally submitted; *provided*, that said prohibition shall not be construed to prevent the ordinary sale of electricity, gas, power, service, merchandise, supplies, materials and unused or abandoned machinery or apparatus to the customers of the city in the regular course of business.

ARTICLE IX.

HEALTH DEPARTMENT.

SECTION 179. The board of health shall consist of five members, three of whom shall be appointed by the mayor; each of the three thus appointed shall be at least thirty years of age, and shall have been a qualified elector of the city for a period of three years next preceding his appointment, two of whom shall be practicing physicians and one shall be a citizen other than a physician. The physicians shall have practiced their profession for at least five years next preceding their appointment. The fourth member shall be the city engineer. The fifth member shall be the mayor who shall be the presiding officer of the board. Those members of the board first appointed under this charter shall so classify themselves by lot that one shall go out of office on the second Monday in January, 1910, one at the end of one year thereafter and one at the end of two years thereafter. Thereafter their successors shall hold office for four years and until their successors are appointed and have qualified.

SEC. 180. Three of the members of the board shall constitute a quorum for the transaction of business.

SEC. 181. The board shall at its first meeting and annually thereafter, or at the will of the board, appoint one of its members, who is a practicing physician, as secretary of the board. The secretary shall be ex officio health officer of the city.

SEC. 182. Regular meetings of the board shall be held once a month. Special meetings may be called by the mayor, by two members of the board or by the health officer, and may be by telephone.

SEC. 183. The board shall have power to appoint and remove at pleasure a regularly certificated physician to serve as city physician, who may or may not be the health officer.

SEC. 184. The health officer and city physician shall receive such compensation as may be fixed by the council. The other members of the board, acting as such, and appointed as in this charter provided, shall receive no compensation for their services.

SEC. 185. The board of health shall have such other powers and perform such other duties as may be prescribed by ordinance.

ARTICLE X.

PARK DEPARTMENT.

SECTION 186. There shall be a board of park commissioners, consisting of five persons, whose appointment, term and tenure of office shall be the same as provided for directors of the Riverside Public Library in Article VII of this charter, and who shall receive no compensation for their services as commissioners, but any of the members of the commission shall be eligible to serve as superintendents under said commission. The compensation of such superintendents shall be fixed by the council.

SEC. 187. The board shall elect a president who shall hold office during its pleasure. Unless otherwise provided by ordinance, the city clerk shall act as secretary of the board and keep the minutes thereof. It shall hold regular meetings at least once in each month, at such time and place as it may determine; and special meetings may be called by its president or two members of the board at any time as provided herein; its meetings shall be public; three members shall constitute a quorum for the transaction of business; it may adopt rules for its proceedings and shall cause a record of such proceedings to be kept by its secretary under its direction.

SEC. 188. The board shall have the exclusive control of all lands and real property which may be acquired, set apart or dedicated for the use of the people of the city as public parks or pleasure grounds, and of any boulevard that may be acquired, dedicated or constructed as a portion of the park system of the city. The

board shall have authority to purchase all articles and materials for and have all work and labor performed upon said parks, pleasure grounds and boulevards, and to that end may appoint, remove, discharge or suspend superintendents, laborers and all other persons employed upon or about said parks, pleasure grounds and boulevards. The board shall have the authority to establish rules and regulations for the use and government of such parks, pleasure grounds and boulevards, and shall have the right to prohibit the use of the drives in any of said parks or pleasure grounds or the said boulevards for teaming or other purposes which may be injurious to them, and shall render such other services and perform such other duties as may be prescribed by ordinance.

SEC. 189. The commission shall make monthly and annual reports to the council of expenditures and of other matters deemed wise by the commission. They shall annually submit an itemized estimate of the money needed for the work of the commission during the ensuing year. The council shall levy such tax for such purposes as it deems wise, when collected it shall be paid into the "park fund," and be paid out only for park purposes and for other work coming under the control of the commission.

ARTICLE XI.

JUDICIAL DEPARTMENT.

SECTION 190. The judicial power of the city shall be vested in a police court consisting of one police judge. He shall have been a qualified elector of the said city for the two years next preceding his appointment and shall be an attorney duly admitted to practice before the Supreme Court of the State. He shall be appointed by the mayor.

SEC. 191. The police judge shall have the power of examining magistrates and may commit offenders for trial in the proper court; also to administer and certify oaths and affirmations.

SEC. 192. The police court shall have exclusive jurisdiction of criminal proceedings for violation of the city ordinances; and of all civil actions and proceedings arising out of a violation of such ordinances; and for the collection of any license tax required by any ordinance, except such actions and proceedings as, on account of the amount involved, are within the jurisdiction of other courts under the provisions of the constitution of the State.

SEC. 193. The police court shall have jurisdiction concurrently with the justices' courts of all civil actions and proceedings, arising within the corporate limits of the city and which might be tried in said justices' courts.

SEC. 194. Proceedings in criminal actions triable in such courts shall be in conformity with the provisions of Part II, Title XI, Chapter I of the Penal Code of this State; proceedings in civil actions shall be in conformity with the provisions of Part II, Title XII of the Code of Civil Procedure.

SEC. 195. The rules of practice and mode of procedure in the police court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of the county from all judgments of said police court in like manner and with like effect as in cases of appeal from justices' courts. Abstracts of judgment from said court may be filed with the county clerk and county recorder, and liens created, and said judgments enforced in the same manner as judgments in justices' courts; *provided*, that in actions in said court when process is to be served outside of the county of Riverside, the process shall have attached to it a certificate of the city clerk under his official seal, that the person issuing the same was acting police judge at the date of the process.

SEC. 196. The judge of the police court shall keep a record of the proceedings of the police court in all matters and cases before said court. Separate dockets shall be kept for civil and criminal cases.

SEC. 197. All fines, penalties and forfeitures collected by said police court shall be the property of the city and shall be immediately deposited in the city treasury for the use of the said city.

SEC. 198. The city shall furnish for said court a suitable court room, and office and the necessary dockets and all blanks and other books, papers and stationery necessary in the transaction of its business, and the said court shall always be open for the transaction of business, except on Sundays and other non-judicial days.

SEC. 199. In the absence, or upon the disqualification or disability of the judge of said police court, any qualified justice of the peace of Riverside Township at the request of said police judge may preside in his place as judge of said police court with all the powers, authority and jurisdiction of the duly qualified judge thereof.

SEC. 200. The mayor shall have power to appoint any justice of the peace for Riverside Township as police judge, notwithstanding any other provision in this charter contained.

SEC. 201. The council shall have power to prescribe by ordinance, additional duties and powers for the police judge.

ARTICLE XII.

POLICE DEPARTMENT.

SECTION 202. The police department of the City of Riverside shall consist of a chief of police and such other officers and policemen as shall, from time to time, be fixed and determined by the council.

SEC. 203. The chief of police shall be at least thirty years of age and a qualified elector of the City of Riverside for at least two years preceding his appointment. He shall be appointed to his office by the mayor.

SEC. 204. The chief of police shall enforce the execution of all the laws and ordinances within the jurisdiction of the city; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against the law or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may be hereafter conferred upon sheriffs by the laws of the State, and shall in all respects be entitled to the same protection, and his lawful orders shall be promptly executed by deputies, police officers and watchmen in the City of Riverside, and every citizen shall also lend aid when required for the arrest of offenders in maintenance of public order. He shall and is hereby authorized to execute and return all processes issued and directed to him by the police court or judge or other legal authority of said city, and it shall be his duty to prosecute before the police judge all breaches or violations of or non-compliance with any city ordinance or law within the jurisdiction of the police judge which has come to his knowledge. Unless otherwise provided by ordinance, he shall receive from the auditor all licenses and collect the same and at the expiration of any month shall pay to the treasurer all funds of the city collected by him during said month. He shall, upon payment of the money, file with the treasurer a statement of the money so collected and an affidavit stating that the money so paid is all the funds that he has collected or received during the preceding month. He shall have charge of the city prison and prisoners and of any chain gang which may be established by the council. He shall devote his entire time to the discharge of the duties of his office, and subject to such rules and regulations as the council may prescribe, shall have control of the police force. He shall have power to suspend or remove any member of the police force for disobedience of any lawful order, for the violation of rules and regulations of the department and for neglect of duty or for conduct unbecoming a member of the police force. He shall immediately file with the mayor written charges, specifying the grounds upon which such suspension or removal is made. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city or by law or the provisions of this charter.

SEC. 205. The policemen of the department shall be appointed by the chief of police, and such policemen shall hold office subject to removal by the chief of police for cause.

SEC. 206. The council, subject to the provisions of this charter, shall have power to organize the police department and make all necessary rules and regulations for its efficient administration, ordain penalties for violations thereof, establish the number of its members and the amount of their salaries including that of the chief of police, and do all other acts necessary to the efficient equipment and operation of the police department of the city.

ARTICLE XIII.

FIRE DEPARTMENT.

SECTION 207. The fire department of the City of Riverside shall consist of a chief and such number of officers and men of the department as the council shall from time to time, fix and determine.

SEC. 208. The chief of the fire department shall be a citizen of the United States and at least thirty years of age. He shall be appointed by the mayor.

SEC. 209. The chief of the fire department shall, subject to such rules and regulations as the council may prescribe, have entire control of the department. He shall have power to suspend or remove any member of the fire department for disobedience of any lawful order, for the violation of rules and regulations of the department, and for neglect of duty or for conduct unbecoming a member of the force. He shall be charged with the special duty of superintending the extinguishment of fires that endanger the municipality or destroy its property and he shall take measures to guard and protect all property imperiled thereby. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city.

SEC. 210. The council, subject to the provisions of this charter, shall have power to organize the fire department and change the same, make all necessary rules and regulations for its efficient administration, ordain penalties for violations thereof, establish the number of its members and the amount of their salaries including that

of the chief of the fire department, and do all other acts necessary to the efficient equipment and operation of the fire department of the city.

ARTICLE XIV.

ELECTIONS.

SECTION 211. Elections to be held in said city for the purpose of electing the officers thereof and for all other purposes, are of two kinds:

1. General municipal elections.
2. Special elections.

SEC. 212. General municipal elections shall be held in the said city as follows: the first election shall be held on the second Tuesday of May, nineteen hundred seven; the second election shall be held on the third Tuesday in November, nineteen hundred nine; the third election shall be held on the third Tuesday in November, nineteen hundred eleven, and general municipal elections on the third Tuesday in November every two years thereafter.

The mayor, the city clerk, the city auditor and the city treasurer shall be elected at large at the first general municipal election. The successor to the mayor shall be elected at the second general municipal election and every two years thereafter. The successors to the city clerk, city auditor and city treasurer shall be elected at the third general municipal election and every four years thereafter.

One member of the city council from each of the wards of the city shall be elected by the electors of said ward and the five members of the board of education shall be elected by the electors at large at the first general municipal election. The members of the council from the third, fourth and sixth wards first elected, shall hold office until the first Monday in January, nineteen hundred ten, and the members from the first, second and fifth wards until the first Monday in January, nineteen hundred twelve.

The successors of the members of the council from the third, four and sixth wards and of two members of the board of education shall be elected at the second general municipal election and every four years thereafter. The successors of the members of the city council from the first, second and fifth wards and of three members of the board of education shall be elected at the third general municipal election and every four years thereafter.

The officers elected at the first general municipal election instead of holding office for the regular two and four year term, elsewhere specified, shall hold office until the first Monday in January, nineteen hundred ten, and nineteen hundred twelve respectively. Every officer shall hold office until his successor is elected or appointed, and has qualified.

SEC. 213. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, take office and enter upon the discharge of their duties at ten o'clock A. M., of the first Monday in January next succeeding their election, except that the officers elected at the first general municipal election shall take office and enter upon the discharge of their duties at ten o'clock A. M., on the second Monday after their election.

SEC. 214. Special elections shall be held for such purposes and at such times as the council may determine, or at such times as are elsewhere provided in this charter, except that no special election shall be held less than thirty days after the passage of an ordinance calling the same. All special elections shall be held and conducted, except as to the date thereof, and the result thereof be made known and declared in the same manner as herein provided for other elections.

SEC. 215. The provisions of the general law of the state governing municipal elections, where the same are held separate from the general state elections, are hereby adopted as the law governing city elections, and the provisions of the general laws of the state governing elections for state and county offices shall govern city elections in matters for which no provision is made in this charter, and the council and the city clerk respectively shall exercise the powers and perform the duties conferred on, or imposed by, such laws on boards of supervisors and county clerks concerning elections; *provided*, that where this charter makes provision relating to any matters contained in such general laws, the said charter provisions shall govern.

The elections for members of the board of education held in the territory embraced in the Riverside city school district lying outside the city limits shall be held in accordance with the election provisions of this charter, except that the number of election officers and the form of the ballot may be as is required by the general school laws of the State for school elections.

SEC. 216. All candidates for city offices shall be nominated in the manner only as provided in section 1188 of the Political Code of the State of California, as now in force.

SEC. 217. When candidates for any office are nominated as specified in accordance with the provisions of section 1188 of the Political Code of the State of California it is hereby provided and directed that no party name or designation shall

appear on the certificates or ballots and that the names of the candidates for each office shall be arranged alphabetically on said ballot.

SEC. 218. The conduct and carrying on of all city elections shall be under the control of the council and the council shall, by ordinance, order the holding of all elections and provide for the notice thereof.

SEC. 219. Each ward of this city shall constitute at last one municipal election precinct, but the council may divide any ward into two or more election precincts for the purpose of any city election and may change and alter and consolidate such precincts; *provided*, the same is not within thirty days previous to an election; and *provided further*, that no precinct shall in any case embrace parts of any two or more wards.

SEC. 220. At each city election each of the election officers shall receive not to exceed the sum of three dollars for his services.

SEC. 221. The council shall have power to submit to the electors of said city at any election any question required to be so submitted by the constitution, the law, this charter or by ordinance; *provided*, that in case the question is required by said constitution, law, charter or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted unless otherwise provided herein.

SEC. 222. The present officers of the city, and the school trustees of the Riverside, Palm Avenue, Magnolia and Victoria school districts, and of the Riverside high school district, shall hold, continue to hold and exercise their respective offices until the election or appointment and qualification of the first officers to be elected or appointed under this charter, with the powers and duties vested in and imposed upon them under the laws and the ordinances under which they were elected.

SEC. 223. The board of trustees of the City of Riverside, in office at the time this charter is approved by the legislature, shall provide for the holding of the first general municipal election of officers under this charter, shall canvass the votes, declare the result, and approve the bonds of all officers elected at such election, the amounts of said bonds and the provisions relating thereto to be as herein provided.

If for any reason, the first general municipal election is not held on the day therein provided for, the validity of this charter and of such election is not affected thereby, and the board of trustees of the City of Riverside then in office must provide for the holding of said election as soon as possible thereafter.

SEC. 224. The election returns from each municipal election precinct shall be filed with the city clerk, who shall immediately place them in the safe or vault in the city clerk's office, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the council. After having been canvassed they shall be sealed up by the city clerk for six months and no person shall have access to them, except on the order of a court of general jurisdiction.

SEC. 225. On the first Monday after the election and at their usual time and place of meeting, the council shall meet and canvass the returns and declare the result.

SEC. 226. After the result of an election is declared or when an appointment is made, the city clerk under his hand and official seal shall issue a certificate thereof and serve the same by depositing such certificate with the postage prepaid, in the United States postoffice in Riverside, addressed to the person elected or appointed, and such person must, within ten days after receiving such certificate, file his official bond, if a bond is required of him by this charter or the ordinances of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the city clerk.

ARTICLE XV.

REVENUE AND TAXATION.

SECTION 227. All taxes, licenses, fines, penalties and all moneys received from any source, shall constitute the revenue of the city and shall be collected and paid into the city treasury.

SEC. 228. On or before the third Monday in July of each year, unless a different time is fixed by ordinance, the several heads of each department, office, board and commission shall submit to the council an estimate in writing of the amount of expenditure, specified in detail, and stating the object thereof, required in the respective department, office, board and commission during the year. Duplicates of these estimates shall be submitted to the auditor.

SEC. 229. On or before the fourth Monday in July of each year, unless a different time is fixed by ordinance, the auditor shall prepare and transmit to the mayor and council an estimate of the probable financial necessities of the municipal government for the fiscal year, stating the amount required to meet the interest and principal on all bonded or funded indebtedness of the city, together with the amount needed for the salaries and probable wants of all the departments of the municipal government in detail, showing specifically the necessities of each fund in the treasury. The estimate shall also show what amount of income and revenue is likely to be collected from fines, licenses and

all other sources of revenue, exclusive of taxes upon property, and what amount will probably be required to be levied and raised by taxation in order to meet the necessities of each specific fund for such fiscal year.

SEC. 230. The council shall have the power and it shall be their duty to fix by ordinance the amount of money necessary to be raised by taxation upon the taxable property of the city, as a revenue to carry on the various departments of such city for the current fiscal year, not to exceed the limit fixed by this charter, if there be such limit, and to pay the bonded or other indebtedness of said city. The council shall meet for such purpose and shall so ascertain and fix said amount on the first Monday in August in any year when provision has been made by ordinance for the assessment and collection of the city taxes by the county assessor and county tax collector, and in any other year at such time as may be fixed by ordinance.

SEC. 231. During such time as the assessment and collection of city taxes shall be made by the proper officers of said city, the council shall meet at their usual place of holding meetings at 10 o'clock A. M. on the second Monday of August of each year, unless a different time is fixed by ordinance, and sit as the board of equalization, and shall continue in session by adjournment from day to day until all the returns of the assessor have been rectified and the assessment equalized. They shall have power to hear complaints and to correct, modify or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment upon notice to the parties whose assessment is to be raised. The corrected list for each tax shall be the assessment roll of said tax for said year. It shall be certified by the city clerk, who shall act as clerk for the board of equalization, as being the assessment roll for said tax and shall be the assessment roll upon which such tax is to be levied in said year.

SEC. 232. The mayor and council shall have power and it shall be their duty, unless the city taxes are assessed and collected as provided in Section 234 of this Article, to provide by ordinance a system for the assessment, levy and collection of all city taxes and for the sale of property for delinquent taxes, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this State with reference to assessment, levy and collection of State and county taxes and sale of property for delinquent taxes, except as to the times of such assessment, levy and collection and except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed from and after the date of assessment.

SEC. 233. If there shall be no ordinance in force availing the city of the privilege of having its taxes assessed and collected by the officers of the county, the city clerk shall be ex-officio assessor and the treasurer shall be ex-officio tax collector; and they shall perform respectively the duties and have all the powers prescribed by law or ordinance for assessors and tax collectors. While the city avails itself of the privilege of having its taxes assessed or collected by the county officers, the offices of city assessor and city tax collector shall not exist. The taxes so levied and collected shall be paid by the proper county officers to the city treasurer and be apportioned by the city auditor to the several specific funds.

SEC. 234. The mayor and council shall, during the month of January, nineteen hundred eight, and the month of January, nineteen hundred nine, and may, annually thereafter, pass an ordinance electing to avail the City of Riverside of the provisions relating to the making of assessments and collection of taxes by the assessor and tax collector of the County of Riverside, pursuant to the provisions of an act of the Legislature of the State of California entitled: "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporation," approved March twenty-seventh, eighteen hundred ninety-five; *provided*, said act be then in force, and shall cause a certified copy of such ordinance to be filed with the auditor, assessor and tax collector of said County of Riverside. If said act shall be amended or some other law be substituted instead, providing for the assessment and collection of city taxes by county officers, any ordinance passed therefor by the mayor and council shall conform to the provisions of such amended act or such law in order to avail the city of the privilege of having its taxes assessed and collected by such county officers.

SEC. 235. On the first Monday of September in any year when provision has been made by ordinance for the assessment and collection of the city taxes by the

county assessor and county tax collector, the council shall fix the rate of taxes for such year as provided in Section 4 of said act of the legislature referred to in Section 234 of this article, and shall immediately thereafter transmit to the county auditor of said County of Riverside a statement of such rate as fixed by said council.

SEC. 236. The city taxes for the fiscal year 1907-8 shall be assessed by the city clerk and ex officio assessor of the City of Riverside holding office prior to the second Monday after the second Tuesday in May, nineteen hundred seven; said assessor shall continue in office as assessor of the City of Riverside incorporated under this charter until said assessment roll has been completed and shall be entitled to such compensation therefor as may be fixed by the council. Such assessment shall be as valid and binding as if made by the ex officio assessor elected under this charter. This provision shall take precedence over any other provision of this charter in conflict therewith. Said assessment shall be made under the existing ordinances of the City of Riverside, except as to the amount of tax levy which shall be governed by the provisions of this charter.

SEC. 237. No money from bond, interest or sinking funds of the city shall be transferred to other funds, except as provided herein, until the necessity for which such bond, interest or sinking funds were created no longer exists. Ordinances providing for the levying of the taxes mentioned in this article shall not be subject to the provisions of the Referendum referred to in Section 259, of Article XXI.

The council shall not have power to levy a general tax greater than one dollar and thirty-five cents on each one hundred dollars of the assessed valuation of all property within said city. This limit is exclusive of all taxes for the payment of the principal and interest of the bonded indebtedness of the city, all district taxes, special taxes, special assessments and all taxes for library or school purposes. This limit may be changed at any time by an ordinance adopted by a majority vote of all the electors voting on such question at any election and such ordinance may originate in the council or may be proposed by initiative petition.

ARTICLE XVI.

CLAIMS AND DEMANDS.

SECTION 238. Bonds and interest coupons shall be paid by the treasurer and demands shall not be necessary therefor.

SEC. 239. All other payments from the treasury must be made only on demands as herein provided and every demand must specify each date, item and value, be verified under oath and must be approved by the head of the department authorizing or the person having knowledge of the same, and by a majority of all the members of any board over such department.

SEC. 240. All demands on the library fund, the electric or other public utility fund, must be approved by a majority vote of all the members of the board of directors of the Riverside public library or the board of public utilities, respectively, and approved by the auditor. The approval of the mayor and council shall not be necessary, but the mayor may disapprove any such demand and such demand shall be then paid only if approved, as provided in Section 242 of this article.

SEC. 241. All demands except those referred to in Section 240 of this article must be approved by a majority of the finance committee of the council, by a majority vote of all the members of the council, by the mayor and by the auditor.

SEC. 242. The council may approve any demand over the disapproval of the finance committee or of any head of department by a majority vote of all the members. The council or other board specified in Section 240 of this article may approve any demand over the disapproval of the mayor by a vote of five members and four members, respectively. Every such demand must be voted on separately, the aye and no vote recorded and the reason for any disapproval attached to the demand.

SEC. 243. Any demand in the fire or the police departments must be approved by the chief of such department and by the mayor.

SEC. 244. Salaries of elective officers, except those of members of the council, shall not require demands.

SEC. 245. The auditor shall designate the fund out of which any demand shall be paid. His disapproval shall be final, subject to the review of the courts. No demand can be paid by the treasurer unless audited and approved as herein provided. If there are no funds to pay any demand on presentation, the treasurer shall register such demand and thereafter, if there be funds legally applicable to pay such demand, it shall be paid in the order of registration, together with interest from the date of registration at the rate of five per cent per annum.

SEC. 246. The board of city accounting shall prescribe forms, records and duties relating to demands and their approval and payment, and such shall not be changed except on a vote of the electors.

ARTICLE XVII.

BONDED INDEBTEDNESS.

SECTION 247. Bonds of the City of Riverside may be issued under the provisions of the general laws of the state relating to the incurring of bonded indebted-

ness subject to the following provisions which shall take precedence over the provisions in such general laws relating to similar matters:

1. Bonds may be issued by the city to defray expenditures for any purpose for which any of the funds of the city may be lawfully expended.

2. Funds from the sale of bonds issued for school, library or public utility purposes shall be under the exclusive control of, and shall be expended only on demands approved by the board of education, the board of directors of the Riverside public library or the board of public utilities, respectively.

3. The city may issue bonds for a term of years less than forty years, said bonds shall be serial and shall be payable in equal annual installments and the length of said term shall be determined and stated in the ordinance passed by the council submitting the question of incurring said indebtedness and issuing said bonds, to be voted on at an election, and said election may be either a special or a general municipal election.

ARTICLE XVIII.

CONTRACTS.

SECTION 248. The City of Riverside shall not be and is not bound by any contract unless the council shall have first caused notice to be published in a daily newspaper printed and published in the City of Riverside, inviting proposals, and thereafter shall have let said contract to the lowest responsible bidder furnishing adequate security for its performance, satisfactory to the council; *provided*, that the council may reject any and all bids; *and provided*, that any such contract shall be made in writing, and approved and signed as provided in Article III, Chapter 1, Section 9; *and provided further*, that the approval, as to form of such contract, by the city attorney, as required by Section 121 of Article V of this charter, shall be endorsed on the draft thereof before the council shall have power to approve the same; but the council may by resolution authorize any officer, committee or agent of the city to bind the city for the payment of a sum of money not exceeding five hundred dollars without a contract in writing and without any previous publication of notice inviting proposals; *provided*, that contracts made by other boards authorized by this charter to make contracts, shall not be subject to the provisions of this section.

SEC. 249. The council shall not have power to make any contract or lease or to extend any existing contract or lease for a longer period than five years unless said contract, lease or extension be approved and ratified by a majority of the qualified electors of the city voting on such question at any election; *provided*, that a lease, contract or extension for a longer period shall be valid without such approval if said lease or contract provides for the acquisition by the city, at the end of such period, of the real or personal property so leased or contracted for, but such contract, lease or extension shall nevertheless be subject to the provisions of the referendum herein provided for in Section 259 of Article XXI.

SEC. 250. The council shall annually, at some regular meeting held during the month of June, fix the rate to be paid for official advertising and for job printing for the year following, from July first to June thirtieth. Such advertising and job printing may, thereafter during said year, be procured by the council or by any board, officer or employé legally authorized, but in no case shall the price paid exceed, though it may be less than the rate so fixed by the council. At the same price, preference shall be given on orders for job printing to printing establishments located in the City of Riverside, but this shall not be construed as preventing such work being done outside of the city if a lower price, considering quality of work, can be thus obtained.

SEC. 251. If no newspaper published in the City of Riverside will accept advertising at the rate so fixed as provided in Section 250 of this Article, or if for other reasons the council so decides, the said council in lieu of newspaper advertising may issue and publish a bulletin containing such matter as they, or any officer or board of the city are required to publish, and shall cause a copy thereof to be addressed to each of the registered voters of the city, to their addresses as the same shall appear on the last great register of Riverside County, and the same shall be deposited in the United States postoffice with the postage duly prepaid, and shall also post printed copies of such advertisement in three public places in the city. Action shall not be taken in regard to any matters so advertised for such period after such postage and mailing as may be required herein or by law to lapse after regular advertising in the official newspaper, or for five days thereafter if no time is so specified. Such mailing and posting shall be conclusively deemed to be of the same effect as if the advertisement had been fully published the required number of times in such newspaper as may be required by law or this charter. All provisions of this charter are subject to the provisions of this section.

SEC. 252. The council may by ordinance create the position or office of city purchasing agent, and shall prescribe the duties and fix the compensation therefor.

Such position or office may be filled by one of the officers or employes of the city so designated, or a new and separate office or position may be created. The council may provide that all or any designated portion of the purchases and contracts under the jurisdiction of the council must be made by said purchasing agent under rules to be provided therefor; and with the consent of other boards herein given the power to make purchases and contracts, the council may provide that all or a portion of such purchases and contracts may be made by said agent, under similar or different rules. The council may provide that the purchasing agent may make all or any portion of the purchases of the city in the open market at the best prices obtainable and to the best advantage of the city, without advertising for bids, and the provision so made shall take precedence of the provisions of Section 248 of this Article, or of any other provisions of this charter requiring such advertisement for bids and shall take precedence of the provisions in Section 250 of this Article relating to job printing.

ARTICLE XIX.

STREETS AND SEWERS.

SECTION 253. Except as provided herein and unless otherwise provided by ordinance, the general law of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places and sidewalks, including the construction of sewers and providing for the laying out, opening, extending, widening, straightening or closing up in whole or in part of any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and to provide for the payment of such bonds; and providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof, and for the eradication of weeds within city limits, now in force, or which may hereafter be adopted by the legislature of this State, is hereby made a part of this charter, and shall govern the council in such matters; *provided*, the council is hereby given power to enact ordinances providing for, and having the effect as long as such ordinances shall remain in force, of repealing all, any, or any portion of any such general laws, as far as the same shall relate to the City of Riverside, and substituting in place thereof other measures, provisions and regulations, relating to similar matters; *and, provided*, the council is hereby given power to enact ordinances providing other and different measures, provisions and regulations relating to any, all or any portion of the matters covered in such general laws, and in any proceedings relating to any of said matters to decide and provide in the resolution or ordinance ordering or initiating said proceedings, whether said proceedings or work shall be conducted under said general laws, under said general laws as amended by said ordinances, or entirely under said ordinances. A repeal of any such ordinance will revive the operation of any such general law so repealed in whole or part, with amendments thereto, provided said law be still in force in the State.

SEC. 254. The council shall have power by duly enacted ordinance to provide rules and regulations for having sewers, drains and conduits laid in the streets, alleys and places of the city, under private or public contract, to require that the owner of any property which has not contributed to the payment of the cost and expenses of such construction, must, before being allowed to connect with and use such sewers, drains and conduits, pay into the city treasury or to some designated officer, the proper portion of such cost and expense which such property should have borne had it participated in said payment, with interest thereon to said date, or in lieu thereof a stated sum of money. The ordinance may provide that the money so collected shall be paid into the sewer fund, or returned to the present owners of the property participating in such original cost, *pro rata*.

SEC. 255. The council shall have power to cause an estimate to be made and a bid submitted on behalf of the city by the city engineer and the superintendent of streets on any work provided for in this article. Said bid shall be in regular form but no bond, certified check or other deposit or security shall be required of the city. The contract for said work may be awarded to the city if the bid of said city is the lowest, or to the next highest responsible bidder at the option of the council. No bond shall be required of the city, but the contract shall be signed in regular form. The superintendent of streets shall have charge of the execution of any such contract and careful records of cost must be kept. The city may do any such work on application of a petition signed by the owners of a majority of the frontage of the property fronting on any proposed improvement, even though no bid was submitted by said city, or without said petition if the council deems that the city can do such work at less cost than the lowest bid therefor. Any such work may be done by day labor, or sublet by contract, or both. Assessments for such work shall be collected as designated by the council.

SEC. 256. In all proceedings under the general laws of the state the city engineer and the superintendent of streets, respectively, shall perform the same duties as prescribed in said laws.

ARTICLE XX.

FRANCHISES.

SECTION 257. The council shall have power to designate the terms, conditions and duration of all franchises, *provided* that no exclusive franchise shall ever be granted.

ARTICLE XXI.

THE INITIATIVE.

SECTION 258. Any proposed ordinance may be submitted to the council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each of such papers shall make oath before an officer qualified to administer oaths, that the statements therein made are true and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition, the city clerk shall examine and from the great register and certificates of registration, ascertain whether or not said petition is signed by the requisite number of qualified and registered electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination.

If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay.

If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number to ten per cent. of the entire vote cast for all candidates for mayor at the last preceding general municipal election, the council must either pass such ordinance without alteration or submit the same to the electorate at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified and registered electors equal in number to fifteen per cent of said vote and contains a request that such ordinance be submitted to a vote of the people at a special election, then the council must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within sixty days from the filing of such petition.

The ballots used when voting upon such proposed ordinance shall contain the words: "For the Ordinance;" (stating the general nature of the ordinance) and "Against the Ordinance," (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people obtained in like manner.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section: *provided*, that there shall not be held under this section of the charter more than one special election in any period of twelve months.

THE REFERENDUM.

SECTION 259. No action providing for the sale or lease of any city property exceeding five hundred dollars in value and no ordinance passed by the council (except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a vote of five members of the council and approved by the mayor or the unanimous vote of all the members over the mayor's disapproval, but no grant of any franchise shall be construed to be urgency matter), shall go into effect before thirty days from the time of its approval by the mayor or the time of its passage over his veto, as the case may be; and if during said thirty days, a petition signed by electors of the city equal in number to at least ten per cent of the entire vote cast for all candidates for mayor at the last preceding city election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider such ordinance and if the same is not entirely

repealed, the council shall submit the ordinance proposed, to the vote of the electors of the city either at the next general municipal election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of the first section of this article (the initiative) and shall be examined and certified by the clerk in all respects as therein provided. If the provisions of two or more measures approved and adopted at the same election under the provisions of this charter, conflict, then the measure receiving the highest affirmative vote shall control.

THE RECALL.

SECTION 260. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor for such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by qualified electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per cent of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk; provided, that the said petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence giving the street and number. One of the signers of each such paper shall make oath before an officer qualified to administer oaths, that the statements therein made are true and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days after the date of filing such petition the city clerk shall examine and from the great register and certificates of registration ascertain whether or not said petition is signed by the requisite number of qualified and registered electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the city clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay and the council shall thereupon order and fix a date for holding the said election, not less than thirty days, nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The council shall make or cause to be made, publication of notice and all arrangements for the holding of such election, and the same shall be conducted, returned and the result thereof declared in all respects as other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination.

In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes shall fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

If any special election be ordered, held and conducted, it shall be ordered, held and conducted (except as to date thereof) and the result thereof made known and declared, in the same manner as herein provided for other elections.

SEC. 261. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the city clerk shall cause the ordinance or proposition to be printed and he shall enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter at least ten days prior to the election, but the council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballot as first above provided.

ARTICLE XXII.

MISCELLANEOUS PROVISIONS.

SECTION 262. The word "city" wherever it occurs in this charter, means the City of Riverside; and every commissioner, commission, department, board, officer or employé, wherever mentioned in this charter, means the commissioner, commission, board, officer or employé, as the case may be, of the City of Riverside. The

word "council" or "city council" when used in relation to the legislative department of this city means the common council.

SEC. 263. The fiscal year mentioned in this charter shall commence on the first day of July and end on the thirtieth day of June following.

SEC. 264. All city ordinances, resolutions and other regulations now in force and not inconsistent herewith, shall be and remain in force after this charter takes effect, until changed or repealed by the proper authority; and all rights vested under any former act or regulation, when this takes effect, shall not be lost or impaired or discharged thereby. And all contracts of the city or any of its departments or officers, in progress, begun or in existence at the time of the taking effect of this charter and not inconsistent therewith, are hereby preserved and shall continue to be valid and the same shall be enforced, continued or completed in all respects as though vested or begun hereunder.

SEC. 265. No business of, or pending before any officer or department of the city at the time this charter takes effect, shall be discontinued or abandoned by reason thereof, but the same may be carried on and completed by or before the proper officer or department herein provided for.

SEC. 266. This charter shall go into effect for all election purposes, for the purposes of taxation and for the purposes of the board of city accounting, as provided in Article V, Chapter 3, Section 100, on the day of its adoption by the legislature, and for all other purposes, unless otherwise herein provided, at ten o'clock A. M., on the second Monday after the second Tuesday in May, in the year nineteen hundred seven.

SEC. 267. In the event that this charter is not ratified and approved by the thirty-seventh session of the legislature of the State of California, but is ratified by the thirty-eighth session thereof, then the date at which this charter goes into effect, all the dates of the first, second and third general municipal elections and all dates of the commencement and ending of terms of officers and of their appointment, and of the first meetings of boards shall be set forward two years from the said dates as specified in this charter.

CERTIFICATE.

WHEREAS, The City of Riverside, a city containing a population of more than three thousand five hundred inhabitants, did on the ninth day of October, in the year of our Lord, nineteen hundred and six, at a special election and under and in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, elect the undersigned, a board of fifteen freeholders, to prepare and propose a charter for said city;

BE IT KNOWN, that in pursuance of said provisions of the constitution, the said board of freeholders has prepared and does propose the foregoing articles signed in duplicate, as and for the charter of the said City of Riverside.

IN WITNESS WHEREOF, we have hereunto set our hands at the City of Riverside, in the State of California, this thirty-first day of December, in the year of our Lord, nineteen hundred six.

S. C. EVANS JR., President.
J. G. BAIRD
L. A. BRUNDIGE
S. J. CASTLEMAN
E. A. CHASE
W. B. CLANCY
L. H. EDMISTON
W. G. FRASER
L. GILL
W. P. GULICK
JAMES MILLS
C. L. McFARLAND
W. A. PURINGTON
J. A. SIMMS
W. L. PETERS, Secretary.

STATE OF CALIFORNIA, }
COUNTY OF RIVERSIDE, } ss:
CITY OF RIVERSIDE. }

I, C. R. Stibbens, Clerk of the City of Riverside, do hereby certify that the foregoing is a full, true and correct copy of the proposed charter for the City of Riverside, prepared and proposed by a duly qualified board of freeholders, duly elected on the ninth day of October, A. D., nineteen hundred and six; and that a copy of said charter was duly filed with the president of the Board of Trustees of the City of Riverside on the thirty-first day of December, A. D., nineteen hundred and six, said copy having been duly signed by all of the members of said Board; that another copy, signed by all of the members of said Board, was on the thirty-first day of December, A. D., one thousand nine hundred and six, duly filed with the Recorder of the County of Riverside; that thereafter said proposed charter was duly published in two daily newspapers of general circulation in said City of Riverside for at least twenty days, and the first publication thereof was made within twenty days

after the completion of the said charter; and that within not less than thirty days after such publication, said charter was duly submitted to the qualified electors of said city at a special election called therefor, said election being held on Friday, the first day of March, A. D., nineteen hundred and seven, and that at said election a majority of such qualified electors voting thereat duly ratified the same.

And I further certify that said City of Riverside is a city containing a population of more than three thousand five hundred inhabitants.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Riverside this second day of March, A. D., nineteen hundred and six.

[SEAL.]

C. R. STIBBENS.

Clerk of the City of Riverside.

Now, therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (the majority of all the members elected to each house voting for and concurring herein), That said Charter of the City of Riverside as presented to, and adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole, for and as the Charter of said City of Riverside aforesaid.

Concurrent resolution read.

The question being on the adoption of the Assembly Concurrent Resolution.

The roll was called, and Assembly Concurrent Resolution No. 23 adopted by the following vote:

AYES—Senators Anderson, Anthony, Belshaw, Boynton, Broughton, Caminetti, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Rambo, Reilly, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—22.

NOES—Senator Wolfe—1

Concurrent resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 940—An Act to authorize, empower, and direct the Governor of the State of California to employ counsel, agents, and attorneys for the purpose of procuring, collecting, and recovering monies of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof.

Also: Assembly Bill No. 922—An Act to add a new section to the Penal Code, to be numbered 271c, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide when able to do so money with which to pay, or who fails to pay, whenever and so far as any allowance made by the court and directed to be paid to him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce, during the pendency of the action, at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Also: Assembly Bill No. 899—An Act to amend Section 1154 of the Code of Civil Procedure, relating to commitment for contempt in civil actions.

Also: Assembly Bill No. 951—An Act to amend Section 2146 of the Political Code of the State of California relating to the acquisition and tenure of property by State hospitals.

Also: Assembly Bill No. 490—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California with reference to the appointment of guardians of insane and other incompetent persons.

Also: Assembly Bill No. 694—An Act to amend Section 867 of the Code of Civil Procedure, relating to undertaking on attachment, and the justification of sureties thereon, in justices' courts.

Also: Assembly Bill No. 639—An Act to amend Section 1768 of the Code of Civil Procedure, relating to the powers and duties of guardians.

Also: Senate Bill No. 910—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for cooperation in certain investigations by such board with the Interstate Commerce Commission.

Also: Senate Bill No. 911—An Act to require the State Board of Railroad Commissioners to investigate and ascertain the fair value of the property of every railroad or other transportation company doing business in the State of California.

Also: Assembly Bill No. 573—An Act to amend Section 1181 of the Penal Code of the State of California by adding a new subdivision thereto, to be numbered 8, relating to granting of new trials.

Also: Assembly Bill No. 695—An Act to add a new section to the Code of Civil Procedure, to be numbered 981, relating to costs on appeal to Superior Courts.

Also: Assembly Bill No. 753—An Act to amend an Act entitled "An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect and receive of any savings bank any deposit in such bank when the same does not exceed the sum of \$300," approved February 18, 1874, and an Act amendatory thereof approved March 8, 1895.

Also: Assembly Bill No. 774—An Act to amend Section 1034 of the Code of Civil Procedure, relating to costs on appeal.

Also: Assembly Bill No. 839—An Act to amend Sections 10 and 11 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of parties to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such parties; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 473—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

Also: Assembly Bill No. 387—An Act to amend Section 1140 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing that trial jurors in criminal cases shall be discharged after retirement for deliberation within a certain number of hours.

Also: Assembly Bill No. 350—An Act to add a new section to the Political Code of the State of California, to be designated Section 2181a, relating to unclaimed money and property of patients at State hospitals.

Also: Senate Bill No. 460—An Act to amend Section 1662 of the Political Code, fixing the age at which children may be admitted to primary schools.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

LUKENS, Chairman.

Senate Bills Nos. 940, 910, 911 and 460 ordered on file for second reading.

Assembly Bills Nos. 922, 869, 351, 496, 694, 630, 573, 695, 733, 774, 839, 473, 387, and 350 ordered on Assembly special file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 827—An Act fixing time for passing sentence in criminal actions.

Also: Senate Bill No. 771—An Act creating a board to be known as the "Board of Pardons, Paroles, and Relief," whose duties shall be to hear and pass upon all applications for pardons, commutations and paroles, and to have the oversight, guidance and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of terms of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board, and authorizing the employment of agents, clerks and other employes, and for other purposes connected with the duty of the board, and appropriating money for the use and control of said board, its agents, clerks and employes.

Also: Senate Bill No. 933—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction and maintenance of water works and power plants; and the right to take material from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying such municipality and its inhabitants with water.

Also: Senate Bill No. 934—An Act to amend Section 757 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to eligibility to office in cities of the fifth class.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 827, 771, 933, and 934 ordered on file for third reading.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 616—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 616 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Irish, Keane, Leavitt, Lynch, Markey, Nelson, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 887—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing or relocation of bridges over navigable waters between said counties jointly with other persons or corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 887 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Greenwell, Keane, Lynch, Markey, Nelson, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 557—An Act entitled "An Act to regulate the recordation of the subscriptions to the capital stock of the water users' association."

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 557 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Irish, Keane, Leavitt, Lynch, Markey, Nelson, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 873—An Act making an appropriation to pay the deficiencies in the appropriation for the maintenance of the Sonora and Mono road, a State highway, under the supervision of the Department of Highways, for the fifty-eighth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 873 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Caminetti, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Nelson, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 765—An Act to amend Section 20 of an Act entitled "An Act to provide for the work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 765 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Nelson, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Caminetti asked for and was granted unanimous consent to have Senate Bills Nos. 910 and 911 taken up for consideration.

Senate Bill No. 910—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for coöperation in certain investigations by such board with the Interstate Commerce Commission.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 911—An Act to require the State Board of Railroad Commissioners to investigate and ascertain the fair value of the property of every railroad or other transportation company doing business in the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Committee Substitute for Senate Bill No. 806—An Act to pay the claim of John E. Toler against the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 806 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Irish, Keane, Leavitt, Lynch, McKee, Nelson, Reily, Rolley, Rush, Savage, Walker, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE CONCURRENT RESOLUTION NO. 3.

Resolution relative to the appointment of committees to investigate and report upon the conditions of the harbors of the State.

WHEREAS, The constantly increasing commerce of the ports of California demand greater facilities for the handling of shipping; and

WHEREAS, The interests of the entire State are affected by the harbors of the State; be it Resolved, That a special committee of six members be appointed from the Legislature of the State of California, consisting of three members from the Senate, to be appointed

by the President thereof, and three members from the Assembly, to be appointed by the Speaker thereof, to investigate the conditions of the harbors of the State and to make recommendations for legislation necessary to be enacted at the next session of the Legislature.

Resolved, That it is the sense of the Legislature that the report should be comprehensive in all respects and that it should include not only existing conditions and facilities, but also recommendations for financing future permanent improvements.

Resolved, That the said joint committee shall have the power to subpoena witnesses, send for persons and papers, and to issue subpoenas when necessary.

Resolved, That the necessary traveling and incidental expenses of said joint committee shall be paid out of the contingent expenses of the respective houses.

Concurrent resolution read.

The question being on the adoption of Senate Concurrent Resolution.

The roll was called, and Senate Concurrent Resolution No. 3 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Lynch, McKee, Nelson, Reilly, Rolley, Rush, Walker, and Wright—22.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

Senate Bill No. 259—An Act appropriating one hundred and fifty thousand dollars (\$150,000) to aid in the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California; also for providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 259 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Lynch, McKee, Nelson, Reilly, Rolley, Rush, Savage, Walker, Willis, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 812—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes, approved March 31, 1897, the Act or Acts supplemental or amendatory thereof, or the Act or Acts of which said Act is supplemental or amendatory; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of the said Act or Acts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 812 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Lynch, McKee, Nelson, Reilly, Rolley, Rush, Walker, Willis, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 648—An Act compelling the attendance of children at schools where tuition, lodging, food and clothing are furnished at the expense of the United States.

Read third time.

On motion of Senator Rolley, Assembly Bill No. 648 was temporarily passed on file, to retain its place.

Committee Substitute for Senate Bill No. 273 and Senate Bill No. 342—An Act providing for the organization and management of mutual fire insurance companies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 273 and Senate Bill No. 342 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Lynch, McKee, Nelson, Reily, Rolley, Rush, Savage, Walker, Willis, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 798—An Act to provide for suitable toilet rooms in certain foundries, and providing a penalty for a violation of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 798 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Irish, Keane, Kennedy, Leavitt, McKee, Nelson, Reily, Rolley, Rush, Savage, Walker, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE CONCURRENT RESOLUTION No. 19.

Approving four certain amendments to the charter of the City of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the first day of March, one thousand nine hundred and seven.

WHEREAS, The City of Oakland, in the County of Alameda, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year eighteen hundred and eighty-nine and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose in manner, form and substance as required by law, and approved by the legislature of the State of California, and said charter has not been amended at any time less than two years; and

WHEREAS, The legislative body and authority of the City of Oakland, in Alameda County, California, that is to say, the council of the City of Oakland, did, by Ordinance No. 2544, passed and adopted by said council on the twenty-fourth day of December, one thousand nine hundred and six, and approved by the mayor of said city subsequently thereto and on the twenty-fourth day of December, one thousand nine hundred and six, and pursuant to section eight of article eleven of Constitution of the State of California, duly propose to the qualified electors of the said City of Oakland, four certain amendments to the charter of the said city of Oakland, to be submitted to the said qualified electors at a special election to be held in said city on March first, one thousand nine hundred and seven, which said amendments were and are in the words and figures following, to wit:—

That a new subdivision be added to section thirty-one (31) of said charter to be known as subdivision fifty-one (51) thereof, the same to read as follows:

"51. To establish, acquire, construct, purchase, complete, conduct, and manage suitable devices, apparatus, machinery, and property, both real and personal, for collection, removal, and destruction, by incineration or otherwise, or for collection or

removal or destruction as aforesaid either within or without the City of Oakland, of garbage and waste matters, created, produced, or accumulated at any place in City of Oakland, and provide for maintenance thereof.

This amendment to section thirty-one (31) as herein proposed shall be and shall be known and designated as Amendment No. One (1) to the charter of the City of Oakland, County of Alameda, State of California.

That section eighty-eight (88) of said charter be amended to read as follows, to wit:

"Section 88. The act of the legislature of the State of California, entitled "An act to provide for laying out, opening, extending, widening, straightening, or closing up in whole, or in part, any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6th, 1889, and such other acts of the legislature as may be thereafter enacted amendatory thereof, or supplemental thereto, are hereby adopted as and declared to be a part of this charter."

This amendment last aforesaid herein proposed, shall be and shall be known and designated as "Amendment No. Two (2) to the charter of the City of Oakland, State of California."

That sections eighty-nine (89), ninety (90) and ninety-one (91) ninety-two (92), ninety-three (93), ninety-four (94), ninety-five (95), ninety-six (96), ninety-seven (97), ninety-eight (98), ninety-nine (99), and one hundred (100) of said charter be, and the same are repealed.

This amendment last aforesaid herein proposed shall be and shall be known and designated as "Amendment No. Three (3) to the charter of the City of Oakland, State of California."

That section number one hundred and forty-seven (147) of said charter be amended to read as follows:

"Section 147. The assessment of property within the City of Oakland, or assessable by the city made by the city assessor of City of Oakland and the state board of equalization shall be the basis of taxation for the city."

This amendment last aforesaid herein proposed shall be and shall be known and designated as "Amendment Number Four (4) to the charter of the City of Oakland, State of California."

AND WHEREAS, Said proposed amendments were, and each of them was published in a daily newspaper, printed and published in said city, and of general circulation in said city, to wit, the "Oakland Enquirer," for twenty (20) days; and

WHEREAS, Thereafter the said council of the City of Oakland, did, by an ordinance known as Number 2560, which was duly passed and adopted by said council on the eleventh day of February one thousand nine hundred and seven, order the holding of a special election in said City of Oakland, in County of Alameda, California, on the first day of March, one thousand nine hundred and seven, (which last named day was at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation, in said City of Oakland, to wit, the "Oakland Enquirer"), and did provide in said ordinance for the submission of said proposed amendments to the said charter, to the qualified electors of said city, for their ratification at said special election, which said ordinance was approved by the mayor of said city on the fourteenth day of February, one thousand nine hundred and seven, and was published in the manner and for the time required by law; and

WHEREAS, Said amendments were submitted as aforesaid to the qualified electors of said city, at said special election, previously duly called and thereafter held therein (at least forty (40) days after the publication of said proposals for twenty (20) days in a daily newspaper of general circulation in said City of Oakland, to wit, in the "Oakland Enquirer"), on the first day of March, one thousand nine hundred and seven; and

WHEREAS, At such special election more than a majority of the qualified electors voting thereon at such special election, did vote in favor of and in favor of the ratification of and did ratify each one and all of said proposed amendments to said charter, and

WHEREAS, The said council of the City of Oakland, in County of Alameda, California, at a meeting thereof held on Monday, the fourth day of March, one thousand nine hundred and seven, duly canvassed the returns of said election, and duly found, determined and declared that more than a majority of such qualified electors voting thereon at said election, had voted for and ratified each and all of the said proposed amendments to said charter; and

WHEREAS, The said proposed amendments so ratified have been duly presented and submitted to the legislature of the State of California, for approval or rejection as a whole.

STATE OF CALIFORNIA,
COUNTY OF ALAMEDA, } ss.
CITY OF OAKLAND, }

This is to certify that we, Frank K. Mott, mayor of the City of Oakland, and Frank R. Thompson, clerk of the City of Oakland, have compared the foregoing proposed and ratified amendments to the charter of the City of Oakland with the original ordinance proposing such amendments and submitting the same to the qualified electors of said City of Oakland, at a special election called for that purpose, on Friday, the first day of March, one thousand nine hundred and seven, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter and the matters set forth herein, are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the City of Oakland to be attached, this fourth day of March one thousand nine hundred and seven.

FRANK K. MOTT,
Mayor of the City of Oakland.
FRANK R. THOMPSON,
City Clerk of the City of Oakland.

[SEAL.]

Now therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), that the said amendments to the said charter of said City of Oakland, hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said City of Oakland, be, and the same are hereby approved as a whole for, and as amendments to the said charter of said City of Oakland.

Senate Concurrent Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 19 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McKee, Nelson, Reily, Rolley, Rush, Savage, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

BILL RECALLED FROM ENGROSSMENT AND RE-REFERRED TO COMMITTEE.

On motion of Senator Wolfe, Senate Bill No. 911—An Act to require the State Board of Railroad Commissioners to investigate and ascertain the fair value of the property of every railroad or other transportation company doing business in the State of California—was recalled from engrossment and re-referred to Committee on Judiciary.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 498—An Act authorizing the payment of a claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 498 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, McKee, Nelson, Reily, Rolley, Rush, Walker, Willis, and Wright—21.

NOES—Senator Wolfe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 648—An Act compelling the attendance of children at schools where tuition, lodging, food and clothing are furnished at the expense of the United States.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 648 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, McKee, Nelson, Reily, Rolley, Rush, Walker, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILLS.

Senator Willis asked for and was granted unanimous consent to withdraw Senate Bills Nos. 826 and 666.

Senate Bills Nos. 826 and 666 withdrawn and ordered stricken from the file.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bills Nos. 685, 683, 684, 691, 690, 689, 692, 679, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, and 426.

Senate Bills Nos. 685, 683, 684, 691, 690, 689, 692, 679, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, and 426 withdrawn and ordered stricken from the file.

Senator Curtin asked for and was granted unanimous consent to withdraw Senate Bills Nos. 723 and 151.

Senate Bills Nos. 723 and 151 withdrawn and ordered stricken from the file.

Senator McKee asked for and was granted unanimous consent to withdraw Senate Bill No. 344.

Senate Bill No. 344 withdrawn and ordered stricken from the file.

Senator Lynch asked for and was granted unanimous consent to withdraw Senate Bill No. 790.

Senate Bill No. 790 withdrawn and ordered stricken from the file.

Senator Rush asked for and was granted unanimous consent to withdraw Senate Concurrent Resolution No. 14.

Senate Concurrent Resolution No. 14 withdrawn and ordered stricken from the file.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 19—Relative to adjournment *sine die*.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Concurrent Resolution No. 19 referred to Committee on Finance.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Wolfe, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 4, 1907.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day approved Senate Bill No. 754—An Act making an appropriation for the contingent expenses of the Senate for the thirty-seventh session of the Legislature.

Also: Senate Bill No. 20—An Act to add a new section to the Political Code, to be numbered two thousand and five hundred and twenty-four *a*, relating to the powers of the Board of State Harbor Commissioners.

Also: Senate Bill No. 37—An Act making an appropriation for the erecting of a monument in the State Burial Plot in Sacramento to the memory of Honorable Edward P. Colgan, deceased, late State Controller.

Also: Senate Bill No. 44—An Act to amend Section 5 of an Act approved March eleventh, eighteen hundred and ninety-seven, entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," as amended by an Act approved March 20, 1905, omitting the provision for an adjutant.

Also: Senate Bill No. 522—An Act to amend an Act entitled "An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation, approved March 20, 1903, by amending Sections 1, 3, 5, 12, 14, 16, and 17, and by adding a new section thereto.

Also: Senate Bill No. 9—An Act to provide for the erection of buildings, the constructing of improvements, the purchase of furniture, supplies, machinery, and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work and the operation of the school of agriculture and the educational work to be conducted thereon, and in connection therewith, and appropriating money for such purpose.

Also: Senate Bill No. 10—An Act appropriating the sum of seven thousand dollars, for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school.

Also: Senate Bill No. 521—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.

Also: Senate Bill No. 289—An Act to amend Section 70 of the Civil Code, and declaring that marriage may be solemnized by a justice of the District Court of Appeal.

Also: Senate Bill No. 169—An Act to amend Section 1160 of the Political Code, relating to elections and the time the polls must be opened and closed.

Also: Committee Substitute for Senate Bill No. 42—An Act to amend an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887, by including within the provisions of said Act the badge or button of the United Spanish War Veterans of this State.

Also: Senate Bill No. 288—An Act to repeal Chapters III, IV, V, and VI of Title IV of the Political Code, as said chapters existed on March 17, 1905, relating to the State militia.

Also: Senate Bill No. 177—An Act to Amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

Also: Senate Bill No. 430—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, by adding thereto a new section, to be numbered and known as Section 22½, relating to the annexation of outlying territory to sanitary districts, and the conditions of such annexation.

Also: Senate Bill No. 81—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the creation of a "Law Library Fund."

Also: Senate Bill No. 118—An Act to amend Section 3051 and Section 3052 of the Civil Code of California, relating to the lien on personal property for services performed thereon, and providing a method of enforcing said lien for the amount secured thereby.

Also: Senate Bill No. 528—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1681, relating to post-graduate courses of study in high schools.

Also: Senate Bill No. 527—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1779, relating to grammar grade post-graduate course of study in the public schools.

Also: Senate Bill No. 481—An Act to amend Section 1881 of the Code of Civil Procedure, relating to parties prohibited from testifying in certain cases.

Also: Senate Bill No. 848—An Act making an appropriation to pay the expenses of legislative printing for the thirty-seventh session.

J. N. GILLET,

Governor of the State of California.

ADJOURNMENT.

At eleven o'clock and five minutes P. M., on motion of Senator Belshaw, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Wednesday, March 6, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentzer, Nelson, Price, Rambo, Rely, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by Rev. P. H. Willis, Chaplain of the Assembly.

APPROVAL OF JOURNAL.

The Journal of Saturday, March 2, 1907, having been corrected, was read and approved.

READING OF JOURNAL.

During the reading of the Journal of Tuesday, March 5, 1907, the further reading was dispensed with, on motion of Senator Keane.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 556—An Act to amend Sections 3093, 3094, and 3095 of the Political Code, relating to dissection, enacted March 12, 1872.

Also: Senate Bill No. 555—An Act to amend Sections 336, 337, 338, 339, and 344 of the Code of Civil Procedure, all relating to the time within which certain actions must be commenced.

Also: Senate Bill No. 880—An Act making an appropriation of twenty thousand dollars (\$20,000), to be expended by the Board of Capitol Commissioners for making alteration, repairs, improvements, and for otherwise completing and embellishing the State Capitol, being an additional appropriation for the purpose of carrying out the

provisions of an Act entitled "An Act authorizing and directing the Board of Capitol Commissioners to remodel and repair the State Capitol building, making the same fire-proof, rendering all space therein available, and making an appropriation therefor," approved March 18, 1905, and exempting such appropriation from the provisions of an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and all Acts amendatory thereof.

Also: Senate Bill No. 800—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897.

Also: Assembly Bill No. 1—An Act creating a board to be known as the "Board of Pardons, Paroles and Relief," whose duties shall be to hear and pass upon all applications for pardons, commutations and paroles, and to have the oversight, guidance and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board, and authorizing the employment of agents, clerks and other employes, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said board, its agents, clerks and employes.

Also: Assembly Bill No. 622—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators and guardians in certain cases.

Also: Assembly Bill No. 849—An Act to amend Section 18 of the Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, the Act known as "The County Government Act."

Also: Assembly Bill No. 807—An Act to amend an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880, by adding a new section, No. 9, relating to furnishing the series of school text-books, published by this State to institutions in this State conducted for the support and maintenance of minor orphans, half orphans, and abandoned children, and to appropriate money for the purchase of said text-books.

Also: Assembly Bill No. 916—An Act to amend Section 16 of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemptions of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners, and the publication thereof.

Also: Assembly Bill No. 596—An Act to amend Section 199 of the Code of Civil Procedure of the State of California, relative to the competency of jurors.

Also: Assembly Bill No. 918—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.

Also: Assembly Bill No. 755—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto, by adding one new section thereto, to be numbered Section 13a, relating to the duties of boards of supervisors, providing how, and under what conditions, ordinances adopted by boards of supervisors, regulating or prohibiting the sale of malt, vinous, or other intoxicating liquors, and regulating or prohibiting the issuing of licenses for the sale thereof, shall take effect; and providing for compensation to persons who sustain loss or suffer damages by the taking effect and enforcement of such ordinances.

Also: Assembly Bill No. 593—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts.

Also: Assembly Bill No. 919—An Act to add a new section to the Penal Code, to be numbered Section 556, and relating to the correct weight of agricultural products sold by the bale.

Also: Assembly Bill No. 347—An Act to authorize the depositing of county and municipal moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Also: Assembly Bill No. 947—An Act to amend Section 469 of the Code of Civil Procedure of the State of California, relating to material variances.

Also: Adopted Assembly Concurrent Resolution No. 21—Relative to work done by the Outdoor Art League for the Five Per Centum Bill.

Also: Assembly Concurrent Resolution No. 22—Relative to the consent of the Legislature to the absence of the State Controller, A. B. Nye, from the State for a period not to exceed three months.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bills Nos. 556, 555, 880, and 800 ordered to enrollment.

Assembly Bills Nos. 1 and 918 read first time, and ordered on file without reference to committee.

Assembly Bills Nos. 622, 596, and 947 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 849, 755, and 593 read first time, and referred to Committee on County Government.

Assembly Bill No. 807 read first time, and referred to Committee on Finance.

Assembly Bill No. 916 read first time, and referred to Committee on Corporations.

Assembly Bill No. 919 read first time, and referred to Committee on Agriculture and Dairying.

Assembly Bill No. 347 read first time, and referred to Committee on Municipal Corporations.

Assembly Concurrent Resolutions Nos. 21 and 22 ordered on file.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 382—An Act to amend the Political Code by adding thereto three new sections, to be numbered 749, 760, and 761, relating to fees of clerks of District Courts of Appeal, the disposition thereof and settlement thereof by said clerks, and creating a library fund in District Courts of Appeal.

Also: Senate Bill No. 126—An Act concerning trespassing of animals upon private lands, and the recovery of damages resulting therefrom.

Also: Senate Bill No. 71—An Act to amend Section 3881 of the Political Code, relating to the correction of clerical omissions, errors, or defects in assessment books.

Also: Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Also: Senate Bill No. 91—An Act to add a new section to the Penal Code, to be numbered Section 1520, relating to the holding of inquests by the coroner.

Also: Senate Bill No. 504—An Act to amend Section H of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the purchase of books in such libraries.

Also: Senate Bill No. 590—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employes thereof, defining its powers and prescribing the duties of said department, its officers and employes, to provide the compensation of such officers and employes, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain Acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid,

making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof.

Also: Senate Bill No. 93—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Also: Senate Bill No. 363—An Act authorizing the transfer of moneys from the salary fund of the State Normal School at San Francisco to the printing fund of said school.

Also: Senate Bill No. 611—An Act providing for the maintenance of a residence for the Governor of the State of California, and providing the salaries of the necessary employes and servants selected and employed by the Governor therein, and for the appropriation of necessary moneys for such purpose, and directing the State Controller to issue warrants upon the General Fund, and directing the State Treasurer to pay said warrants.

Also: Senate Bill No. 12—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said court and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys and a stenographer, and providing for their appointment.

Also: Senate Bill No. 23—An Act to amend Section 1329 of the Penal Code, relating to the payment of witnesses in criminal cases.

Also: Senate Bill No. 401—An Act providing for the extermination of the *Boophilus annulatus* tick, defining certain crimes and providing for certain civil and criminal actions.

Also: Senate Bill No. 229—An Act to provide for the survey, location, and construction of a State highway connecting the present county road systems of any one or all of the counties of Trinity, Tehama, and Shasta with the road system of Humboldt County, which will most conveniently accommodate the citizens of said counties, and making an appropriation therefor.

Also: Senate Bill No. 607—An Act to amend Section 2521 of the Political Code, relating to employes of the State Harbor Commission of the Port of San Francisco.

Also: Senate Bill No. 433—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, and to add a new section thereto, to be numbered 18½, all relating to the practice of pharmacy, and providing a penalty for the violation thereof, and for the appointment of a board, to be known as the California State Board of Pharmacy.

Also: Senate Concurrent Resolution No. 13—Approving an amendment to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 1st day of August, 1906.

Also: Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Also: Senate Bill No. 14—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

Also: Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Also: Senate Bill No. 514—An Act to amend Section 2955 of the Civil Code of California, relating to what personal property may be mortgaged, by adding two new subdivisions thereto, providing that saw-milling machinery and outfits used therewith may be mortgaged.

Also: Senate Bill No. 619—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454a, allowing the plaintiff in an action upon a contract of insurance, wherein exemption from liability is claimed by the defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.

Also: Senate Bill No. 620—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 437a, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance.

Also: Senate Bill No. 542. An Act to amend Section 1490 of the Code of Civil Procedure of the State of California, relating to notice to creditors.

Also: Senate Bill No. 612. An Act to add a new section to the Civil Code of the State of California, to be known as section number 602a, relating to corporations sole.

Also: Senate Bill No. 632. An Act making an appropriation of \$4,000 to be expended by the trustees of the State Normal School at Los Angeles for any assessments levied by the City of Los Angeles on the land of the state Normal school of Los Angeles, California, for pavement, sidewalk, curbs, gutters and other improvements, on Grand avenue and Fifth street, fronting on said property.

Also: Senate Bill No. 602. An Act to amend the Penal Code by adding thereto a new section, to be numbered 367½, to provide against the offense of hazing.

Also: Senate Bill No. 650. An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and as amended March 31, 1891, March 27, 1895, and March 29, 1905.

Also: Senate Bill No. 244. An Act to amend Section No. 1965 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Also: Senate Bill No. 174. An Act to amend section 3415 of the Political Code, relating to actions to determine the right to purchase state lands.

Also: Senate Bill No. 501. An Act to amend Section 1771 of the Political Code, relating to power of county board of education.

Also: Senate Bill No. 629. An Act to amend Section 490 of the Civil Code, relating to the use of the sidewalk or tracks by two lines of street railway operated under different management.

Also: Senate Bill No. 850. An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people and to provide regulations and provisions for such submission.

Also: Committee substitute for Senate Bills Nos. 238, 605, and 719. An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners, in the matter of said regulation.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 5th day of March, 1907, at ten o'clock P. M.

REILLY, Chairman.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 864. An Act to amend the Political Code, by adding a new section thereto to be numbered 1115a, requiring county clerk and the registrar of voters of the City and County of San Francisco to furnish the Secretary of State with a certified copy of the index and supplements to the great register, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALKER, Chairman.

Assembly Bill No. 864 ordered on Assembly special file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 145. An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the Bay of San Diego, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BEJSHAW, Chairman.

Assembly Bill No. 145 ordered on Assembly special file for second reading.

RESOLUTIONS.

The following resolutions were offered:

By Senator Boynton:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fifteenth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Boynton is hereby permitted to introduce a bill, to be numbered 941.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Kennedy, Leavitt, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—28.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Boynton: Senate Bill No. 941—An Act to amend Section 2713 of the Political Code, relating to construction and repair of bridges to be let out by contract.

Bill read first time, and referred to Committee on Judiciary.

RUSH ORDER TO PRINTER.

On motion of Senator Boynton, the Secretary was directed to issue a rush order for printing Senate Bill No. 941.

RESOLUTIONS—(RESUMED).

By Senator Lynch:

Resolved, That Carrie Linscott be and is hereby allowed the sum of \$67.00, payable out of the Contingent Fund of the Senate, for extra services rendered as assistant to the Minute Clerk of the Senate during the session, and the Controller is hereby directed to draw his warrant for the above amount and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses,
By Senator Bates:

Resolved, That John Grindly, bookkeeper to Sergeant-at-Arms of the Senate, be instructed to deliver all warrants, vouchers and papers after the close of the session to their proper owners, and also to make up a file of three sets of chapters and send the same to each Senator.

Resolved, That he be allowed \$100.00 for the above services, and the Controller is instructed to draw his warrant for the same, payable out of the Contingent Fund of the Senate, and the Treasurer is instructed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Lukens:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Lukens is hereby permitted to introduce a bill, to be numbered 942.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Lukens, Markey, Mattos, McCartney, Miller, Muentner, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wolfe—31.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Lukens: Senate Bill No. 942—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing

ing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto, and repealing Section 580 of the Civil Code.

Bill read first time, and referred to Committee on Banking.

RUSH ORDER TO PRINTER.

On motion of Senator Lukens, the Secretary was ordered to issue a rush order for printing Senate Bill No. 942.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the report of a special committee on prison legislation and reform, appointed by the Senate of the thirty-sixth session of the California Legislature, the same was taken up for consideration.

ON PRISON LEGISLATION AND REFORM.

To the Senate of the State of California:

Your committee appointed by the President of the Senate on the 10th day of March, 1905, in pursuance of a resolution adopted by the Senate on the 7th day March, 1905, as follows:

"WHEREAS, There have been a number of bills passed by this Legislature carrying large sums of money for the purpose of enlarging and increasing the capacity of our State prisons; and

"WHEREAS, The best modern authorities on penology advise the classification of prisoners in order that reformation of convicts may be accomplished; and

"WHEREAS, Our present prison facilities do not permit of this desired reformation of persons convicted of crime; therefore, be it

"Resolved, That a committee of three hold-over Senators be appointed by the President of the Senate to act in conjunction with the State Board of Prison Directors for the purpose of considering and reporting on the matter of the construction of a new penitentiary and the selection of a suitable site therefor, and that the members of the said committee shall be allowed their actual and necessary expenses payable out of the Contingent Fund of the Senate"—beg leave to submit the following report:

In compliance with the provisions of the above resolution, your committee met with the State Board of Prison Directors at San Quentin on the 8th day of December, 1906, and carefully took up the matters appertaining to the erection of further penal institutions for the purpose of putting into effect what is known as the "segregate system" in our State prisons. It appeared to the committee, from the evidence adduced, that, in accordance with the most approved plan for penological reformation, it is advisable to segregate the prisoners into not less than three, and possibly five classes.

We learned from the State Board of Prison Directors that they had in contemplation, for a number of years, the adoption of the "segregate system" for the prisons; but owing to the present crowded condition at the two State prisons, they were unable to put this system into operation; that, with the money appropriated at the last session of the Legislature, it was their intention, and the work had already been started, to erect additional cells, with the idea in view of having a separate cell for each prisoner.

It further appeared to the committee that it is advisable to provide for an intermediate prison for the reformation of prisoners wherein they may be taught trades and useful occupations. With this end in view, the committee took under consideration the adaptation of the buildings at the Preston School of Industry for such an institution; and to obtain information thereon, at the request of this committee, the State Board of Prison Directors passed the following resolution:

"Resolved, That the engineer of the board submit, at his earliest convenience, a report as to the character and general plan required for an intermediate prison, including therein a report as to the feasibility of adapting the Preston School of Industry to such purpose; and further, that the probable cost of such a prison to accommodate two hundred and fifty inmates be included in said report."

Pursuant to this resolution, Mr. W. R. Eckart, the engineer of the State Board of Prison Directors, visited the Preston School of Industry at Ione, and, after a careful study of the buildings, grounds, and other conditions and circumstances, submitted a report of his investigation to the State Board of Prison Directors, a copy of which, with the exception of the maps and photographs accompanying said report, is hereto attached and made a part hereof.

As will be seen from Mr. Eckart's report, he advises, for good and sufficient reasons, against the tentative plan of adapting the Preston School of Industry for the purposes of an intermediate prison, and your committee is of the same opinion.

It will be noted that Mr. Eckart goes very thoroughly into the matter of plans and estimates of cost for an intermediate prison. Without taking into consideration the cost of land for the prison, he estimates that it will require \$555,000 for the erection of buildings necessary for a complete institution of this character. However, he suggests that if the buildings actually necessary, such as cell buildings, kitchen, and dining-room, administration building, commissary buildings, officers' and guards' quarters, and warden's residence, be erected by contract, and the remaining buildings, consisting of a stable, the hospital, the trades buildings, the officers' residences, and also the wall, be erected by prison labor, the first appropriation need only be \$255,000, as the latter buildings and wall could be erected by prison labor.

As a conclusion, your committee urgently recommends that the necessary appropriations for the erection and equipment of an intermediate prison should be made at once, and that a commission consisting of the Governor and State Board of Prison Directors, should be instructed and empowered to purchase a proper site for the needs of this institution.

C. M. BELSHAW.
H. E. CARTER.
J. A. MCKEE.

COPY OF REPORT OF W. R. ECKART, ENGINEER OF THE STATE BOARD OF PRISON DIRECTORS.

The Honorable State Board of Prison Directors, San Francisco, California.

GENTLEMEN: At a meeting of the State Board of Prison Directors, held at San Quentin, December 8, 1906, upon request of the Senate Committee, the following resolution was passed:

"That the engineer of the board submit, at his earliest convenience, a report as to the character and general plan required for an intermediate prison, including therein a report as to the feasibility of adapting the Preston School of Industry to such purpose, and further that the probable cost of such a prison to accommodate 250 inmates be included in said report."

Pursuant to this resolution, I beg to offer the following:

Character of an intermediate prison.

An intermediate prison should undoubtedly be modeled along the lines of the modern reformatory, and among penological experts there seems to be an almost unanimous opinion as to the methods and requirements for such an institution, which briefly stated are, that the criminals to be confined are young men, generally between the ages of 16 and 30 years, who have not been previously convicted of a felony.

The sentence should in all cases be what is known as the "Indeterminate Sentence." Upon this subject there seems to be no divergence of opinion.

The discipline should be of the strictest, and in many of the institutions considered as models it is of the military type. The division into three classes is a prominent feature and essential. All prisoners are received into the second class and are held there until they have earned recognition by their conduct and application to work, whereupon they are promoted to the first class. Incurability, attempts to escape, or lack of application, etc., will cause a transfer to the third or lowest grade. No absolute discharge is given direct from the reformatory, but the men are sent out on probation or parole, and absolute discharge is given only when the paroled man has made good. No parole is made except from the first grade, and continuation in the third class may be cause for transfer to one of the penitentiaries.

General plan required.

The institution, confining as it does men convicted of serious crimes, requires all the features of a prison, and essentially a high surrounding wall, cells providing separate accommodation for each prisoner (although in some cases the first grade men are taken care of either in dormitories or in rooms with three or four men in a room). Besides the wall and cell house, the following buildings are required: dining-room, kitchen, commissary store-house, hospital, power-house, administration building, trades school building, stable, laundry.

Residences for general superintendent and other officers should be provided.

The laundry and power-house could be taken care of in the trade school building, which should provide shops and school rooms where the men can be taught all the principal trades, and the equivalent of a common school education given to those who are deficient in this respect. Also, either in this building or elsewhere, should be provided an assembly hall, suitable for use as a chapel and general lecture room, an adjunct of which might be a library.

The arrangement of the different buildings and disposition of department rooms, as mentioned above, must necessarily depend, in a great measure, upon the location and contour of the prison site selected.

The cost of construction, including labor and material to be had and used in the buildings, the making of them fireproof and otherwise safe for the confinement of prisoners, will be governed materially by local conditions and surroundings.

Also, the continued cost of fuel, freight rates, and abundant supply of pure water for domestic and factory purposes, are other important factors to be taken into consideration in connection with the intermediate prison wherever located.

In view of the foregoing considerations, and your instructions, several days were spent in investigating the "feasibility of adapting the Preston School of Industry, at Ione, to an intermediate prison."

(The following reference is to maps accompanying the original report of Mr. Eckart to the State Board of Prison Directors, which do not accompany the report of your committee.)

On the blue print, marked "D," attached, which is a contour map of the grounds in the vicinity of the main building, will be found the location of the principal buildings now erected and in use at the school. It will be seen that the Administration Building (print A) is located on the apex of a knoll some 40 feet higher than the dormitories (marked east and west cottages) and at a distance averaging over 500 feet in each direction from the same, while the Trades School Building (print B), and power-house, are on a still lower elevation, and at a slightly greater distance from the Administration Building.

In the interior arrangement, construction, and location of these buildings, it is everywhere apparent that they were only intended for the confinement of persons under the age of manhood, where prison bars, armed guards, and enclosure walls are not necessary or desirable. The east and west dormitories are each arranged for housing two companies (fifty boys to each company), or say, two hundred inmates, besides the matrons and care-takers. In the Administration Building, besides the Superintendent's living room, and the quarters of other officers, there are additional dormitories capable of housing say fifty more inmates. The dining-room, located in the latter building (over the kitchen) is of scant capacity for seating the present number of boys, say 220.

The Trades School Building (print B) contains, on the ground floor, a carpenter shop and laundry. The floor above is not occupied at present, as the building has just been rebuilt, after being partially destroyed by fire. An addition to this building has recently been erected out of concrete blocks, in a creditable manner, by the boys belonging to the school. This addition will contain the machine shop, blacksmith shop, and other departments.

Water supply and system. (Print F.)

The main car and domestic supply is derived from Sutter Creek by means of diverting dam and ditches, and certain times of the year it is necessarily restricted in quantity and inferior in quality, requiring storage and settling reservoir to render it fit for use, and at best it is not potable. The drinking water at present is dependent upon springs developed on the Preston School tract since the main water supply rights were purchased by the State. It is not over sufficient for the present daily wants.

To adapt the Preston School for use as a reformatory to accommodate 250 men would require:

First—Other accommodations to be provided for over two hundred boys, well housed and provided for in buildings suited and well located for their requirements at present.

Second—The erection of a cell building for 250 men, built with all the modern requirements for prison life, allotting one cell to each person confined.

Third—The erection of a prison enclosure wall of sufficient height to prevent the escape of prisoners from the reformatory. The rolling nature of the ground adjacent to the main building, and the scattered locations of the dormitories and Trades School Building would require an excessive length of wall over what would be required under more favorable conditions.

Fourth—The water supply will have to be carefully conserved to meet even the present requirements of the Preston School, and further expenditure to provide a sufficient quantity and quality for an intermediate prison with its additional trades capacity would be necessary.

Fifth—The remodeling of the present buildings and dormitories to make them suitable for the changed conditions would be necessary. The present dining-room is located over the kitchen, as an annex to the Administration Building, and is barely of capacity for 220 persons. Any administration building, or building for officers, should be on the outside of any prison wall, and the prison dining-room and kitchen must necessarily be on the inside, which would necessitate entirely new buildings for those purposes, including a store-house and refrigerator building.

In view of the foregoing considerations, and the fact that the present purposes of the Preston School are well served by these buildings and their location, I am moved to advise against any tentative plan of adapting the Preston School of Industry to the purposes of an intermediate prison.

General plan for an intermediate prison.

In attempting to comply with that part of your instructions calling for a "general plan for an intermediate prison," including the "probable cost of such a prison for 250 inmates," nothing more than a tentative one can be submitted in advance of some knowledge of the prison site to be selected, as the disposition of all buildings in relation to each other, as previously stated, will depend, in a great measure, upon the contour of the ground, power and heat supply to the required buildings, and sanitary arrangements as to ventilation and disposal of sewage, while cost of construction is governed by material to be had and used in the buildings, and the labor market, at a place yet indeterminate.

Print marked ¹⁰⁸⁷_{I.P.} is a general outline ground plan for confining and housing 250 inmates, with administration building and officers' quarters. The cell building, as arranged, is for 250 single cells, arranged in cell block inside of the main cell building. All cells are spaced and arranged on the utility corridor system, with separate lavatory and round hopper closet prison outfit. Ventilating and lavatory piping enters the utility corridor back of each row of cells; all cells to have open gratings for fronts, and building arranged for hot-air heating.

The dining-room and kitchen are one-story buildings, so as not to obstruct light from the cell building, while being conveniently located to the cells, and being arranged as wing buildings to the connecting passage ways, additional dining-room could be added for 250 more prisoners, if desirable, and still retain the convenient arrangement for segregating and handling prisoners in dining-rooms where the ventilation would be of the best.

The Trades School Building would be two stories in height. In the basement the power and boiler-room for heating all buildings could be provided for, while on the ground floor and second story would be the trades and educational departments, all arranged as has been found desirable in the Eastern reformatories. Space has been provided for a second trades building, convenient to the first, in case of enlargement of the prison.

Other buildings, such as hospital and commissary department, are laid out on the plan.

The main enclosure wall is 2,252 feet, including gates, but excluding the frontage covered by the main cell building. It is laid out for a height of 20 feet, which can be raised to 25 feet, if desirable. The total ground enclosure within the wall is 7 $\frac{1}{2}$ acres. This enclosure has been taken as sufficient for an increase of prison capacity to 1,000 prisoners.

While the cell building and dining room are laid out for 250 men, it seems likely, in view of past experience with prison work, that future requirements would demand greatly increased capacity, say, up to 1,000 prisoners. Therefore, the general plan has been arranged to admit of a symmetrical increase in capacity to that number as will be found tabulated, in the accompanying memoranda of approximate costs.

MEMORANDA OF APPROXIMATE COSTS.

Building.	Remarks.	Estimated Cost.
Wall	Area enclosed suitable for prison of ultimate capacity of 1,000 men	\$111,500 00
Cell building	Capacity 256 single cells, space provided for additional cell blocks up to 1,000 cells	105,000 00
Dining-room	Seating capacity 250 men, ground space provided for increase up to 1,000 men	16,000 00
Kitchen	Ample space for cooking for 1,000 men	21,500 00
Commissary building	Will take care of 1,000 men, depending upon convenience of supply center	7,500 00
Administration building	Size practically independent of capacity of prison, depends on organization	40,000 00
Officers and guards' building	Probably ample for prison of capacity up to 1,000, further extensions should be in the form of individual cottages for married employes. Depends on convenience to town	42,500 00
Warden's residence	Independent of prison capacity	22,500 00
Deputy warden's residence	Independent of prison capacity	12,000 00
Officers' residences	Six provided, probably sufficient up to prison capacity of 1,000, depends on organization, proximity to town, etc.	24,000 00
Stable	Size and cost dependent upon acreage farmed, and prison requirements, distance from station, etc.	7,500 00
Hospital	Ample for prison of 1,000 men under ordinary conditions	35,000 00
Trades school	Probably ample for prison capacity up to 500 men, depends upon attention paid to agriculture and similar pursuits	110,000 00
Total erected by contract .....	.....	\$555,000 00

If only the buildings actually necessary were built by contract, cell building, kitchen and dining-room, administration building, commissary building, officers and guards' quarters, warden's residence, which would leave the wall, the stable, the hospital, trades building and officers' residences to be erected by prison labor, the first appropriation need be only \$255,000.00. This would make a large saving on the labor item in the last named buildings, besides furnishing useful work for the inmates for several years.

Respectfully submitted.

W. R. ECKART.

February 5, 1907.

On motion of Senator Belshaw, the above report was adopted.

UNFINISHED BUSINESS.

On motion of Senator Carter, a message from the Assembly, dated March 1, 1907, relative to the refusal of the Assembly to concur in Senate Amendment No. 3 to Assembly Bill No. 491, was taken up for consideration.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate Amendment No. 3 to Assembly Bill No. 491—An Act amending an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision without Governor's approval, February 25, 1901, by amending Sections 2, 5, 7, and 9 thereof—and requests that your honorable body recede therefrom, and that in case of non-receding the Assembly has appointed Assemblymen Stanton, Transue, and Johnson of Sacramento as a Committee on Conference on behalf of the Assembly to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate recede from the following amendment to Assembly Bill No. 491?"

On page 5, Section 5, line 4, strike out the period after the word "hereby," and insert in lieu thereof the following: "*provided, however,* that all proceedings which may have been, prior to the passage of this Act, taken by any city, town, or municipal corporation incorporated under the laws of this State in the manner prescribed by the said Act of which this Act is amendatory, for the incurring of indebtedness for the purpose of acquiring, constructing, completing, or repairing any wharf or wharves, shall be and the same is hereby declared to be valid as fully as though the incurring of indebtedness for such purpose had been expressly authorized by said Act, and any and all indebtedness incurred, or which hereafter may be incurred, by any such city, town, or municipal corporation, or any bonds which may have been, or may hereafter be, issued pursuant to any such proceedings so taken or had, shall be and the same are hereby declared to be valid as fully as though the creation of said indebtedness, or the issuance of said bonds, had been expressly authorized by said Act."

The roll was called, and the Senate receded from the above Senate amendment to Assembly Bill No. 491 by the following vote:

AYES—Senators Anderson, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Greenwell, Keane, Leavitt, Mattos, McKee, Miller, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—26.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 457—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

On motion of Senator Welch, Senate Bill No. 457 was temporarily passed on file, to retain its place.

Senate Bill No. 464—An Act to amend the Political Code of the State of California by adding eight new sections thereto, to be numbered 338, 338a, 338b, 339, 339a, 339b, 340, 340a, under a new article, to be numbered thirteen (XIII), to be added to Chapter Two (2) Title One (1), Part Three (3) of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

On motion of Senator Sanford, Senate Bill No. 464 was temporarily passed on file, to retain its place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Caminetti asked for and was granted unanimous consent to withdraw Senate Bill No. 585—An Act making an appropriation of five hundred dollars (\$500) for the purpose of preparing and preserving the John Marshall monument at Coloma, and for the care and improvement of the grounds around said monument—and substitute therefor on file Senate Bill No. 909.

Senate Bill No. 585 withdrawn and ordered stricken from the file, and Senate Bill No. 909 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 909—An Act relating to high schools, and providing for their support by the State of California.

On motion of Senator Caminetti, Senate Bill No. 909 was temporarily passed on file, to retain its place.

Committee Substitute for Senate Bill No. 436 and Senate Bill No. 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate."

On motion of Senator Keane, Committee Substitute for Senate Bill No. 436 and Senate Bill No. 437 was temporarily passed on file, to retain its place.

Senate Bill No. 526—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Sections 8 and 14 thereof and adding a new section thereto, to be numbered and designated Section 9½.

On motion of Senator Bates, Senate Bill No. 526 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 8—To propose to the people of the State of California the repeal of Section 12 of Article XIII of the Constitution of the State of California, whereby to abolish State poll tax.

On motion of Senator Anthony, Senate Constitutional Amendment No. 8 was temporarily passed on file, to retain its place.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT AND SUBSTITUTION OF BILL.

Senator Willis asked for and was granted unanimous consent to withdraw Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 6, of Article I thereof, relating to bail, punishment, and witnesses, and prohibiting the death penalty, except in certain cases—and substitute therefor on file Assembly Bill No. 976.

Senate Constitutional Amendment No. 24 withdrawn, and ordered stricken from the file, and Assembly Bill No. 976 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 976—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 976 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, McCartney, Muenter, Nelson, Rambo, Reily, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to Section 1 of Article VI of the Constitution of the State of California, relating to the judicial power of the State and creating a court of impeachment.

On motion of Senator Wright, Senate Constitutional Amendment No. 30 was temporarily passed on file, to retain its place.

Senate Bill No. 618—An Act to authorize a local board of managers of the several State hospitals of insane of the State of California, to employ regularly ordained ministers or priests to visit and minister spiritual advice and consolation to the inmates of said hospitals, and to provide for their compensation.

On motion of Senator Rush, Senate Bill No. 618 was temporarily passed on file, to retain its place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Irish asked for and was granted unanimous consent to withdraw Senate Bill No. 766—An Act to create a fund to be known as the United States Forest Reserve Fund, and to provide for the payment out of said fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid—and substitute therefor on file Assembly Bill No. 872.

Senate Bill No. 766 withdrawn and ordered stricken from the file, and Assembly Bill No. 872 substituted therefor on the file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 872—An Act to create a fund, to be known as the United States Forest Reserve Fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditures by the counties of the moneys so paid.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 872 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, McCartney, McKee, Miller, Muenter, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Anthony asked for and was granted unanimous consent to withdraw Senate Bill No. 734—An Act to amend Sections 1908, 1914, 1916, 1922, 1923, all of the Political Code of the State of California, relating to the enrolled militia—and substitute therefor on file Assembly Bill No. 876.

Senate Bill No. 734 withdrawn and ordered stricken from the file, and Assembly Bill No. 876 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 876—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, 2112, all of the Political Code of the State of California, relating to the National Guard.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 876 finally passed by the following vote:

AYES—Senators Anthony, Bell, Belshaw, Black, Boynton, Broughton, Greenwell, Keane, Leavitt, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 632—An Act in relation to the fees of the Secretary of State for filing articles of incorporation, and issuing certificates to water users' associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 632 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Hartman, Irish, Keane, Kennedy, McCartney, McKee, Miller, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 103—An Act to add a new section to the Political Code, to be numbered Section 1888a, relating to the levy of taxes for the payment of school district bonds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 103 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Hartman, Irish, Keane, Kennedy, Mattos, McCartney, Miller, Muentner, Nelson, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 660—An Act to amend Sections 3804 and 3805a of the Political Code, relating to refunding of taxes and the cancellation of certificate of tax sales.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 660 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Hartman, Irish, Keane, Kennedy, Leavitt, Mattos, McCartney, Miller, Muentner, Rambo, Reilly, Walker, Weed, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Mattos asked for and was granted unanimous consent to withdraw Senate Bill No. 647—An Act to amend Section 1372 of the Political Code, relating to primary elections—and substitute therefor on file Senate Bill No. 639.

Senate Bill No. 647 withdrawn and ordered stricken from the file, and Senate Bill No. 639 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 639—An Act to amend Section 2644 of the Political Code of the State of California, relating to the allowing of claims by the board of supervisors.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 639 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reilly, Rolley, Rush, Sanford, Walker, Weed, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Anthony asked for and was granted unanimous consent to withdraw Senate Bill No. 656—An Act to amend Section 827 of the Civil Code, relating to notice required for changing terms of tenancies or other estates at will, however created, and of all leases of lands or tenements, or of any interest therein, from month to month—and substitute therefor on file Assembly Bill No. 561.

Senate Bill No. 656 withdrawn and ordered stricken from the file, and Assembly Bill No. 561 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 561—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 442½, relating to the wearing of the uniform of the United States army or navy, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of California, by any person other than an officer or enlisted man of the National Guard or Naval Militia of the State of California, or any other State, or of the United States Army, Navy, Marine Corps, or Revenue Service, or inmate of any veterans' or soldiers' home, or persons of the theatrical profession.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 561 refused final passage by the following vote:

AYES—Senators Anthony, Bell, Black, Broughton, Caminetti, Carter, Hartman, Irish, Keane, Kennedy, Markey, McKee, Nelson, Reily, Rush, Savage, Welch, and Wolfe—18.

NOES—Senators Anderson, Bates, Belshaw, Boynton, Cartwright, Curtin, Greenwell, Leavitt, Mattos, McCartney, Miller, Muenter, Rambo, Rolley, Sanford, Walker, Weed, and Wright—18.

NOTICE OF MOTION TO RECONSIDER.

Senator Cartwright gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 561 was this day refused passage.

SPECIAL ORDER SET.

Senator Cartwright moved that the consideration of the motion to reconsider the vote whereby Assembly Bill No. 561 was refused final passage be made a special order for Thursday, March 7, 1907, at eleven o'clock A. M.

Motion carried.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator McKee asked for and was granted unanimous consent to withdraw Senate Bill No. 576—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and Acts amendatory thereof, by amending Section 3 of said Act (last amendment, Statutes 1905, p. 416)—and substitute therefor on file Assembly Bill No. 966.

Senate Bill No. 576 withdrawn and ordered stricken from the file, and Assembly Bill No. 966 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 966—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1243 thereof, relative to the place and court in which actions in eminent domain must be brought.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 966 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Wolfe, and Wright—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 791—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written-up passbook or bank-book or to statement of his deposit account within a certain time or be concluded thereby.

On motion of Senator Bates, Senate bill No. 791 was temporarily passed on file, to retain its place.

Senate Bill No. 792—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349½, relating to books or records of any bank, banker, trust company or savings and loan society that have been lost or destroyed by conflagration, earthquake or other public calamity, and prescribing a time within which certain actions shall be commenced.

On motion of Senator Bates, Senate Bill No. 792 was temporarily passed on file, to retain its place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator McCartney asked for and was granted unanimous consent to withdraw Senate Bill No. 171—An Act to amend Sections 269a and 269b of the Penal Code, relating to cohabitation and adultery—and substitute therefor on file Senate Bill No. 575.

Senate Bill No. 171 withdrawn and ordered stricken from the file, and Senate Bill No. 575 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 575—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 575 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Keane, Leavitt, Mattos, McCartney, McKee, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 234—An Act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partitions, and deeds made

pursuant to, or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

On motion of Senator Anthony, Senate Bill No. 254 was temporarily passed on file, to retain its place.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Savage asked for and was granted unanimous consent to withdraw Senate Bill No. 72—An Act to add a new section to the Political Code of the State of California, to be numbered Section 2793, relating to the office, salary, and duties of the attorney for the State Board of Health, and to repeal an Act entitled "An Act to create the office of attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891—and substitute therefor on file Senate Bill No. 872.

Senate Bill No. 72 withdrawn and ordered stricken from the file, and Senate Bill No. 872 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 872—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 872 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 605—An Act to amend Section 249 of the Penal Code, relating to punishment of libel.

On motion of Senator Savage, Senate Bill No. 605 was temporarily passed on file, to retain its place.

Senate Bill No. 117—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wright moved a call of the Senate.

Motion carried.

Time, eleven o'clock and forty-five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Wolfe, and Wright—35.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and forty-seven minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll was called.

Whereupon the President announced that Senate Bill No. 117 had passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Savage, Weed, Wolfe, and Wright—26.

NOES—Senators Black, Caminetti, Carter, Kennedy, Mattos, McCartney, Muenster, Sanford, and Walker—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 492—An Act to amend Sections 1171 and 1174 of the Penal Code of the State of California, relating to the preparation and settlement of bills of exception in criminal cases.

And report that the same has been correctly enrolled; and presented the same to the Governor on this 6th day of March, 1907, at eleven o'clock and thirty minutes A. M.

REILY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 793—An Act to authorize the settlement of an existing controversy between the United States of America and State of California, and making an appropriation to carry out the provisions of said Act.

Also: Senate Bill No. 910—An Act to provide for the holding of certain meetings of the State Board of Railroad Commissioners in various parts of the State of California, and for cooperation in certain investigations by such board with the Interstate Commerce Commission.

Also: Senate Bill No. 837—An Act relative to estray and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.

Also: Senate Bill No. 559—An Act to amend Section 396 of the Code of Civil Procedure, relating to the place of trial of civil actions.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 793, 910, 837, and 559 ordered on file for third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Broughton asked for and was granted unanimous consent to withdraw Senate Bill No. 821—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such

bonds, and the filing and acceptance of new bonds in lieu thereof, and substitute therefor on file Assembly Bill No. 915.

Senate Bill No. 821 withdrawn and ordered stricken from the file, and Assembly Bill No. 915 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 915—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 915 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Miller, Muentner, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION OF SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Carter asked for, and was granted, unanimous consent to introduce the following Senate Concurrent Resolution:

SENATE CONCURRENT RESOLUTION No. 20.

Resolved by the Senate, the Assembly concurring, That leave of absence from the State, for a longer period than sixty days, be granted to Senators Henry E. Carter, Henry M. Willis, H. A. Broughton, A. Caminetti, W. F. Price, F. W. Leavitt, E. I. Wolfe, J. B. Curtin, H. S. G. McCartney, Geo. T. Rolley, Gus Hartman, A. Weed, Leroy A. Wright, J. N. Anderson, J. B. Sanford, Richard J. Welch, Chas. W. Bell, Wm. H. Savage, Marshall Black, Geo. W. Cartwright, J. B. Irish, C. B. Greenwell, Jno. G. Mattos, Jr., F. A. Markey, T. J. Kennedy, D. J. Reily, E. O. Miller, Benj. F. Rush, and C. M. Belshaw.

Senate Concurrent Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 20 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Markey, Mattos, McCartney, Miller, Muentner, Rambo, Reily, Rolley, Sanford, Savage, Weed, Wolfe, and Wright—29.

NOES—None.

Senate Concurrent Resolution ordered transmitted to the Assembly.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 108—An Act to provide for the purchasing of a site and building, equipping, and furnishing of an armory, to be used for the National Guard and National Guard purposes in the City of Los Angeles, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 108 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Greenwell, Hartman, Keane, Leavitt, McCartney, Muentner, Nelson, Rambo, Reily, Sanford, Savage, Weed, Willis, Wolfe, and Wright—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 25—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

On motion of Senator Rush, Senate Bill No. 25 was temporarily passed on file, to retain its place.

Senate Bill No. 572—An Act to add a new section to the Civil Code, to be numbered Section 365, and relating to contributions of corporate funds for political purposes.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 572 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Caminetti, Carter, Cartwright, Irish, Keane, Kennedy, Leavitt, Lukens, McCartney, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Savage, Walker, Willis, and Wolfe—25.
NOES—Senators Belshaw and Weed—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Rambo asked for and was granted unanimous consent to withdraw Senate Bill No. 731—An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries, and provide for the expense of the establishment and maintenance thereof—and substitute therefor on file Assembly Bill No. 484.

Senate Bill No. 731 withdrawn and ordered stricken from the file, and Assembly Bill No. 484 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 484—An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 484 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, McCartney, Miller, Muentner, Nelson, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the Controller be and he is hereby directed to draw his warrant in the sum of \$962.90 in favor of the Secretary of the Senate in payment of the bills attached hereto, the said warrant being payable out of the Contingent Fund of the Senate.

J. Young.....	\$250 00
Remington T. W. Co.....	16 95
G. R. Lukens.....	5 60
A. J. Johnston & Co.....	457 90
H. S. Crocker & Co.....	176 15
Henry E. Sleeper & Co.....	6 50
Scott, Lyman & Stack.....	23 80
Robert Shaw	26 00

\$962 90

Also:

WHEREAS, Mr. O. G. Jones was duly and regularly employed as an expert to the Committee on Insurance and Insurance Laws, at a compensation of two thousand (\$2,000) dollars, under and by virtue of the following resolution, which was adopted by the Senate on January 21, 1907:

Resolved, That the Committee on Insurance and Insurance Laws be authorized and empowered to employ an expert, or experts, at a compensation to be fixed by said committee, and to be paid out of the Contingent Fund of the Senate; and that said committee be and is hereby empowered to issue all subpoenas, to have full power to send for persons, books, and papers, and to compel the attendance of any and all witnesses within this State, and require a production of any and all necessary papers, books, or documents, in order that the powers herein given may be fully carried out. Therefore, be it

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the Contingent Fund of the Senate in favor of O. G. Jones for the sum of two thousand (\$2,000) dollars, and the State Treasurer is hereby directed and ordered to pay the same.

Also:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Red Men's Hall Association for the sum of \$1,000, payable out of the Contingent Fund of the Senate, the same being for one half of the rent of the halls now occupied by the Legislature, thirty-seventh session, for the month of March, 1907.

Also:

Resolved, That the Controller be and is hereby directed to draw his warrant in favor of the names of the persons attached hereto, in the amounts set after their respective names, the same being payable out of the Contingent Fund of the Senate.

H. E. Carter.....	\$45 60
J. A. McKee.....	10 00
W. R. Eckart.....	28 50

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Greenwell, Irish, Keane, Kennedy, Leavitt, McCartney, Muenter, Nelson, Reily, Rush, Savage, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Wright asked for and was granted unanimous consent to withdraw Senate Bill No. 652—An Act to amend Section 139 of an

Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the duties of the county surveyor, and substitute therefor on file Senate Bill No. 875.

Senate Bill No. 652 withdrawn and ordered stricken from the file, and Senate Bill No. 875 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 875—An Act to amend Section 73 of the Code of Civil Procedure, relative to sessions of the Superior Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 875 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Irish, Keane, Kennedy, Leavitt, Markey, McCartney, Miller, Muentner, Nelson, Reily, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

SECOND READING OF ASSEMBLY BILLS.

On motion of Senator Leavitt, the Assembly second-reading file was taken up for consideration.

Assembly Bill No. 988—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be designated as Section 1674a, relating to contracts involving carriers of newspapers and newspaper carriers' business.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 1024—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State laboratory of plant pathology, and the appointment of a State plant pathologist for this purpose, and for investigations in the field of viticulture, and making an appropriation therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 951—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class,

to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 21, 1905.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 901—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended by amending Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 thereof, and by adding two new sections thereto to be known as Sections 10a and 10b, relating to a license tax upon corporations, and making provision for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof, approved June 13, 1906.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 589—An Act to add a new article to Chapter III, of Part III, of the Political Code, to be known as Article XIII, relating to the Board of Bank Commissioners, and prescribing their duties and powers.

During second reading of bill, the following amendments were submitted by committee:

On pages 4, 5, and 6, Section 546, strike out all of said Section 546, and insert in lieu thereof the following:

Sec. 546. Any corporation mentioned in section three of this Act, including banks in liquidation or insolvency, shall, whenever required by the Board of Bank Commissioners, make a report in writing to the commissioners, verified by the oath of its president and its secretary, or cashier, or its two principal officers. Said report shall show the actual financial condition of the corporation making the report at the close of any past day by the commission specified, by stating:

First—The amount of its capital stock, and the number of shares into which it is divided; or, if not incorporated, the amount of capital actually paid in and by whom.

Second—The names of the directors, and the number of shares of stock held by each; or, if not incorporated, the names of each member of the firm and the amount of capital stock paid in by each.

Third—The total amount actually paid in, in money, by stockholders for capital stock, and the total amount of contingent and other reserve funds, if any.

Fourth—The total amount due to depositors.

Fifth—The total amount and character of any other liabilities it may have.

Sixth—The amount at which the lot and building, occupied by the bank for the transaction of its regular business, stands debited on its books, together with the market value of all other real estate held, whether acquired in settlement of loans or otherwise; the amount at which it stands debited on the bank books; in what county situated, and in what name the title is vested, if not in the name of the corporation itself.

Seventh—The amount loaned on real estate, specifying the amount secured on real estate in each county separately; also, specifying the name of the person in whose name the property is held in trust, or as security, in case it is held in any name other than that of the bank, and the instrument creating the security does not of itself disclose the name of the bank.

Eighth—The amount invested in bonds, designating each particular class, and the amount thereof.

Ninth—The amount loaned on stocks and bonds, designating each particular class, and the amount thereof.

Tenth—The amount of money loaned on other securities, with a particular designation of each class, and the amount loaned on each.

Eleventh—The actual amount of money on hand or deposited in any other bank or place, with the name of the place where deposited, and the amount in each place.

Twelfth—Any other property held or any amount of money loaned, deposited, invested, or placed, not otherwise herein enumerated, with the place where situate, and the value of such property, and the amount so loaned, deposited, or placed.

The oaths of the officers to the statements above required shall state that they, and each of them, have a personal knowledge of the matters therein contained, and

that they believe every allegation, statement, matter, and thing therein contained is true; and any willfully false statement in the premises shall be perjury, and shall be punished as such. The reports as provided for by this section shall by the commissioner be required from each and every corporation herein mentioned at least three times in each year, and shall be transmitted to the commissioners within five days after the receipt from them of a request or requisition therefor.

Amendment adopted:

Also:

On page 8, Section 548, after line 90, insert a new section, as follows:

Sec. 548a. When the bank commissioners shall have taken control of a bank, banking company or banking corporation, with possession of its property and assets, pursuant to the provisions of the preceding section, they shall have full power to sell any portions which they deem perishable, to realize on securities where they deem depreciation of value to be imminent, to preserve liens of any and every kind, protect the property from waste, dissipation, and tax liens and in this behalf they shall have all the powers of trustees of an implied trust, otherwise they shall preserve all the property intact, so near as may be, until the final determination of the action in the preceding section provided.

Amendment adopted.

Also:

On page 8, Section 549, line 4, strike out the word "four," and insert in lieu thereof the following: "five."

Amendment adopted.

Also:

On page 9, Section 552, lines 1 to 15, strike out all of said Section 552, and insert in lieu thereof the following:

Sec. 552. The said commissioners shall keep their office open for business from nine o'clock A. M. until four o'clock P. M. every day, except non-judicial days. They shall procure rooms necessary for their office, at a rent not to exceed two hundred (\$200) dollars per month. They may also provide stationery, fuel and other conveniences necessary for the transaction of their duties, not exceeding in the aggregate the sum of seven thousand five hundred (\$7,500) dollars per annum, for the year 1907 they may provide furniture and furnishings in the sum of twenty-seven hundred (\$2,700) dollars to replace furniture destroyed by fire on April 18, 1906; and they shall cause their annual reports to the governor of this State to be printed by the lowest bidder and distributed, at a cost not to exceed two thousand (\$2,000) dollars per annum, and which printing shall be exempt from the provisions of Article XII, Chapter III, Title I, Part III of the Political Code. All expenditures authorized in this section shall be audited and paid in the same manner as the salary of the commissioners.

Amendment adopted.

Also:

On page 10, Section 553, line 6, strike out the words after the word "dollars," and insert the following: "for each place of business. The cost of such licenses shall be pro rated for such proportional number of months as the license is to run, and all of such licenses shall be due and payable on the first day of July in each year, and shall expire on the thirtieth day of the following June."

Amendment adopted.

Also:

On page 11, Section 554, line 16, after the word "article," insert the following: "Except as provided in this statute, the provisions of Part II of the Code of Civil Procedure are applicable to and constitute the rules of practice in proceedings mentioned in this section."

Amendment adopted.

Also:

On page 11, Section 554, line 20, after the word "office," add a new section, to be known as 554a, as follows:

554a. Every person, company, or corporation, except savings and loan corporations, which is now transacting or which may hereafter transact the business of a

bank, or banking corporation, must at all times have actually paid in a capital equal to at least 10 per cent of the total amount owing to the depositors, banks and bankers, and to its creditors by such bank, or banking corporation; *provided*, that the minimum amount of such capital, to be actually paid in, shall in no instance be less than the sum of twenty-five thousand (\$25,000) dollars; *and provided further*, that the maximum amount of such capital, so required to be actually paid in, shall, in no instance, be required to exceed the sum of one million (\$1,000,000) dollars. The bank commissioners of the State of California shall not issue to any bank or banking corporation a license to transact business until this section shall be complied with, and said commissioners shall thereafter have full power to make such order, or orders, from time to time, as may be necessary to compel a full compliance with the provisions thereof, and may, in this behalf, revoke any and all licenses heretofore or hereafter granted. In construing the provisions of this section, net surplus shall be treated and considered as part of the paid in capital.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 340—An Act to prevent the giving of rebates or special favors as an inducement to taking out of any life insurance policy within the State of California, and providing penalties for the violation hereof.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 11, after the word "actually," insert the words "to be." On page 2, Section 2, line 4, strike out all after the word "misdemeanor."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 458—An Act to appropriate \$10,000 for the establishment of a school of forestry at the University of California, and specifying the duties of the Controller and Treasurer of the State in relation thereto.

During second reading of bill, the following amendment was submitted by committee:

Amend the title by striking out the figures "10,000.00," and inserting in lieu thereof the figures "5,000.00."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 651—An Act making an appropriation of \$5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, providing for a parole officer, his compensation and traveling expenses.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 691—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States, under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act."

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 696—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California and to provide for

the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 789—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 965—An Act to furnish the office of Superintendent of Schools of the City and County of San Francisco with the statutes, code amendments and indexes to the laws of the State of California.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 974—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 987—An Act making an appropriation for the erection of a monument in St. Mary's Cemetery, in the City of Oakland, California, to the memory of Honorable John J. Burke, deceased, and appointing a commission to carry out the provisions for such appropriation.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 446—An Act to pay the claim of the County of Sacramento against the State of California.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 927—An Act to add a new section to the Political Code, to be numbered 759, relating to the employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said Code.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 929—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 649—An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said hospitals and to provide for their compensation.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 701—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1532a, defining the meaning of the words "average daily attendance."

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 16—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 230—An Act making an appropriation of one thousand dollars (\$1,000) to pay the claim of Edward W. Lehner against the State of California.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 594—An Act to authorize the District Court of Appeal for the Second District to provide proper rooms in which to hold court and for the proper accommodation of its officers and library, and authorizing the presiding justice to enter into contracts or leases therefor; and providing for an appropriation of money therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 828—An Act to pay the claim of Mrs. John F. Kidder against the State of California.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 890—An Act making an appropriation to be used to develop water and furnish equipment for the same and to repeal Chapter CCLXIII, Statutes 1905, all relating to the water supply at the Whittier State School.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 387—An Act to amend Section 1140 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing that trial jurors in criminal cases shall be discharged after retirement for deliberation within a certain number of hours.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 11, strike out the word "six," and insert in lieu thereof the following: "twelve."

Amendment adopted.

Also:

On page 2, Section 1, line 15, strike out the word "twelve," and insert in lieu thereof the following: "twenty-four."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 630—An Act to amend Section 1768 of the Code of Civil Procedure, relating to the powers and duties of guardians.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 573—An Act to amend Section 1181 of the Penal Code of the State of California by adding a new subdivision thereto, to be numbered 8, relating to the granting of new trials.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 695—An Act to add a new section to the Code of Civil Procedure, to be numbered 981, relating to costs on appeal to Superior Courts.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 753—An Act to amend an Act entitled "An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect or receive of any savings bank any deposit in any such bank when the same does not exceed the sum of \$300," approved February 18, 1874, and an Act amendatory thereof, approved March 8, 1895.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 774—An Act to amend Section 1034 of the Code of Civil Procedure, relating to costs of appeal.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 839—An Act to amend Sections 10 and 11 of an Act entitled "An Act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails and other institutions; providing for the appointment of parties to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such parties; and providing when proceedings under this Act shall be admissible in evidence.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 350—An Act to add a new section to the Political Code of the State of California, to be designated Section 2181a, relating to unclaimed money and property of patients at State hospitals.

During second reading of the bill, the following amendments were submitted by committee:

On page 1, insert immediately after the enacting clause, and before the words "a new section," the words "Section 1."

Amendment adopted.

Also:

On page 1, Section 1, lines 1 and 2, strike out the words "Section 1. A new section is hereby added to the Political Code, to be designated Section 2181a, to read as follows: whenever," and insert in lieu thereof the following: "Whenever."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 922—An Act to add a new section to the Penal Code, to be numbered 271b, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him

to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce, during the pendency of the action at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 869—An Act to amend Section 1154 of the Code of Civil Procedure, relating to commitment for contempt in civil actions.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 351—An Act to amend Section 2146 of the Political Code of the State of California, relating to the acquisition and tenure of property by State hospitals.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 496—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California, with reference to the appointment of guardians of insane and other incompetent persons.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 694—An Act to amend Section 867 of the Code of Civil Procedure, relating to undertaking on attachment, and the justification of sureties thereon, in justices' courts.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 51—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 53—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 54—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 55—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 58—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read second time, and ordered on Assembly special file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 159, the same was taken up for consideration.

Assembly Bill No. 159—An Act to change, establish, and permanently locate the boundary line of the County of Kings.

Read third time, on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 159 finally passed by the following vote :

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentzer, Nelson, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, and Wolfe—34.

NOES—Senators Curtin and Wright—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

EXPLANATION OF VOTES.

Senator Curtin asked for and was granted unanimous consent to have the following explanation of his vote on the passage of Assembly Bill No. 159 printed in the Journal:

I voted "no" on the passage of Assembly Bill No. 159 because I am of the opinion that there is no constitutional warrant for the passage of this bill in its form and provisions.

J. B. CURTIN.

Senator Wright asked for and was granted unanimous consent to have the following explanation of his vote on the passage of Assembly Bill No. 159 printed in the Journal:

I voted "no" on the passage of Assembly Bill No. 159 because I am of the opinion that there is no constitutional warrant for the passage of this bill in its form and provisions.

LEROY A. WRIGHT.

CONSIDERATION OF ASSEMBLY SPECIAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 536—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

On motion of Senator McCartney, Assembly Bill No. 536 was temporarily passed on file, to retain its place.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Senate Concurrent Resolution No. 19—Approving four certain amendments to the charter of the City of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the first day of March, one thousand nine hundred and seven—and report that the same has been correctly engrossed.

REILY, Chairman.

Senate Concurrent Resolution No. 19 ordered on file.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 677—An Act to amend Section 249 of the Penal Code, relating to punishment of libel.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 677 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Broughton, Cartwright, Hartman, Irish, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Rambo, Reily, Rolley, Savage, Weed, Welch, Willis, and Wolfe—24.

NOES—Senators Bell, Black, Boynton, Caminetti, Curtin, Kennedy, Lukens, Mattos, Miller, Rush, Sanford, Walker, and Wright—13.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 261—An Act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

Read first time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 261 refused final passage by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Broughton, Keane, Markey, McCartney, Miller, Reily, Rolley, and Rush—12.

NOES—Senators Anderson, Black, Boynton, Caminetti, Carter, Curtin, Hartman, Irish, Kennedy, Leavitt, Lynch, Mattos, McKee, Muentner, Savage, Walker, Weed, Welch, Wolfe, and Wright—20.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Wright gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 261 was this day refused final passage.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 420—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes, and for the supervision of all societies or organizations engaged in such work, and known as children's home-finding societies.

On motion of Senator Wolfe, Assembly Bill No. 420 was temporarily passed on file, to retain its place.

Assembly Bill No. 353—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents

to the counties from which their children are committed," approved March 26, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 353 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Keane, Kennedy, Leavitt, Mattos, McCartney, McKee, Muenter, Rambo, Reily, Rush, Savage, Walker, Weed, Welch, and Willis—26.
NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Caminetti gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 353 was this day finally passed.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Senate Bill No. 801—An Act establishing a Board of State Harbor Commissioners for a part of the Bay of San Francisco lying in front of the City of Oakland, to be known as the Board of State Harbor Commissioners for the City of Oakland, and defining its jurisdiction, powers, and duties—and report that the same has been correctly engrossed.

REILY, Chairman.

Senate Bill No. 801 ordered on file for third reading.

Assembly Bill No. 466—An Act to amend Section 574 of the Civil Code, relating to savings and loan corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 466 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Muenter, Rambo, Reiley, Rolley, Savage, Walker, Weed, Willis, and Wright—26.
NOES—Senators Bell and Carter—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 801, the same was taken up for consideration.

Senate Bill No. 801—An Act to provide for the improvement, protection and management of wharves, docks, piers and certain of the water front lands and premises at the City of Oakland and for the possession and control thereof, defining the limits thereof, creating a Board of State Harbor Commissioners therefor, providing for the

manner and time of their and their successors' appointment, defining their powers, jurisdiction, duties and qualifications, fixing their terms, salaries and bonds, providing for the filling of vacancies in said board, for the appointment, salaries and removal of officers and employes thereof, for the collection, deposit and disbursement of the revenues and funds arising from the carrying into effect this Act, creating the Oakland Harbor and Improvement Fund, appropriating public moneys to carry this Act into effect, defining the duties of certain State officers with reference to said board, said lands and premises, said revenues and fund, declaring and defining a misdemeanor for, and providing for the punishment as a misdemeanor of any person upon conviction of the violation of the lawful rules or regulations of said board, and giving jurisdiction to any police court of the City of Oakland in cases of such misdemeanor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 801 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Carter, Curtin, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Savage, Walker, Weed, Willis, and Wright—24.

NOES—Senator Caminetti—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Miller asked for and was granted unanimous consent to withdraw Senate Bill No. 763—An Act to amend Sections 2748, 2749, 2754, and 2771 of the Political Code, to repeal Section 2761 thereof, and to add a new section thereto, to be numbered 2771½, relating to permanent road divisions, and substitute therefor on file Assembly Bill No. 928.

Senate Bill No. 763 withdrawn and ordered stricken from the file, and Assembly Bill No. 928 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 928—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 928 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Irish, Keane, Kennedy, Leavitt, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At three o'clock and fifty-five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

CONSIDERATION OF MEMBERS' URGENCY FILE—THIRD READING OF BILLS.

Assembly Bill No. 808—An Act to amend Section 7 of an Act entitled "An Act to appropriate money for the support of orphans, half orphans and abandoned children," approved March 25, 1880, relating to the age of the children referred to therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 808 finally passed by the following vote :

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Keane, Kennedy, Markey, Mattos, Muentner, Nelson, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 665—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, relating to eminent domain and the purposes for which it may be exercised.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 665 finally passed by the following vote :

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Broughton, Carter, Keane, Leavitt, Markey, Muentner, Nelson, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, and Wright—23.

NOES—Senator Mattos—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 933—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and power plants, and the right to take material from such land for the construction of such works, and to take any waters belonging to the State for the purpose of supplying such municipalities and its inhabitants with water.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 933 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Greenwell, Leavitt, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, Wolfe, and Wright—28.

NOES—Senator Caminetti—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 793—An Act to authorize the United States of America to sue the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 793 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Greenwell, Hartman, Kennedy, Leavitt, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 311—An Act to amend Section 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 311 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Greenwell, Keane, Kennedy, Mattos, McCartney, McKee, Muentner, Nelson, Rely, Rolley, Rush, Savage, Walker, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 651—An Act to amend Section 2580 of the Political Code of the State of California, relating to the powers of the State Board of Harbor Commissioners for the Bay of San Diego.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 651 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Cartwright, Greenwell, Keane, Kennedy, Leavitt, Markey, Mattos, Muentner, Rambo, Rely, Rolley, Rush, Savage, Walker, Weed, Welch, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

On motion of Senator Belshaw, the second-reading file was taken up for consideration.

Senate Bill No. 940—An Act to authorize, empower, and direct the Governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting and recovering the claims of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 166—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, relating to the Commissioner for the Bureau of Labor Statistics, the compensation of the said Commissioner, his deputy, his agents, and assistants, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 539—An Act making an appropriation of \$915 to pay the claim of Southern Construction Company for the grading of Campus Avenue at the State Normal School, San Diego, California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 885—An Act making an appropriation for the purchase and installment of improved materials and machinery, and improvements for the State Printing Office and bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 657—An Act authorizing the State Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 460—An Act to amend Section 1662 of the Political Code, fixing the age at which children may be admitted to primary schools.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 6, strike out the word "twelve," and insert in lieu thereof the following: "ten."

Amendment adopted.

Also:

On page 1, Section 1, line 14, insert after the word "Mongolian," a comma (",").

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the word "Sec."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 809—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, known as county sheep inspector and assistant county sheep inspector, and their compensation, and providing for prosecution and punishment under the same, and to suppress and prevent dissemination of scab, scabies, and all other infectious or contagious diseases among sheep.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 809 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Greenwell, Keane, Leavitt, Markey, Mattos, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Savage, Walker, Weed, Welch, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 871—An Act providing for the inspection of sheep, the appointment of a board of sheep commissioners, and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same.

WITHDRAWAL OF BILL.

Senator Rolley asked for and was granted unanimous consent to withdraw Committee Substitute for Senate Bill No. 871.

Committee Substitute for Senate Bill No. 871 withdrawn and ordered stricken from the file.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No 512.—An Act to add a new section to the Civil Code of the State of California, to be known and numbered as Section 633, relating to corporations that furnish light and power for public use.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 512 refused passage by the following vote:

AYES—Senators Caminetti, Hartman, Markey, Reily, Rush, Walker, and Welch—7.

NOES—Senators Anderson, Bates, Bell, Belshaw, Boynton, Broughton, Cartwright, Curtin, Greenwell, Keane, Kennedy, Mattos, Miller, Muentner, Nelson, Price, Rolley, Savage, Weed, Wolfe, and Wright—21.

Senate Bill No. 884—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, and amended March 2, 1903, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 884 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Muentner, Nelson, Price, Rambo, Savage, Walker, Weed, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At four o'clock and forty minutes P. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 816—An Act to define the term "caucus"; to declare the holding of a caucus unlawful; to provide for the calling and assembling of a free caucus by a member of certain legislative bodies in the State of California, and to declare violations of the provisions of this Act a misdemeanor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 816 refused passage by the following vote:

AYES—Senators Bell, Caminetti, and Cartwright—3.

NOES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Curtin, Greenwell, Keane, Kennedy, Markey, Mattos, Nelson, Price, Rambo, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—23.

Senate Bill No. 624—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said mining bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction and supervision of the Board of Trustees of the State Mining Bureau." approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 624 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Mattos, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 293—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 293 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, Muentner, Nelson, Price, Rambo, Rolley, Rush, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON INSURANCE AND INSURANCE LAWS.

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 852—An Act relating to life, health and accident insurance of live stock on the assessment plan and the conduct of the business of such insurance—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEAVITT, Chairman.

Assembly Bill No. 852 ordered on Assembly special file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 822—An Act to classify the roads in the State of California, and to define each class.

Also: Assembly Bill No. 1021—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

MATTOS, Chairman.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Mattos asked for and was granted unanimous consent to have Assembly Bill No. 822 taken up for consideration.

Assembly Bill No. 822—An Act to classify the roads in the State of California, and to define each class.

During second reading of bill, the following amendment was submitted by committee:

On page 2, Section 7, strike out all of Section 7.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Mattos, the Secretary was directed to issue a rush order for printing Assembly Bill No. 822.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Mattos asked for and was granted unanimous consent to have Assembly Bill No. 1021 taken up for the purpose of amendment.

Assembly Bill No. 1021—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

During second reading of bill, the following amendments were submitted by committee:

Strike out of Article I the words "of county roads," and insert in lieu thereof the following: "main county highways."

Amendment adopted.

Also:

Amend Section 1 by striking out all of lines 1, 2, and 3, and inserting in lieu thereof the following:

"SECTION 1. Upon a petition of one half of the qualified electors of a county being presented to the Board of Supervisors they may adopt a."

Amendment adopted.

Also:

On line 27, Section 7, page 5, strike out the words "superintendent of roads," and insert in lieu thereof the following: "county road superintendent."

Amendment adopted.

Also:

Amend Section 7, lines 40, 41, and 42, by striking out: "The county road superintendent shall superintend all work on county or district roads."

Amendment adopted.

Also:

Amend Section 6, line 8, to read "until all main highways," striking out "county roads."

Amendment adopted.

Also:

Amend Section 13, line 22, by adding the word "a" after the word "of."

Amendment adopted.

Also:

Amend Section 18 by striking out all of lines 1 and 2, and inserting in lieu thereof the following:

Sec. 18. The district assembly may vote money not exceeding fifty cents on the one hundred dollars of assessed valuation in any one fiscal year, for any

Amendment adopted.

Also:

Section 28, line 4, strike out the words "unincorporated cities or."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Mattos, the Secretary was directed to issue a rush order for printing Assembly Bill No. 1021.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Willis:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session, without the consent of two thirds of the members thereof, be complied with, and that Senator Willis be and is hereby permitted to introduce a bill to be numbered 943.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Irish, Keane, Leavitt, Lynch, Markey, Mattos, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Willis, Wolfe, and Wright—28.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Willis: Senate Bill No. 943—An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, to sell and convey a strip or parcel of land situate in San Bernardino County, in the State of California, and belonging to said State, to the San Bernardino Valley Traction Company for the purposes of a right of way for an electric railroad thereon.

Bill read first time, and referred to Committee on Judiciary.

RUSH ORDER TO PRINTER.

On motion of Senator Willis, the Secretary was directed to issue a rush order for printing Senate Bill No. 943.

RECESS.

At four o'clock and fifty-five minutes P. M., on motion of Senator Mattos, the President pro tem. declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 937—An Act authorizing and empowering the State Board of Harbor Commissioners to construct artesian wells along the water front in the City and County of San Francisco, and appropriating \$25,000 therefor.

Also: Assembly Bill No. 877—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Also: Assembly Bill No. 924—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the California State Board of Pharmacy for the remainder of the fifty-eighth, and for the fifty-ninth and sixtieth fiscal years.

Also: Assembly Concurrent Resolution No. 19—Relative to adjournment sine die. Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BELSHAW, Chairman.

Senate Bill No. 937 ordered on file for second reading.

Assembly Bills Nos. 877 and 924 ordered on Assembly special file for second reading.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Mattos asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 19 taken up for consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 19.

Relative to adjournment sine die.

Resolved by the Assembly, the Senate concurring. That the thirty-seventh session of the Legislature adjourn sine die at twelve o'clock meridian, Tuesday, March 12, 1907.

Assembly Concurrent Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 19 adopted by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Keane, Mattos, McCartney, McKee, Nelson, Price, Rambo, Reilly, Rolley, Rush, Savage, Walker, Welch, and Willis—23.

NOES—None.

Assembly Concurrent Resolution ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator McCartney asked for and was granted unanimous consent to have Senate Bill No. 741 taken up for the purpose of amendment.

Committee Substitute for Senate Bill No. 741—An Act to amend Section 3788 of the Political Code, relating to sale of public lands and delinquent taxes due on assessment thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

In title, page 1, line 2, after the word "code," insert the following: "Enacted March 28, 1895; and to repeal section three thousand seven hundred eighty-eight of the Political Code, as amended February 25, 1895."

Also: Strike out of section 2, page 2, line one, the word "all," and after the figure "2" insert the following: "Section three thousand seven hundred eighty-eight of the Political Code, enacted February 25, 1895, and all."

Also: In Section 1, page 1, line 2, insert after the word "Code" the words "enacted March 28, 1895."

Also: On page 1, Section 1, line 14, before the word "but" and after the word "Surveyor-General" insert the following:

"*Provided, however,* that if at the time such deed is filed with the Surveyor-General there is pending in the Superior Court of the county in which the land is situated a contest for the purchase of such State lands, then the contestant in such contest shall have the preferred right for four months after deed is filed to purchase such land, or, if there is more than one contest pending, then the contestant who has first made application to purchase such land on the ground that he is an actual settler, and that the land is suitable for cultivation, shall have such prior right to purchase such land, and his application on file in the Surveyor-General's office shall be renewed and considered for such purpose; and *provided further,* that if such contestant be contesting on the ground that he is an actual settler on such land, and that the land is suitable for cultivation, and it shall appear to the Surveyor-General, by affidavit of the contestant, that such contestant has resided on such land for the period of one year or more since the filing of his application for purchase, then and in that case, upon payment by such contestant and applicant of the sum or sums hereinafter mentioned, together with the whole of the purchase price and also the interest then due on the certificate of purchase issued to the contestee, the Register of the State Land Office shall issue to such contestant a certificate of purchase, and upon surrender of the certificate of purchase by the person entitled to the same, a patent for such land shall be issued to him, as provided in Sections 3519 and 3520 of this Code."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 741, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELSHAW, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 166—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a bureau of labor statistics," approved March 3, 1883, relating to the Commissioner for the Bureau of Labor Statistics, the compensation of said commissioner, his deputy, his agents, and assistants, and making an appropriation therefor.

Also: Senate Bill No. 539—An Act making an appropriation of \$915 00 to pay the claim of Southern Construction Company for the grading of Campus Avenue at the State Normal School, San Diego, California.

Also: Senate Bill No. 885—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Also: Senate Bill No. 657—An Act authorizing the State Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

Also: Committee Substitute for Senate Bill No. 699—An Act making an appropriation to the State Agricultural Society to encourage agricultural exhibits and fairs in the State of California.

Also: Senate Concurrent Resolution No. 3—Resolution relative to the appointment of committees to investigate and report upon the condition of the harbors of the State.

Also: Senate Bill No. 843—An Act to amend Sections 6 and 7 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, so as to provide for the payment of services of county auditor, county tax collector, and county treasurer.

Also: Senate Bill No. 940—An Act to authorize, empower, and direct the Governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting and recovering the claims of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 166, 539, 885, 657, 843, and 940 ordered on file for third reading.

Committee Substitute for Senate Bill No. 699 ordered on third-reading file.

Senate Concurrent Resolution No. 3 ordered on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to have Senate Bill No. 943 taken up for consideration.

Senate Bill No. 943—An Act to amend Sections 6 and 7 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, so as to provide for the payment of services of county auditor, county tax collector, and county treasurer.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 943 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Markey, Mattos, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Welch, and Willis—22.

NOES—Senator Walker—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY CODE-REVISION SPECIAL FILE—THIRD READING OF BILLS.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the Assembly code-revision file, the same was taken up for consideration.

Assembly Bill No. 181—An Act to amend Sections 1328 and 1329 of the Code of Civil Procedure, both relating to the contesting of wills after probate.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 181 finally passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 272—An Act to amend Sections 1518, 1522, 1524, 1537, 1543, 1544, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, all relating to the sale of the property of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 272 finally passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 178—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1350a, all relating to letters testamentary and of administration with the will annexed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 178 finally passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, and Willis—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 180—An Act to amend Sections 1371, 1379, and 1383 of the Code of Civil Procedure, all relating to letters of administration.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 180 finally passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, and Willis—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 182—An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 182 finally passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, and Willis—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 183—An Act to amend Section 1300 of the Code of Civil Procedure, relating to proceedings for the probate of wills.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 183 finally passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, and Willis—22.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 186—An Act to amend Sections 1228, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 186 finally passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, and Willis—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 825—An Act to define the duties of and to license land surveyors, and to repeal an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Also: Senate Bill No. 867—An Act to amend the Penal Code by adding thereto a new section, to be numbered Section 515, relating to embezzlement by a co-owner or co-partner. And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 825 and 867 ordered on file for third reading.

THIRD READING OF ASSEMBLY CODE-REVISION BILLS—(RESUMED).

Assembly Bill No. 188—An Act to repeal Chapter III, of Title IV, of Part III, of the Code of Civil Procedure, and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said Code, relating to liens for salaries and wages.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 188 finally passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, and Willis—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 191—An Act to amend Section 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 191 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, and Willis—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 192—An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 192 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, and Willis—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 193—An Act to amend Sections 1431 and 1432 of the Code of Civil Procedure, both relating to transfers of administrations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 193 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, and Willis—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 195—An Act to amend Section 1445 of the Code of Civil Procedure, relating to the inventory and appraisement of the estates of decedents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 195 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, and Willis—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 189—An Act to amend Sections 1166 and 1167 of the Code of Civil Procedure, and to repeal Section 1175 thereof, all relating to summary proceedings for obtaining possession of real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 189 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, and Willis—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 194—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 194 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, and Willis—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 198—An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 198 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, and Willis—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 199—An Act to amend Sections 1466 and 1468 of the Code of Civil Procedure, both relating to provisions for the support of the families of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 199 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, and Willis—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 200—An Act to add a new section to the Code of Civil Procedure, to be numbered 1471, relating to the setting apart of homesteads, and of other property exempt from execution, belonging to estates of decedents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 200 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, and Willis—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 197—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collection of deposits made by deceased persons in savings banks.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 197 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, and Willis—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 187—An Act to amend Sections 1209 and 1210 of the Code of Civil Procedure, both relating to contempts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 187 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 202—An Act to amend Sections 1497, 1498, 1502, 1503, 1504, and 1505 of the Code of Civil Procedure, to repeal Section 1509 thereof, and to add a new section thereto, to be numbered 1501a, all relating to claims against the estates of decedents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 202 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 274—An Act to amend Section 1591 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1592, both relating to the management of the estates of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 274 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 384—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 384 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 605—An Act to add a new section to the Political Code, to be known as Section 35 thereof, relating to the conveying to the United States of State lands covered by navigable waters.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 605 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Weed, and Willis—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 606—An Act to repeal Article XIII, of Chapter III, of Part III, of the Political Code, relating to State Geologist.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 606 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 609—An Act to amend Section 364 of the Political Code, relating to the Board of Examiners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 609 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 610—An Act to repeal Section 367 of the Political Code, relating to State prisons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 610 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 612—An Act to repeal Section 349 of the Political Code, relating to State Printer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 612 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 668—An Act to amend Section 2349 of the Political Code, and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 668 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 705—An Act to repeal Section 312 of the Civil Code, as approved March 12, 1905, and to amend Section 312 of said code, as approved March 22, 1905, both relating to elections by stockholders or members in corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 705 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 706—An Act to repeal Section 421 of the Civil Code, as approved March 3, 1905, relating to the investment of the capital and accumulations of corporations organized for the transaction of business in any kind of insurance.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 706 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 757—An Act to amend Section 323 of the Civil Code, relating to the contents of certificates of stock of corporations for profit.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 757 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 758—An Act to amend Section 290 of the Civil Code, relating to the contents of articles of incorporation of corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 758 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 604—An Act to repeal Section 11 of the Political Code, relating to holidays.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 604 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 474—An Act to amend Sections 2787, 2789, and 2802 of the Political Code, relating to the construction of toll roads.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 474 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 190—An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 190 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 184—An Act to repeal Title VIII, of Part III, of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said Code, relating to escheated estates.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 184 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 196—An Act to amend Section 1452 of the Code of Civil Procedure, relating to the possession of the property of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 196 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 275—An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 275 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Welch—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 276—An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 276 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 277—An Act to amend Sections 1622 and 1636 of the Code of Civil Procedure, and to repeal Sections 1623, 1624, 1625, and 1640 thereof, all relating to accounts of executors and administrators and the settlement of such accounts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 277 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 279—An Act to amend Sections 1658, 1660, 1661, 1665, 1668, and 1669, and to repeal Section 1663 of the Code of Civil Procedure, all relating to the distribution of estates of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 279 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 288—An Act to amend Section 2012 of the Code of Civil Procedure, relating to affidavits.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 288 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 291—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 291 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 427—An Act to amend Section 954 of the Code of Civil Procedure, relating to the dismissal of appeals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 427 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 273—An Act to amend Sections 1582, 1583, 1584, 1587, and 1589 of the Code of Civil Procedure, all relating to actions by or against executors or administrators.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 273 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 278—An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 278 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 280—An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of estates of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 280 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 282—An Act to repeal Sections 1733 and 1734, and to amend Section 1737 of the Code of Civil Procedure, all relating to public administrators.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 282 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 283—An Act to amend Sections 1750, 1753, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807, and 1809 of the Code of Civil Procedure, to repeal Sections 1752 and 1774 thereof, and to add a new section thereto, to be numbered 1760, all relating to guardians.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 283 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 284—An Act to repeal Title XIII, of Part III, of the Code of Civil Procedure, and to substitute a new Title XIII to take the place thereof in said Code, relating to estates of missing persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 284 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 289—An Act to amend Sections 2043 and 2054 of the Code of Civil Procedure, both relating to the examination of witnesses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 289 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 290—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 290 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 759—An Act to amend Sections 227, 228, and 229 of the Political Code, and to repeal Section 230 thereof, relating to the election of members of the Legislature.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 759 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 782—An Act to amend Section 1499 of the Code of Civil Procedure of the State of California, relating to claims against the estates of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 782 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 816—An Act to amend Section 1232 of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 816 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 817—An Act to amend Section 3198 of the Political Code, relating to the recording of trademarks.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 817 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 818—An Act to amend Section 1279 of the Code of Civil Procedure, relating to the filing in the office of the Secretary of State of a certified copy of a decree of court changing the name of a person or corporation.

Read third time.

The question being on the passage of bill.

The roll was called, and Assembly Bill No. 818 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 819—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 819 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 607—An Act to add two new sections to the Political Code, to be known as Sections 444 and 461 thereof, both relating to the General Fund.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 607 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 608—An Act to add a new section to the Political Code, to be known as Section 4653a thereof, relating to donations to the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 608 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 611—An Act to amend Section 501 of the Political Code, relating to fees to be collected by the Register of the State Land Office.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 611 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 613—An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 613 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 287—An Act to amend Sections 2006, 2024, 2025, 2026, 2036, and 2037 of the Code of Civil Procedure, to repeal Sections 2023 and 2034 thereof, and to add two new sections thereto, to be numbered 2022 and 2023, all relating to depositions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 287 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 781—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, to the increase or diminution of their capital stock, and to the creation or increase of bonded indebtedness of corporations, including the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 781 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 883—An Act to amend Sections 405 and 408 of the Civil Code, relating to corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 883 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 426—An Act to amend Section 593 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 426 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 618—An Act to amend Section 1192 of the Code of Civil Procedure, relative to the liens of mechanics, miners, and others, upon real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 618 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 669—An Act to repeal Title I of Part II of the Political Code and to substitute therefor a new title, to be known as Title I of Part II of said Code, relating to the chief political divisions of the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 669 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Markey, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY CODE-REVISION BILL.

Assembly Bill No. 473—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 3, strike out the word "own," and insert in lieu thereof the following: "hold or are in possession of."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Price asked for and was granted unanimous consent to have Senate Bill No. 825 taken up for consideration.

Senate Bill No. 825—An Act to define the duties of and to license land surveyors and to repeal an Act entitled "An Act to define the duties of and to license land surveyors," approved March 21, 1891.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 825 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Boynton, Caminetti, Cartwright, Greenwell, Keane, Mattos, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, and Willis—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Mattos, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns to your honorable body Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads and regulating the hours of employment thereof.

Also: Senate Bill No. 784—An Act to amend the Civil Code by adding a new title thereto to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, 1426q, and 1426r, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims and prescribing the duties of county recorders, respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement and drainage of mines within the State of California," approved March 11, 1891.

Also: Senate Bill No. 199—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert.

Also: Senate Bill No. 200—An Act to repeal Section 645 of the Penal Code, relating to harboring deserting seamen.

Also: Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, seawall, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 390—An Act amendatory of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensations of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, by amending Section 29 thereof, and making an appropriation of \$25,000 to carry out the purposes of said Act.

Also: Senate Bill No. 65—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriation for the same.

Also: Assembly Bill No. 333—An Act to amend Section 632 of the Penal Code of the State of California, relating to buying, selling, or taking of steelheads.

Also: Assembly Bill No. 843—An Act to amend Section 920 of the Penal Code of the State of California, by providing that upon application by the defendant the grand jury is bound to hear evidence on his behalf.

Also: Assembly Bill No. 868—An Act to amend Section 1578 of the Code of Civil Procedure, specifying the property which may be taken under the law of eminent domain, and authorizing proceedings therefor.

Also: Read and adopted Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education.

Also: Senate Concurrent Resolution No. 16—Relative to the consent of the Legislature to the absence of Hon. Warren R. Porter, Lieutenant-Governor of the State of California, for more than sixty (60) days.

Also: Senate Concurrent Resolution No. 17—Relative to the consent of the Legislature to the absence of His Excellency, Hon. James N. Gillett, Governor of the State of California, for more than sixty (60) days.

Also: Senate Concurrent Resolution No. 19—Approving four certain amendments to the Charter of the City of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the first day of March, one thousand nine hundred and seven.

Also: Concurred in Senate amendments to Assembly Bill No. 616—An Act to add a new section to an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, for municipal improvements, and regulating the acquisition, construction or completion thereof," which became a law February 25, 1901, relating to the incurring of indebtedness by cities, towns, and municipal corporations, for municipal improvements, to be known as Section 1212, and providing for the validation of proceedings taken by cities, towns, and municipal corporations, for the incurring of indebtedness for the purpose of acquiring, constructing, completing or repairing any wharf or wharves, and making valid any such indebtedness incurred or any bond which has been or may be issued in pursuance of any such proceedings.

Also: Assembly Bill No. 812—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes, approved March 31, 1897, the Act or Acts supplemental or amendatory thereof, or the Act or Acts of which said Act is supplemental or amendatory; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of the said Act or Acts."

Also: Assembly Bill No. 702—An Act to promote the safety of employes and travelers upon railroads by limiting the number of hours of service of employes thereon, and to provide a penalty for the violation thereof.

Also: Assembly Bill No. 636—An Act to amend Section No. 266 of the Political Code of California, relating to mileage of members of the Legislature.

Also: Assembly Bill No. 640—An Act to add a new section to the Political Code, to be numbered Section 2235a, and relating to supplying the State Library with State publications for exchange purposes.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bills Nos. 396, 491, 784, 199, 200, 461, 390, and 65 ordered to enrollment.

Assembly Bill No. 333 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 843 and 868 read first time, and ordered on file without reference to committee.

Assembly Constitutional Amendment No. 24 ordered on file.

Senate Concurrent Resolutions Nos. 16, 17, and 19 ordered to enrollment.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 6, 1907.

To the Senate of the State of California:

I return herewith my approval of Senate Bill No. 850 providing for the removal of the seat of government from Sacramento to Berkeley.

I am constrained to sign this bill because of the very large and overwhelming vote received by it in both Houses, and because I believe that the amending of our Constitution in any particular should be decided by the members of the Legislature, and by the people themselves voting directly thereon, and not by the Governor.

The people have the right to decide, under the Constitution, where the seat of government shall be, and when their representatives in the Legislature, by a two-thirds vote, as required by the Constitution, move to have the seat of government changed, either by a bill or resolution, then it seems to me that there is only one course for the Executive to pursue, and that is to give the bill his approval, and let the matter go directly to the people for their decision, no matter what his personal views may be.

In passing on the question of removing the seat of government from the City of Sacramento to Berkeley, I trust that none but fair and legitimate arguments will be used, and that nothing will be said or done that can in any sense tend to injure the great Sacramento Valley, which is destined to be one of the most populous and prosperous parts of our State, and a section that all California will be proud of.

J. N. GILLET,
Governor of California.

MOTION TO RECONSIDER POSTPONED, AND SPECIAL ORDER SET.

In compliance with his notice given on previous day, Senator Reily moved that the vote whereby Assembly Bill No. 934—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering—was finally passed be now reconsidered.

The motion was duly seconded.

Senator Reily moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 934 was finally passed be postponed and made a special order for Thursday, March 7, 1907, at two o'clock P. M.

Motion carried.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Willis asked for and was granted unanimous consent to have Senate Bill No. 867 taken up for consideration.

Senate Bill No. 867—An Act to amend the Penal Code by adding thereto a new section, to be numbered Section 515, relating to embezzlement by co-owner or co-partner.

Read third time.

The question being on the passage of the bill.

The bill was called, and Senate Bill No. 867 passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Mattos, McCartney, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 572—An Act to create a preserve for shellfish and invertebrate animals within a portion of the Bay of Monterey, and to prohibit taking the same from such preserves for commercial purposes.

Also: Assembly Bill No. 452—An Act to amend Sections 626, 626a, 626d, 626g, 626j, 627b, and 637a of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637b, all relating to the protection and preservation of game and fish.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 276—An Act to amend Section 632 of the Penal Code of the State of California, relating to buying, selling, or taking of steelheads—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WELCH, Chairman.

Assembly Bills Nos. 572 and 452 ordered on Assembly special file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Rolley asked for and was granted unanimous consent to have Senate Bill No. 276 taken up for consideration.

Senate Bill No. 276—An Act to amend Section 632 of the Penal Code of the State of California, relating to buying, selling, or taking of steelheads.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, line 8, after the semicolon insert the following: "or who between the first day of November and the first day of April of the year following, takes, kills, or catches any steelhead trout above tidewater; or who between the seventeenth day of September and the twenty-third day of October of each year, takes, catches, or kills, buys, sells, offers, or exposes for sale, or has in his possession any steelhead trout."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 831—An Act fixing the price, terms, and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment for offenses under the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 831 finally passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Kennedy, Mattos, McCartney, McKee, Muenter, Nelson, Price, Rambo, Reily, Rolley, Rush, Walker, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 842—An Act to amend Section 1668 of the Political Code of the State of California, relating to physical culture and exercise in public schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 842 finally passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Kennedy, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 601—An Act to amend Section 1050 of the Code of Civil Procedure.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 601 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Kennedy, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Willis, Wolfe, and Wright—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 799—An Act to establish the payment of weekly wages to certain employes, and providing a penalty for a violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 799 refused passage by the following vote:

AYES—Senators Bell, Caminetti, Hartman, Keane, Kennedy, McCartney, Nelson, Reily, Rush, Sanford, Savage, Welch, and Wolfe—13.
NOES—Senators Anderson, Belshaw, Boynton, Broughton, Greenwell, Muentner, Rambo, Walker, Weed, Willis, and Wright—11.

NOTICE OF MOTION TO RECONSIDER.

Senator Belshaw gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 799 was this day refused passage.

ADJOURNMENT.

At ten o'clock and fifteen minutes P. M., on motion of Senator Mattos, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, March 7, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentzer, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

APPROVAL OF JOURNAL.

The Journal of Monday, March 4, 1907, having been corrected, was read and approved.

READING OF JOURNAL.

During the reading of the Journal of Wednesday, March 6, 1907, the further reading was dispensed with, on motion of Senator Mattos.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day requests that you return to the Assembly for further consideration Assembly Bill No. 843—An Act to amend Section 920 of the Penal Code of the State of California, by providing that upon application by the defendant the grand jury is bound to hear evidence on his behalf.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

On motion of Senator Belshaw, Assembly Bill No. 843 ordered transmitted to the Assembly, in accordance with the above message.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Senate Bill No. 929—An Act to amend Section 5 of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Assembly Bill No. 620—An Act to add a new section to the Penal Code of the State of California, to be numbered 317a, relating to advertising to procure abortions.

Also: Assembly Bill No. 499—An Act making an appropriation to carry out the provisions of Section 2979a of the Political Code of the State of California.

Also: Assembly Bill No. 983—An Act affecting the duties of county auditors throughout the State of California.

Also: Assembly Bill No. 698—An Act to add a new section to the Penal Code of the State of California, to be known as Section 401b, relating to exits in buildings used for public assemblages.

Also: Assembly Bill No. 1026—An Act providing for the indexing and preservation of certain books, maps, papers, and documents in the office of the Surveyor-General, and making an appropriation therefor.

Also: Amended and passed as amended Senate Bill No. 628—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Also: Senate Bill No. 114—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Also: Senate Bill No. 281—An Act making an appropriation of three thousand five hundred dollars to be used by the Board of Trustees of the Whittier State School, Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same.

Also: Senate Bill No. 662—An Act to provide for the erection on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward and for the treatment of acute cases by hydrotherapy and electricity.

CLIO LLOYD, Chief Clerk of the Assembly.

By T. G. WALKER, Assistant Clerk.

Senate Bill No. 929 ordered to enrollment.

Assembly Bills Nos. 620, 698, and 1026 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 499 read first time, and referred to Committee on Finance.

Assembly Bill No. 983 read first time, and referred to Committee on County Government.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 628?"

Amend by striking out of line 18, second page, printed bill, the figures "1887," and inserting in lieu thereof the figures "1897."

The roll was called, and the Assembly amendment to Senate Bill No. 628 concurred in by the following vote:

AYES—Senators Anderson, Belshaw, Boynton, Caminetti, Curtin, Greenwell, Keane, Leavitt, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, and Wolfe—24.

NOES—None.

Senate Bill No. 628 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 662?"

Amend by striking out the figures "78," Section 1, on line 3, first page, printed bill, and inserting in lieu thereof the following: "65."

The roll was called, and the Assembly amendment to Senate Bill No. 662 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Belshaw, Boynton, Caminetti, Curtin, Greenwell, Leavitt, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, and Wolfe—24.

NOES—None.

Senate Bill No. 662 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully concurred in Senate Amendments Nos. 1, 2, 4, 5, 7, 8, 10, 12, 13, 14, 15, 17, 19, 20, 21, 23, 24, 25, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 64, 65, 66, 67, to Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years.

Also: Refused to concur in Senate Amendments Nos. 3, 6, 9, 11, 16, 18, 22, 26, 28, 38, 39, 48, 54, 62, 63, to Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years.

And request that your honorable body recede therefrom, and that in case of non-receding the Assembly has appointed Assemblymen Estudillo, Held, and McClellan as a Committee on Conference on behalf of the Assembly to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate recede from the following Senate amendments to Assembly Bill No. 975?"

On page 21, insert after line 680, the following: "For support of the State Bureau of Criminal Identification, six thousand dollars."

Also: On page 3, line 60, of printed bill, strike out the word "thirty-five," and insert in lieu thereof the word "fifty."

Also: On page 4, after line 108, insert the following: "For salary of expert to Board of Examiners, four thousand eight hundred dollars."

Also: On page 4, after line 117, insert the following: "For purchase from the Federal Government of photo-lithograph copies of topographical sheets gotten out under State and Government cooperation, to be sold at cost by the State, four thousand dollars."

Also: On page 5, after line 162, insert the following: "For repairs to Capitol building and furniture, exempt from Section 4 of this Act, five thousand dollars."

"For purchase of carpets and furniture, exempt from Section 4 of this Act, twelve thousand dollars."

Also: On page 6, line 179, strike out the word "five," and insert in lieu thereof the word "twelve."

Also: On page 9, line 286, strike out the word "twelve," and insert in lieu thereof the word "fifteen."

Also: On page 10, line 325, strike out the word "four," and insert in lieu thereof the word "six."

Also: On page 11, lines 340 and 341, strike out the words "two thousand five hundred," and insert in lieu thereof the words "five thousand."

Also: On page 13, line 438, strike out the word "thirty-five," and insert in lieu thereof the word "forty."

Also: On page 13, line 441, strike out the words "two thousand five hundred," and insert in lieu thereof the words "five thousand."

Also: On page 15, line 501, strike out the words "seven thousand nine hundred and twenty," and insert in lieu thereof the words "ten thousand eight hundred."

Also: On page 17, line 544b, strike out the word "six," and insert in lieu thereof the word "twelve."

Also: On page 19, line 633, strike out the words "twenty-five," and insert in lieu thereof the word "forty."

Also: On page 19, line 637, strike out the word "one," and insert in lieu thereof the word "two."

The roll was called, and the Senate refused to recede from the above Senate amendments to Assembly Bill No. 975, by the following vote:

AYES—None.

NOES—Senators Bates, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Mattos, McCartney, McKee, Miller, Muenter, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, and Wolfe—30.

COMMITTEE ON CONFERENCE.

Senator Belshaw moved that a committee on conference be appointed, to meet a similar committee of the Assembly, on Assembly Bill No. 975.
Motion carried.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President announced that he had appointed Senators Belshaw, Wolfe, and Keane as a Committee on Conference on Assembly Bill No. 975.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate Amendment No. 1 to Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School," by amending Sections 8, 11, 16, 17, 18, and 20 thereof, and by adding a new section thereto, to be numbered Section 13½, providing for the appointment, duties, and compensation of a secretary of said school.

Also: Refused to concur in Senate Amendment No. 2 to Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School," by amending Sections 8, 11, 16, 17, 18, and 20 thereof, and by adding a new section thereto, to be numbered Section 13½, pro-

viding for the appointment, duties, and compensation of a secretary of said school—and requests that your honorable body recede therefrom, and that in case of non-receding the Assembly has appointed Assemblymen Leeds, Lynch, and Bishop as a Committee on Conference on behalf of the Assembly to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate recede from the following amendment to Assembly Bill No. 628?"

On line 10, Section 1, page 1, printed bill, add: "The said trustees shall receive ten dollars per day each for their attendance upon meetings of the board, and while in the actual service of the State, and their necessary traveling expenses, to be paid as other current expenses of the school are paid; *provided*, that no trustee shall receive more than two hundred and forty dollars, exclusive of traveling expenses, in any one year."

The roll was called, and the Senate receded from its amendment to Assembly Bill No. 628 by the following vote:

AYES—Senators Anderson, Bates, Belshaw, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Leavitt, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Walker, Willis, and Wolfe—22.
NOES—None.

Assembly Bill No. 628 ordered transmitted to the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 825—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, schools, and other State institutions for the remainder of the fifty-eighth fiscal year—and requests that your honorable body recede therefrom, and that in case of non-receding the Assembly has appointed Assemblymen Held, Jury, and Finney as a Committee on Conference on behalf of the Assembly to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate recede from the following Senate amendments to Assembly Bill No. 825?"

On page 2, line 22 of the printed bill, strike out the word "five," and insert in lieu thereof the word "twelve."

Also: Strike out the figures "500.00," on said line 22, page 1 of the printed bill, and insert in lieu thereof the figures "1,200.00."

Also: Amend by adding after Section 1, page 2 of the printed bill, the words "Bank Commissioners, two thousand dollars," and the figures "2,000.00" in parenthesis.

Also: On page 2 of printed bill, between lines 14 and 15 thereof, insert the following: "Board of Equalization, printing annotated revenue laws, five hundred dollars (500)."

Also: Amend Section 1 of the printed bill by striking out the words "eleven thousand nine hundred," in line 1, and insert in lieu thereof the words "fifteen thousand one hundred."

The roll was called, and the Senate refused to recede from the above Senate amendments to Assembly Bill No. 825, by the following vote:

AYES—None.

NOES—Senators Anderson, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Greenwell, Hartman, Keane, Leavitt, Mattos, McCartney, Miller, Muentner, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Willis—25.

COMMITTEE ON CONFERENCE.

Senator Belshaw moved that a committee on conference be appointed, to meet a similar committee of the Assembly, on Assembly Bill No. 825.
Motion carried.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President announced that he had appointed Senators Belshaw, Leavitt, and Savage as a Committee on Conference on Assembly Bill No. 825.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 659—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Also: Assembly Bill No. 907—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Section 34 of said Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 690—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SAVAGE, Chairman.

Assembly Bills Nos. 650, 907, and 699 ordered on Assembly special file for second reading.

ON PUBLIC HEALTH AND QUARANTINE

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 826—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McKEE, Chairman.

Assembly Bill No. 826 ordered on Assembly special file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 404—An Act entitled an Act to prevent the holding of title to real property for a longer term than five years, unless the grantor shall become a citizen of the United States, or declare his intention to become such citizen; also preventing the holding of title by lease or devise for a longer time than one year by an alien.

Also: Senate Bill No. 879—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time, and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

Also: Senate Bill No. 935—An Act providing the conditions upon which maps outlining the subdivisions of tracts or lots of land for residence or other purposes shall be recorded in the office of the county recorder.

Also: Senate Bill No. 310—An Act to amend Sections 204, 205, 206, and 241 of the Code of Civil Procedure, relating to jurors for courts of record.

Also: Senate Bill No. 311—An Act to amend Section 230 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 248, both relating to jurors.

Also: Senate Bill No. 735—An Act to amend Section 230 of the Civil Code, relating to articles of incorporation.

Also: Senate Bill No. 941—An Act to amend Section 2713 of the Political Code, relating to construction and repair of bridges to be let out by contract.

Also: Senate Bill No. 943—An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, to sell and convey a strip or parcel of land situate in San Bernardino County, in the State of California, and belonging to said State, to the San Bernardino Valley Traction Company for the purposes of a right of way for an electric railroad thereon.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 776—An Act to amend Section 1468 of the Code of Civil Procedure, relating to property set apart to family of decedent, and apportionment thereof between surviving spouse and children.

Also: Senate Bill No. 777—An Act to amend Section 1465 of the Code of Civil Procedure, relating to property set apart to family of decedent, and apportionment thereof between surviving spouse and children.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 1019—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Mines and Mining.

WOLFE, Chairman pro tem.

Assembly Bill No. 404 ordered on Assembly special file for second reading.

Senate Bills Nos. 879, 935, 310, 311, 735, 776, and 777 ordered on file for second reading.

Assembly Bill No. 1019 referred to Committee on Mines and Mining.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to have Senate Bills Nos. 941 and 943 taken up for immediate consideration.

Senate Bill No. 941—An Act to amend Section 2713 of the Political Code, relating to construction and repair of bridges to be let out by contract.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 943—An Act to empower the Board of Managers of the Southern California State Hospital to sell a right of way for an electric railroad.

Bill read second time, considered engrossed, and ordered on file for third reading.

RESOLUTIONS.

The following resolutions were offered:

By Senator Belshaw:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session, without the consent of two thirds of the members thereof, be complied with, and that Senator Belshaw be and is hereby permitted to introduce a joint resolution, to be numbered 12, and a bill to be numbered 944.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Caminetti, Greenwell, Hartman, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, and Wolfe—29.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL, ETC.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill and joint resolution were introduced:

By Senator Belshaw: Senate Bill No. 944—An Act making an appropriation for the purchase of a site and the erection thereon of suitable buildings for an intermediate prison, and providing for a commission to purchase said site.

Bill read first time, and referred to Committee on Finance.

Also: Senate Joint Resolution No. 12—Relative to the creation by the Congress of the United States of a Department of Mines, with its head a member of the President's Cabinet.

Senate Joint Resolution referred to Committee on Mines and Mining.

RUSH ORDER TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for printing Senate Joint Resolution No. 12 and Senate Bill No. 944.

SPECIAL ORDER SET.

Senator Belshaw moved that the consideration of Senate Bill No. 944 and Senate Joint Resolution No. 12 be made a special order for this day at three o'clock and thirty minutes P. M.

RESOLUTIONS—(RESUMED).

By Senator Willis (by request):

Resolved, That the Controller of the State is hereby directed to draw his warrants, and the Treasurer of the State to pay the same, out of the Contingent Fund of the Senate, in favor of S. W. Austin, Journal Clerk of the Senate, for \$60; H. G. Wright, Assistant Journal Clerk, \$50; E. D. Miner, Assistant Journal Clerk, \$50; and J. E. Fitzgerald, Assistant Journal Clerk, \$50, for seeing to the proper delivery of the Journals of the present session of the Senate as required by law, and performing other necessary services in bringing to a close the work in their department.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Keane:

Resolved, That John Devereaux be and he is hereby allowed the sum of fifty-six (\$56) dollars, said sum being for extra services rendered as Elevator Attendant during Sundays and holidays from the beginning of the thirty-seventh session of the Legislature of the State of California up to and including —, and the State Controller be and he is hereby directed to draw his warrant in favor of said John Devereaux for the sum of \$56, payable out of the Contingent Fund of the Senate.

Resolution read and referred to Committee on Contingent Expenses.

By Senator Rambo:

Resolved, That Oscar A. Foster be and he is hereby allowed the sum of \$11 for services performed during this thirty-seventh session of the Legislature from January 10th to January 20th, inclusive, and the Controller is hereby directed to draw his warrant, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Walker asked for and was granted unanimous consent to have Assembly Bill No. 918 taken up for the purpose of amendment.

Assembly Bill No. 918—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.

During second reading of bill, the following amendments were offered by Senator Walker:

On page 2, line 49, after the words "per annum," insert the following: "also, one deputy recorder, who shall receive a salary of twelve hundred dollars per annum."

Amendment adopted.

Also:

On page 3, line 61; strike out the word "twelve," and insert in lieu thereof the following: "fifteen."

Amendment adopted.

Also:

On page 3, strike out lines 71 to and including line 81, and insert in lieu thereof the following:

"5. The county treasurer, thirty-six hundred dollars per annum, and said treasurer may appoint one deputy treasurer who shall receive a salary of twelve hundred dollars per annum. All fees and commissions collected by him in his official capacity shall be paid into the county treasury; *provided*, that the county treasurer shall be entitled to retain for his own use the fees which are now or which may hereafter be allowed by the State law for the collection and payment to the State Treasurer of inheritance taxes, except that he shall not be entitled to retain more than the sum of one hundred dollars out of the inheritance taxes paid on account of any one estate. Whenever the fees received on account of any one estate paying inheritance taxes shall exceed the sum of one hundred dollars such excess shall be by the county treasurer paid into the county treasury as in the case of fees received by him from other sources. The deputy herein provided for shall be paid at the same time and in the same manner and out of the funds as is the county treasurer."

Amendment adopted.

Also:

On page 6, line 174, strike out the words "two hundred," and insert in lieu thereof the following: "one hundred and fifty."

Amendment adopted.

Also:

On page 4, line 109, strike out the word "twelve," and insert in lieu thereof the following: "fifteen."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator McKee, Assembly Bill No. 531—An Act to regulate the traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions—was referred to Committee on Finance.

SECOND READING OF ASSEMBLY BILLS.

On motion of Senator Leavitt, the second-reading file was taken up for consideration.

Assembly Bill No. 1—An Act creating a board to be known as the "Board of Pardons, Paroles and Relief," whose duties shall be to hear and pass upon all applications for pardons, commutations and paroles, and to have the oversight, guidance and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board and authorizing the employment of agents, clerks, and other employes, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said board, its agents, clerks, and employes.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 864—An Act to amend the Political Code by adding a new section thereto, to be numbered 1115a, requiring the county clerks, and the registrar of voters of the City and County of San Francisco, to furnish the Secretary of State with a certified copy of the index and supplements to the great register.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 145—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the Bay of San Diego.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 852—An Act relating to life, health, and accident insurance of live stock on the assessment plan, and the conduct of the business of such insurance.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 877—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 924—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the California State Board of Pharmacy for the remainder of the fifty-eighth, and for the fifty-ninth and sixtieth fiscal years.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 333—An Act to amend Section 632 of the Penal Code of the State of California, relating to buying, selling, or taking of steelheads.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 572—An Act to create a preserve for shellfish and invertebrate animals within a portion of the Bay of Monterey, and to prohibit taking the same from such preserves for commercial purposes.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 452—An Act to amend Sections 626, 626a, 626d, 626g, 626j, 627b, and 637a of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637b, all relating to the protection and preservation of game fish.

Bill read second time, and ordered on Assembly special file for third reading.

SECOND READING OF SENATE BILL.

Senate Bill No. 937—An Act authorizing and empowering the State Board of Harbor Commissioners to construct artesian wells along the water front in the City and County of San Francisco, and appropriating \$25,000 therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 457—An Act to regulate the business of detectives, guards, and watchmen, in the State of California, and prescribing penalties for violation thereof.

On motion of Senator Welch, Senate Bill No. 457 was temporarily passed on file, to retain its place.

Senate Bill No. 464—An Act to amend the Political Code of the State of California, by adding eight new sections thereto, to be numbered 338, 338a, 338b, 339, 339a, 339b, 340, 340a, under a new article to be numbered thirteen (XIII), to be added to Chapter Two (2), Title One (1), Part Three (3) of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

Senate Bill No. 464 was temporarily passed on file, in the absence of the author, to retain its place.

MOTION TO RECONSIDER CARRIED.

In compliance with the notice given on yesterday by Senator Cartwright, Senator Anthony moved that the vote whereby Assembly Bill No. 561—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 442½, relating to the wearing of the uniform of the United States army or navy, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of California, by any person other than an officer or enlisted man of the National Guard or Naval Militia of the State of California, or of any other state, or of the United States Army, Navy, Marine Corps or Revenue Service, or inmate of any veterans' or soldiers' home, or persons of the theatrical profession—was refused final passage, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Lynch, McKee, Muentzer, Rambo, Reily, Rush, Savage, Walker, Weed, Welch, and Wolfe—24.

NOES—Senator McCartney—1.

The vote having been reconsidered, the question being on the final passage of the bill.

The roll was called, and Assembly Bill No. 561 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, McKee, Miller, Muentzer, Nelson, Price, Rambo, Reily, Rush, Savage, Walker, Weed, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 909—An Act relating to high schools, and providing for their support by the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 909 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Keane, Leavitt, Lynch, Mattos, Miller, Muentner, Nelson, Price, Rambo, Reily, Rush, Walker, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 699—An Act making an appropriation to the State Agricultural Society to encourage agricultural exhibits and fairs in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 699 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lynch, Mattos, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rush, Walker, Weed, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 436 and Senate Bill No. 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate."

On motion of Senator Keane, Committee Substitute for Senate Bill No. 436 and Senate Bill No. 437 was temporarily passed on file, to retain its place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Bates asked for and was granted unanimous consent to withdraw Senate Bill No. 526—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Sections 8 and 14 thereof and adding a new section thereto, to be numbered and designated Section 9½—and substitute therefor on file Assembly Bill No. 882.

Senate Bill No. 526 withdrawn and ordered stricken from the file, and Assembly Bill No. 882 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 882—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purposes and to create a board of fire commissioners," approved March 4, 1881, and amended March 6, 1899.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 882 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Keane, Kennedy, Mattos, Miller, Nelson, Price, Rambo, Reily, Rush, Savage, Walker, Weed, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 8—To propose to the people of the State of California the repeal of Section 12, of Article XIII of the Constitution of the State of California, whereby to abolish State poll tax.

On motion of Senator Anthony, Senate Constitutional Amendment No. 8 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to Section 1, of Article VI, of the Constitution of the State of California, relating to the judicial power of the State and creating a court of impeachment.

Senate Constitutional Amendment No. 30 was temporarily passed on file, in the absence of the author, to retain its place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Rush asked for and was granted unanimous consent to withdraw Senate Bill No. 618—An Act to authorize a local board of managers of the several State hospitals of insane of the State of California, to employ regularly ordained ministers or priests to visit and minister spiritual advice and consolation to the inmates of said hospitals, and to provide for their compensation—and substitute therefor on file Assembly Bill No. 649.

Senate Bill No. 618 withdrawn and ordered stricken from the file, and Assembly Bill No. 649 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 649—An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said hospitals, and to provide for their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 649 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Kennedy, Leavitt, Lynch, Mattos, McKee, Miller, Muenter, Nelson, Price, Rambo, Reily, Rush, Savage, Walker, Weed, Welch, Willis, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 791—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written-up passbook or bank-book or to statements of his deposit accounts within a certain time or be concluded thereby.

On motion of Senator Bates, Senate Bill No. 791 was temporarily passed on file, to retain its place.

Senate Bill No. 792—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349½, relating to books or records of any bank, banker, trust company or savings and loan society that have been lost or destroyed by conflagration, earthquake or other public calamity, and prescribing a time within which certain actions shall be commenced.

On motion of Senator Bates, Senate Bill No. 792 was temporarily passed on file, to retain its place.

Senate Bill No. 254—An Act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partitions, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

On motion of Senator Anthony, Senate Bill No. 254 was temporarily passed on file, to retain its place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Savage asked for and was granted unanimous consent to withdraw Senate Bill No. 605—An Act to amend Section 249 of the Penal Code, relating to punishment of libel—and substitute therefor on file Assembly Bill No. 51.

Senate Bill No. 605 withdrawn and ordered stricken from the file, and Assembly Bill No. 51 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 51—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 51 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Boynton, Broughton, Caminetti, Curtin, Greenwell, Kennedy, Leavitt, Lynch, Mattos, Miller, Muentner, Nelson, Reily, Rush, Sanford, Savage, Weed, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Rush asked for and was granted unanimous consent to withdraw Senate Bill No. 25—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County—and substitute therefor on file Assembly Bill No. 54.

Senate Bill No. 25 withdrawn and ordered stricken from the file, and Assembly Bill No. 54 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 54—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 54 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, Miller, Muentner, Price, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Carter asked for and was granted unanimous consent to withdraw Senate Bill No. 742—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing, or relocation of bridges over navigable waters between said counties, jointly with other persons or corporations—and substitute therefor on file Assembly Bill No. 839.

Senate Bill No. 742 withdrawn and ordered stricken from the file, and Assembly Bill No. 839 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 839—An Act to amend Sections 10 and 11 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails and other institutions; providing for the appointment of parties to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such parties; and providing when proceedings under this Act shall be admissible in evidence."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 839 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Keane, Kennedy, Leavitt, Mattos, Miller, Muentner, Nelson, Price, Reily, Rush, Savage, Walker, Weed, Willis, and Wolfe—26.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 839 was this day finally passed.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT AND SUBSTITUTION OF BILL.

Senator Caminetti asked for and was granted unanimous consent to withdraw Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Con-

stitution of the State, amending section two (2) of Article IV thereof, relating to sessions of the Legislature and the limitation of pay of members thereof in extraordinary sessions—and substitute therefor on file Senate Bill No. 910.

Senate Constitutional Amendment No. 28 withdrawn and ordered stricken from the file, and Senate Bill No. 910 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 910—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for coöperation in certain investigations by such board with the Interstate Commerce Commission.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 910 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Kennedy, Lynch, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Reily, Rush, Savage, Walker, Weed, Willis, and Wolfe—27.
NAYS—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 820—An Act to repeal Sections 7 and 8 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to changing boundaries of and consolidation of municipal corporations.

On motion of Senator Savage, Senate Bill No. 820 was temporarily passed on file, to retain its place.

Senate Bill No. 807—An Act to amend Section 34 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1883, relating to the expenses of making the assessment for work authorized by this Act.

Senate Bill No. 807 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 510—An Act to add a new section to the Civil Code, to be known as Section 2758, to compel insurance companies to pay the full amount of the loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulation in such policies to the contrary.

On motion of Senator Hartman, Senate Bill No. 510 was temporarily passed on file, to retain its place.

Senate Bill No. 511—An Act to add a new section to the Civil Code, to be known as Section 2759, relating to fire insurance companies.

On motion of Senator Hartman, Senate Bill No. 511 was temporarily passed on file, to retain its place.

Senate Bill No. 242—An Act to amend Title V, of Part IV, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding two new sections thereto, to be numbered 4463 and 4464, requiring persons, firms, associations, or corporations in this State engaged in the business of loaning money, receiving deposits, banking, or insurance in any form, to publish certain reports, and prescribing a penalty for failure or neglect to do so.

On motion of Senator Sanford, Senate Bill No. 242 was temporarily passed on file, to retain its place.

Senate Bill No. 819—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid.

On motion of Senator McKee, Senate Bill No. 819 was temporarily passed on file, to retain its place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Keane asked for and was granted unanimous consent to withdraw Senate Bill No. 822—An Act to provide for the payment of attorneys' fees in justices' courts and other inferior courts—and substitute therefor on file Assembly Bill No. 53.

Senate Bill No. 822 withdrawn and ordered stricken from the file, and Assembly Bill No. 53 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 53—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 53 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Greenwell, Kennedy, Leavitt, Lynch, Markey, Mattos, McKee, Miller, Muentner, Nelson, Price, Reilly, Savage, Walker, Weed, Willis, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 808—An Act to increase the number of judges of the Superior Court of the County of Tulare, and to provide for the appointment of an additional judge.

On motion of Senator Miller, Senate Bill No. 808 was temporarily passed on file, to retain its place.

Senate Bill No. 805—An Act to amend Section 1662 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 805 refused passage by the following vote:

AYES—Senators Anthony, Black, Cartwright, Greenwell, Markey, McKee, Nelson, Reilly, Sanford, Savage, Welch, and Wolfe—12.

NOES—Senators Anderson, Bates, Belshaw, Broughton, Caminetti, Carter, Irish, Keane, Leavitt, Lynch, Mattos, McCartney, Miller, Muentner, Rambo, Rolley, Walker, Weed, and Willis—20.

NOTICE OF MOTION TO RECONSIDER.

Senator Caminetti gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 805 was this day refused passage.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock p. m. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 916—An Act to amend section sixteen (16) of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers, and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist, or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners, and the publication thereof, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BROUGHTON, Chairman.

Assembly Bill No. 916 ordered on Assembly special file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 991—An Act to amend Section 6 of an Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in said channels, and preventing the overflow thereof, and for the construction by such districts of all the necessary works for said purposes, approved February 22, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PRICE, Chairman.

Assembly Bill No. 991 ordered on Assembly special file for second reading.

RE-REFERENCE OF CONSTITUTIONAL AMENDMENT.

On motion of Senator Anderson, Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education—was withdrawn from file and referred to Committee on Education.

MOTION TO RECONSIDER CARRIED.

In compliance with his notice given on yesterday, Senator Caminetti moved that the vote whereby Assembly Bill No. 353—An Act to amend an Act entitled "An Act relating to commitments to the State School at

Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the superior court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895—was passed, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Anderson, Belshaw, Broughton, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Leavitt, Markey, McKee, Miller, Muentz, Nelson, Rambo, Reilly, Rolley, Rush, Savage, Weed, Welch, Willis, and Wright—25.

NOES—None.

The vote having been reconsidered, the question being on the passage of the bill.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Bell, as a special committee of one, to amend Assembly Bill No. 353 as follows:

Strike out the word "for," in line 8, and the word "vagrancy," in line 9, Section 1, page 1 of the printed bill, and insert in lieu thereof the words "as a vagrant or for any other offense."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 353, with instructions to amend, respectfully reports the same back, amended as per instructions of the Senate.

BELL, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Caminetti, the Secretary was directed to issue a rush order for printing Assembly Bill No. 353.

MOTION TO RECONSIDER.

In compliance with the notice given on yesterday by Senator Reilly, Senator Belshaw moved that the vote whereby Assembly Bill No. 934—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering—was passed, be now reconsidered.

Motion was duly seconded.

MOTION TO LAY ON THE TABLE.

Senator Belshaw moved that the question on the motion to reconsider the vote whereby Assembly Bill No. 934 was passed be laid on the table.

Motion carried.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Belshaw moved that the vote whereby Senate Bill No. 799—An Act to establish the payment of weekly wages to employes and providing a penalty for a violation thereof—was refused passage, be now reconsidered.

Motion was duly seconded.

MOTION TO LAY ON THE TABLE.

Senator Belshaw moved that the question on the motion to reconsider the vote whereby Assembly Bill No. 934 was passed, be laid on the table.

Motion carried.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Welch asked for and was granted unanimous consent to withdraw Senate Bill No. 858—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Senate Bill No. 858 withdrawn and ordered stricken from the file.

MOTION TO RECONSIDER CARRIED.

In compliance with his notice given on yesterday, Senator Wright moved that the vote whereby Assembly Bill No. 261—An Act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such cases decrees of distribution and partition, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had—was refused final passage, be now reconsidered.

Motion was duly seconded.

The question being on the passage of the bill.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Cartwright, Keane, Lynch, Markey, Miller, Muentner, Rambo, Reilly, Rolly, Rush, Sanford, Savage, Wolfe, and Wright—21.

NOES—Senators Carter, Hartman, Irish, Kennedy, Leavitt, Mattos, McCartney, Nelson, Weed, and Willis—10.

The vote having been reconsidered, the question being on the passage of the bill.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Belshaw moved to refer to Senator Wright, as a special committee of one, to amend:

By adding at the end of Section 1 the following: "Nothing in this section shall be construed or held to require any person, in any action or proceeding, to produce, rely upon, or offer, any evidence referred to in this section, unless he shall so desire. But in any action or proceeding, any party thereto shall be entitled to resort to, and rely upon any evidence which would have been sufficient, if this section had not been enacted."

Motion duly seconded.

The question being on the motion to refer Assembly Bill No. 261 to a special committee of one for the purpose of amendment.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Keane, Lynch, McCartney, Miller, Muentner, Rambo, Reily, Rolley, Rush, Sanford, Savage, Wolfe, and Wright—22.

NOES—Senators Black, Carter, Hartman, Irish, Kennedy, Mattos, Nelson, Price, Walker, Weed, and Willis—11.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 261, with instructions to amend, respectfully reports the same back, amended as per instructions.

WRIGHT, Special Committee.

Report of special committee of one, and amendment, read.

The question being on the adoption of the report and amendment.

The roll was called, and the report and amendment adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Boynton, Caminetti, Cartwright, Keane, McCartney, McKee, Miller, Muentner, Rambo, Reily, Rush, Sanford, Savage, Wolfe, and Wright—19.

NOES—Senators Black, Carter, Greenwell, Hartman, Irish, Kennedy, Mattos, Nelson, Walker, and Weed—10.

RUSH ORDER TO PRINTER.

On motion of Senator Wright, the Secretary was directed to issue a rush order for printing Assembly Bill No. 261.

CONSIDERATION OF ASSEMBLY SPECIAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 536—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

On motion of Senator Rolley, Assembly Bill No. 536 was temporarily passed on file, to retain its place.

Assembly Bill No. 799—An Act to amend Section 1817 of the Political Code, relating to county and city and county school tax.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 799 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Greenwell, Hartman, Irish, Keane, Markey, Mattos, McCartney, McKee, Muentner, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 420—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes, and for the supervision of all societies or organizations engaged in such work, and known as children's home-finding societies.

On motion of Senator Mattos, Assembly Bill No. 420 was temporarily passed on file, to retain its place.

Assembly Bill No. 152—An Act to amend Section 753 of the Political Code, relating to disposition of fees of Clerk of the Supreme Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 152 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Greenwell, Keane, Leavitt, Markey, Mattos, McCartney, Muentner, Price, Rambo, Rolley, Sanford, Savage, Walker, Weed, Willis, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 151—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of jurors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 151 finally passed by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Caminetti, Carter, Leavitt, Mattos, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, and Willis—21.

NOES—Senators Broughton, Greenwell, Keane, Kennedy, Nelson, and Wright—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Leavitt gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 151 was this day finally passed.

Assembly Bill No. 557—An Act to amend section one hundred and seventy (170) of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 557 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Greenwell, Keane, Kennedy, Leavitt, McCartney, McKee, Miller, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At three o'clock and twenty-five minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 855—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better pro-

tection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 855 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Carter, Curtin, Greenwell, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 866—An Act to regulate the conduct of election campaigns, and repealing an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 866 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Greenwell, Keane, Kennedy, Leavitt, Markey, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, and Wright—25.

NOES—Senators Carter, Mattos, and Weed—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 903—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid.

On motion of Senator McKee, Assembly Bill No. 903 was temporarily passed on file, to retain its place.

Assembly Bill No. 748—An Act making an appropriation of \$2,900 to be applied to the cost of grading, curbing with wood, macadamizing, and concrete guttering Hearst Avenue, in Berkeley, along the northerly boundary of the grounds of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 748 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Carter, Greenwell, Keane, Kennedy, Leavitt, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 779—An Act to provide for the purchase of a portrait of ex-Governor George C. Pardee by the State Board of Examiners, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 779 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Greenwell, Keane, Kennedy, Mattos, McCartney, McKee, Miller, Nelson, Price, Reily, Rolley, Sanford, Savage, Welch, Willis, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 786—An Act to amend the Political Code by adding thereto a new section, to be numbered 419a.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 786 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Broughton, Greenwell, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 846—An Act to provide for furnishing a cottage for male patients at the Mendocino State Hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 846 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Markey, McCartney, Miller, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 138—An Act to add a new article to Part III, Title VI, Chapter II of the Political Code, designated Article IX, comprising 28 sections, numbered 2745 to 2772, inclusive, authorizing the formation of permanent road divisions for the construction and improvement of roads in such divisions, and prescribing the method of such formation, and of providing funds for said purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 138 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Greenwell, Hartman, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, and Willis—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 106—An Act to create a State Board of Forestry, to prescribe its duties, to establish a forestry fund, to provide for the enforcement of forest protection laws, and to repeal an Act approved

March 18, 1905, entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 106 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Broughton, Caminetti, Carter, Curtin, Hartman, Keane, Kennedy, Leavitt, Markey Mattos, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 35—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

On motion of Senator Keane, Assembly Bill No. 35 was temporarily passed on file, to retain its place.

Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 6 refused final passage by the following vote:

AYES—Senators Anthony, Bates, Broughton, Hartman, Irish, Leavitt, Markey, Nelson, Reily, Savage, Wolfe, and Wright—12.

NOES—Senators Anderson, Bell, Black, Boynton, Caminetti, Greenwell, Keane, Kennedy, Mattos, McCartney, Miller, Rolley, Rush, Sanford, Walker, Weed, and Willis—17.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 948—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1203a, relating to liens.

On motion of Senator Leavitt, Assembly Bill No. 948 was temporarily passed on file, to retain its place.

Assembly Bill No. 952—An Act to amend Section 1194 of the Code of Civil Procedure of the State of California, relating to liens and the docketing of a deficiency.

On motion of Senator Leavitt, Assembly Bill No. 952 was temporarily passed on file, to retain its place.

Assembly Bill No. 953—An Act to amend an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing the compensation of said director and clerk and providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

On motion of Senator Leavitt, Assembly Bill No. 953 was temporarily passed on file, to retain its place.

Assembly Bill No. 582—An Act to provide for the protection and preservation of public highways from damage by storm and flood waters and from the filling up and changes in the channels of rivers or streams, and to authorize the expenditure of public moneys for the purpose thereof, and preventing such changing of channels and injury to roads and highways, and also repealing the Act of April 1, 1897, providing for the protection and preservation of public highways from damage by storm waters and floods, etc., and all other Acts in conflict herewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 582 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Greenwell, Irish, Keane, Kennedy, Leavitt, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 414—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Read third time.

On motion of Senator Weed, Assembly Bill No. 414 was temporarily passed on file, to retain its place.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Mattos asked for and was granted unanimous consent to have Assembly Bill No. 1021 taken up for the purpose of amendment.

Assembly Bill No. 1021—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Mattos moved to refer to Senator Muentner, as a special committee of one, to amend as follows:

By striking out of Section 1 the entire line 3, and inserting in lieu thereof the following: "visors after due hearing they shall adopt a county highway plan, by which shall."

Also: By striking out of Section 3 the entire line 1, and inserting in lieu thereof the following:

"SEC. 3. After the hearing mentioned in Section 1 of this Act, it shall be the duty of the board of."

Also: By striking out of Section 8, line 1, the entire line 1, and inserting in lieu thereof the following:

"SEC. 8. As soon as practicable after the adoption of the county highway plan shall have."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1021, with instructions to amend, respectfully reports the same back, amended as per instructions.

MUENTNER, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Mattos, the Secretary was directed to issue a rush order for printing Assembly Bill No. 1021.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Willis asked for and was granted unanimous consent to have Senate Bills Nos. 310, 311, and 735 taken up for consideration.

Senate Bill No. 311—An Act to amend Section 330 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 248, both relating to jurors.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 735—An Act to amend Section 290 of the Civil Code, relating to articles of incorporation.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 310—An Act to amend Sections 204, 205, 206, and 241 of the Code of Civil Procedure, relating to jurors for courts of record.

During second reading of bill, the following amendment was offered by Senator Willis:

Amend by striking out of Section 2, lines 4 and 5, the words "who are assessed on the last preceding assessment roll of such county."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Willis, the Secretary was directed to issue a rush order for printing Senate Bill No. 310.

CONSIDERATION OF MEMBERS' URGENCY FILE—THIRD READING OF BILLS.

Assembly Bill No. 987—An Act making an appropriation for the erection of a monument in St. Mary's Cemetery, in the City of Oakland, California, to the memory of the Honorable John J. Burke, deceased, and appointing a commission to carry out the provisions for such an appropriation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 987 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Curtin, Greenwell, Hartman, Irish, Kennedy, Leavitt, Mattos, McCartney, McKee, Miller, Rambo, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 58—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 58 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Greenwell, Irish, Keane, Kennedy, Leavitt, McCartney, Muentner, Rambo, Reily, Rolley, Rush, Savage, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 55—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 55 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Carter, Cartwright, Greenwell, Irish, Keane, Leavitt, Mattos, McKee, Muentner, Rambo, Reily, Rolley, Rush, Savage, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 559—An Act to amend Section 396 of the Code of Civil Procedure, relating to the place of trial of civil actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 559 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Irish, Keane, Leavitt, Lynch, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Rush, Savage, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 403—An Act to add a new section to the Penal Code of the State of California, to be known as and numbered Section 360a, relating to connivance, collusion, and fraud in connection with actions of divorce, and providing a punishment therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 403 refused passage by the following vote:

AYES—Senators Anderson, Bell, Black, McCartney, McKee, Nelson, Rambo, Reily, Savage, Walker, and Wolfe—11.

NOES—Senators Bates, Boynton, Broughton, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Leavitt, Lynch, Miller, Muentner, Rolley, Rush, and Wright—16.

Senate Bill No. 539—An Act making an appropriation of \$915 to pay the claim of Southern Construction Company for the grading of Campus Avenue at the State Normal School, San Diego, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 539 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Greenwell, Irish, Kennedy, Leavitt, Lynch, McCartney, McKee,

Muenter, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 446—An Act to pay the claim of the County of Sacramento against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 446 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Carter, Cartwright, Greenwell, Hartman, Lynch, Mattos, McCartney, McKee, Miller, Muenter, Nelson, Price, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—Senators Curtin, Leavitt, Rolley, and Savage—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Anthony asked for and was granted unanimous consent to withdraw Senate Bill No. 735—An Act to amend Section 290 of the Civil Code, relating to articles of incorporation.

Senate Bill No. 735 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON BANKING.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 942—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto, and repealing Section 580 of the Civil Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BATES, Chairman.

Senate Bill No. 942 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 593—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty-sixth class and repealing all conflicting Acts.

Also: Assembly Bill No. 690—An Act in relation to fees of county recorders in recording documents or writings for water users' associations, incorporated in conformity with the direction of the United States under the Act of Congress approved June 17, 1902, and relating to the use of printed matter or blanks by such recorders.

Also: Assembly Bill No. 1022—An Act to amend an Act entitled "An Act to amend Section 163 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and amended March 23, 1901," approved March 20, 1905, relating to county and township officers of counties of the sixth class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CARTER, Chairman.

Assembly Bills Nos. 593, 690, and 1022 ordered on Assembly special file for second reading.

ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Senate Joint Resolution No. 12—Relative to the creation by the Congress of the United States of a Department of Mines, with its head a member of the President's Cabinet—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BOYNTON, Chairman.

Senate Joint Resolution No. 12 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bill:

Senate Bill No. 937—An Act authorizing and empowering the State Board of Harbor Commissioners to construct artesian wells along the water-front in the City and County of San Francisco, and appropriating \$25,000 therefor.

And report that the same has been correctly engrossed.

REILY, Chairman.

Senate Bill No. 937 ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 250—An Act to amend Section 224 of the Civil Code of the State of California, relative to the adoption of minor children—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WOLFE, Chairman pro tem.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Cartwright asked for and was granted unanimous consent to have Assembly Bill No. 250 taken up for the purpose of amendment.

Assembly Bill No. 250—An Act to amend Section 224 of the Civil Code of the State of California, relative to the adoption of minor children.

During second reading of bill, the following amendment was submitted by committee:

On page 1, Section 1, lines 13 to 31, strike out the words beginning with the period and word "any" on line 13 down to and including the word "more" on line 31, and insert in lieu thereof the following: "; *provided, however,* that any such child, being a half-orphan, and kept and maintained in any orphan asylum in this State for more than two years, may be adopted, with the consent of the manager of such orphan's home without the consent of the parent, unless such parent has paid toward the expenses of maintenance of such half-orphan at least a reasonable sum during the said time, if able to do so. Any child deserted by both parents or left in the care and custody of another by its parent or parents, without any agreement or provisions for its support, for the period of one year, is deemed to be an abandoned child within the meaning of this section, and where the parent is a non-resident of this State, such child may be adopted with the consent of the managers of such home whenever it has been left in such home for more than one year; or any abandoned child within the meaning of this section if left in the care and custody of another person for one year or more, may, with the consent of the district attorney of the county wherein the person applying to adopt such child is a resident, be adopted by such person."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Cartwright, the Secretary was directed to issue a rush order for printing Assembly Bill No. 250.

RECESS.

At five o'clock P. M., on motion of Senator Hartman, the Acting President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock p. m. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

SPECIAL ORDER RESET.

Senator Belshaw moved that the consideration of Senate Joint Resolution No. 12—Relative to the creation by the Congress of the United States of a Department of Mines, with its head a member of the President's Cabinet—and Senate Bill No. 944—An Act making an appropriation for the purchase of a site and the erection thereon of suitable buildings for an intermediate prison, and providing for a commission to purchase said site—heretofore set for three o'clock and thirty minutes p. m., this day, be reset for Friday, March 8, 1907, at ten o'clock and thirty minutes a. m.

Motion carried.

BILL RECALLED FROM ASSEMBLY FOR FURTHER CONSIDERATION.

On motion of Senator Keane, the Assembly was requested to return to the Senate Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure—for further consideration.

NOTICE OF MOTION TO RECONSIDER.

Senator Keane gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 6 was this day finally passed.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Assembly Bill No. 919—An Act to add a new section to the Penal Code, to be numbered Section 556, and relating to the correct weight of agricultural products sold by the bale—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

RUSH, Chairman.

Assembly Bill No. 919 ordered on Assembly special file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 944—An Act making an appropriation for the purchase of a site and the erection thereon of suitable buildings for an intermediate prison, and providing for a commission to purchase said site.

Also: Assembly Bill No. 798—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Also: Assembly Bill No. 935—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BELSHAW, Chairman.

Senate Bill No. 944 ordered on file for second reading.

Assembly Bills Nos. 798 and 935 ordered on Assembly special file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 941—An Act to amend Section 2713 of the Political Code, relating to construction and repair of bridges to be let out by contract.

Also: Senate Bill No. 943—An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, State of California, to sell and convey a strip or parcel of land situate in San Bernardino County, in the State of California, and belonging to said State, to the San Bernardino Valley Traction Company for the purposes of a right of way for an electric railroad thereon.

Also: Senate Bill No. 311—An Act to amend Section 230 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 248, both relating to jurors.

Also: Senate Bill No. 460—An Act to amend Section 1662 of the Political Code, fixing the age at which children may be admitted to primary schools.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 941, 943, 311, and 460 ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That the Superintendent of State Printing be, and he is hereby directed to print, and deliver to the Secretary of State, five hundred copies of the chapters, three hundred and fifty of which shall be stitched, but not bound, the same to be paid for out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

MOTION.

Senator Leavitt moved that one thousand additional copies of Senate Bill No. 736 be printed for distribution throughout the State.

Motion carried.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Senate Bill No. 460—An Act to amend Section 1662 of the Political Code, fixing the age at which children may be admitted to primary schools.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Wolfe moved to refer to Senator Curtin as a special committee of one, to amend as follows:

By inserting after the word "age," Section 1, line 6, the words "or adult."

Also: Section 1, line 7, by inserting after the word "time," the following: "except upon permission granted by the superintendent of schools, of the city, county, or city and county, or board of education of the city, county, or city and county, or school trustees of the district, wherein such school is situated."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 460, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

RUSH ORDER TO PRINTER.

On motion of Senator Wolfe, the Secretary was directed to issue a rush order for printing Senate Bill No. 460.

SPECIAL ORDER SET.

Senator Wolfe moved that the consideration of Senate Bill No. 460 be made a special order for Friday, March 8, 1907, at eight o'clock p. m.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Keane, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 181—An Act to amend Sections 1328 and 1329 of the Code of Civil Procedure, both relating to the contesting of wills after probate.

Also: Assembly Bill No. 272—An Act to amend Sections 1518, 1522, 1524, 1537, 1543, 1544, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, all relating to the sale of the property of deceased persons.

Also: Assembly Bill No. 819—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Also: Assembly Bill No. 915—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

Also: Assembly Bill No. 552—An Act providing for the disposition of actions and proceedings in which bills of exceptions and statements on motion for a new trial have been lost or destroyed by conflagration or other public calamity.

Also: Assembly Bill No. 159—An Act to change, establish, and permanently locate the boundary lines of the County of Kings.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 675—An Act to amend Sections 3804 and 3805 of the Political Code, relating to the refunding of taxes and the cancellation of certificates of tax sales.

Also: Assembly Bill No. 840—An Act to amend Section 3788 of the Political Code and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3778, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817; and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818 of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Also: Assembly Bill No. 843—An Act to amend Section 920 of the Penal Code of the State of California by providing that upon application by the defendant the grand jury is bound to hear evidence on his behalf.

Also: Assembly Bill No. 969—An Act to amend "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as Section 9a, relating to appointment of poundkeepers outside of incorporated cities.

Also: Assembly Bill No. 1018—An Act entitled an Act to amend Section 1670 of the Political Code, relating to establishing and maintaining high schools.

Also: Assembly Bill No. 880—An Act making an appropriation to repay Thomas Bair moneys paid by him into the County Treasury of Humboldt County for land purchased by him under location 1223.

Also: Assembly Bill No. 598—An Act to amend Sections 3109 and 3110 of the Civil Code of California, relating to public cemeteries and cemeteries owned by benevolent or charitable associations or societies, and the jurisdiction over and control of the same.

Also: Assembly Bill No. 1008—An Act to amend Section 1945 of the Civil Code of the State of California.

Also: Assembly Bill No. 1007—An Act to amend Section 1943 of the Civil Code of the State of California.

Also: Assembly Bill No. 989—An Act to amend an Act entitled "An Act to prevent the propagation by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, relating to the propagation of noxious weeds.

Also: Senate Bill No. 90—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Also: Senate Bill No. 760—An Act to add a new section to the Political Code to be numbered 759, relating to the appointment and employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said Code.

Also: Senate Bill No. 721—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Senate Bill No. 737—An Act providing for the appointment of a highway commission in any county in the State, declaring the powers and duties of such commission, and providing for the laying out, construction, straightening, improvement, and repair of main public highways, providing for the acceptance of donations, and for voting, issuing and selling county bonds to pay for such work and improvements, and authorizing cities and towns to improve the portions of such public highways within their corporate limits, and to issue and sell bonds therefor.

Also: Senate Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to counties of the fifty-first class.

Also: Senate Bill No. 452—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Also: Senate Bill No. 487—An Act to add a new section to the Political Code, to be numbered and known as Section 757a, relating to the office hours of the Clerk of the Supreme Court.

Also: Senate Bill No. 296—An Act to amend Section 476 of the Code of Civil Procedure, relating to ruling on demurrer.

Also: Senate Bill No. 530—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 230, relating to the adoption of children.

Also: Senate Bill No. 696—An Act making an appropriation to pay the claim of Victor Heck against the State of California.

Also: Senate Bill No. 815—An Act amendatory of and supplemental to an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State, by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March 2, 1867, approved March 30, 1868, approved March 12, 1885.

Also: Senate Bill No. 765—An Act to accept from E. F. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of and to vest the title in the State of California of the improvements, buildings, and furnishings therein at La Tour Soda Springs, in Shasta County, and appropriating the sum of \$3,000 for the purpose of purchasing ten acres or more of land, and for the improvements thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent, ex-soldiers, sailors, and marines of the United States army; to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California.

Also: Senate Bill No. 888—An Act to provide for the classification of supervisors in counties of the fifteenth class, where they are not now classified, so that all of them shall not go out of office at the same time.

Also: Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 23 of Article IV thereof, relating to the compensation of the members of the Legislature, limiting the expense of the employees of the Senate and Assembly.

Also: Concurred in Senate Concurrent Resolution No. 20—Relative to granting leave of absence to Senator Henry E. Carter, and others.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 675, 840, and 843 read first time, and ordered on file without reference to committee.

Assembly Bills Nos. 969, 1008, and 1007 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 1018 read first time, and referred to Committee on Education.

Assembly Bill No. 880 read first time, and referred to Committee on Finance.

Assembly Bill No. 598 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 989 read first time, and referred to Committee on Agriculture and Dairying.

Senate Bills Nos. 90, 760, 721, 737, 583, 452, 487, 296, 530, 696, 815, 765, and 888 ordered to enrollment.

Senate Constitutional Amendment No. 32 ordered to enrollment.

Senate Concurrent Resolution No. 20 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and passed as amended Senate Bill No. 125 - An Act to amend Section 69 of the Civil Code of the State of California, relating to marriage licenses.

Also: Senate Bill No. 398 - An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed, at the Napa State Hospital, and laying pipe line from said reservoir and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.

Also: Senate Bill No. 758 - An Act to create a reclamation district, to be called "Reclamation District No. 800," and providing for the control and management thereof.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 125?"

Strike out the words "parties desiring to be joined in marriage," in line 29, Section 1, page 2, of the printed bill, and insert in lieu thereof the following: "male applicant for a license."

Also: Strike out the words "the parties," in line 31, Section 1, page 2, of the printed bill, and insert in lieu thereof the word "him."

The roll was called, and the above Assembly amendments to Senate Bill No. 125 concurred in by the following vote:

AYES—Senators Anderson, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Keane, Kennedy, Mattos, McKee, Muentner, Nelson, Reily, Rush, Sanford, Savage, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Senate Bill No. 125 ordered to enrollment.

The question being, "Shall the Senate concur in the following amendments to Senate Bill No. 398?"

Amend by striking out the words "and construction of a concrete receiving tank or house supply reservoir," on lines 3, 4, 5 of the title page, printed bill.

Also: Amend by striking out the words "sixty-three," of Section 1, line 1, page 1, and inserting in lieu thereof the following: "fifty-one."

Also: Amend by striking out the word "purposes," Section 1, line 4, first page, and inserting in lieu thereof the word "purpose."

Also: Amend by striking out all after the word "used," Section 1, line 9, page 1, and inserting a period after the word "used."

Also: Amend by striking out all of Section 2.

Also: Amend by striking out the figure "3," Section 3, page 2, and inserting in lieu thereof the figure "2."

Also: Amend by striking out the figure "4," Section 4, line 1, page 2, and inserting in lieu thereof the figure "3."

The roll was called, and the Assembly amendments to Senate Bill No. 398 concurred in by the following vote:

AYES—Senators Anderson, Bell, Black, Boynton, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Mattos, McKee, Muentner, Price, Reily, Rush, Savage, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Senate Bill No. 398 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 758?"

Amend by striking out in line 6 of the printed bill the word "easterly," and inserting in lieu thereof the word "westerly."

Also: Strike out on line 7 the word "easterly," and insert in lieu thereof the word "westerly."

The roll was called, and the above Assembly amendments to Senate Bill No. 758 concurred in by the following vote:

AYES—Senators Anderson, Bell, Black, Boynton, Greenwell, Irish, Keane, Kennedy, Lukens, Mattos, Muentner, Nelson, Price, Reily, Sanford, Savage, Weed, Welch, Willis, Wolfe, and Wright—21.

NOES—None.

Senate Bill No. 758 ordered to enrollment.

RE-REFERENCE OF BILL TO COMMITTEE.

On motion of Senator Wolfe, Assembly Bill No. 404—An Act to amend Title I, of Part IV of the Civil Code of the State of California by adding a new section thereto, to be numbered Section 1002, prohibiting the acquisition of real property by aliens—was re-referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 863—An Act to repeal Title III of Part IV, and each and every section thereof, of the Political Code, and to add a new Title III, of Part IV of said Code in place thereof, relating to the organization, incorporation and government of municipal corporations.

Also: Assembly Bill No. 868—An Act to amend Section 1240 of the Code of Civil Procedure, specifying the property which may be taken under the law of eminent domain, and authorizing proceedings therefor.

Also: Assembly Bill No. 898—An Act creating a public relief commission, and defining its powers and purposes; providing for the appointment of commissioners, in whom its administration shall be vested, and prescribing their duties, powers and compensation; providing for a secretary and prescribing his powers and compensation; providing for the rental of offices for the use of the commissioners, and for traveling and office expenses; providing for the appointment of other officers, agents, and servants, and for their compensation; providing a course of procedure where any person, firm, association, corporation, or society has received, held, distributed or disposed of or is receiving, holding, distributing or disposing of trust funds or trust property in an unsafe and unauthorized manner, where the trust funds or other trust property has been donated, granted, given or bequeathed for the relief of any sufferers from any earthquake, conflagration or other disaster; providing for succession in the office of the commissioners, and repealing all Acts and parts of Acts in conflict herewith.

Also: Assembly Bill No. 374—An Act to add a new section to the Code of Civil Procedure, to be numbered 1060, in relation to undertakings.

Also: Assembly Bill No. 500—An Act to add a new section to the Code of Civil Procedure, relating to juries, to be known and numbered as Section 605.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 361—An Act to amend the Penal Code of the State of California by adding three new sections thereto, to be numbered 556, 556a, and 556b, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 150—An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

WOLFE, Chairman pro tem.

Senate Bills Nos. 863 and 150 ordered on file for second reading.

Assembly Bills Nos. 868, 898, 374, 500, and 361 ordered on Assembly special file for second reading.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Assembly Bill No. 989—An Act to amend an Act entitled "An Act to prevent the propagation by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, relating to the propagation of noxious weeds—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RUSH, Chairman.

Assembly Bill No. 989 ordered on Assembly special file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 276—An Act to amend Section 632 of the Penal Code of the State of California, relating to buying, selling, or taking of steelheads.

Also: Senate Bill No. 741—An Act to amend Section 3788 of the Political Code, enacted March 28, 1895, and to repeal Section 3788 of the Political Code, as amended February 25, 1895, relating to the sale of public lands and delinquent taxes due on assessment thereof.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 276 and 741 ordered on file for third reading.

ADJOURNMENT.

At eleven o'clock and ten minutes P. M., on motion of Senator Muentner, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Friday, March 8, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

APPROVAL OF JOURNAL.

The Journal of Tuesday, March 5, 1907, having been corrected, was read and approved.

READING OF JOURNAL.

During the reading of the Journal of Thursday, March 7, 1907, the further reading was dispensed with, on motion of Senator Mattos.

PETITIONS.

The following petitions were presented and ordered printed in the Journal:

By Senator Mattos:

To His Excellency, James N. Gillett, Governor of California, and to the Senate, and to the Assembly, of the State of California:

We, the undersigned citizens of California, send greeting:

And we hereby earnestly petition your favorable action in passing at the present session of the Legislature remedial legislation on the subject of divorce substantially as set forth in Senate Bills Nos. 402, 403, 404, 405, and 406; providing (1) for divorce from bed and board, and personal service on defendant, whether within or without the State, and for restriction of migratory divorces; (2) for requiring the district attorney to appear in all divorce proceedings in his county in behalf of the State to prevent collusion or fraud, or a one-sided presentation of default cases; (3) for making it a misdemeanor or crime to be guilty of any of the acts or omissions that constitute a ground for divorce, or to be guilty of collusion or fraud in divorce proceedings; (4) providing for service of summons and all other papers in divorce cases on the district attorney, and giving the co-respondent in adultery cases notice and right to intervene.

And in support of our petition we recite the significant facts: (1) That the number of divorces has increased to an alarming extent, illustrated by the fact that in Los Angeles County in 1905 one divorce case was filed to every four marriage licenses issued; (2) Judges estimate that in ninety per cent (90%) of divorce cases there is no appearance by defendant; (3) More than one half the divorces granted in California are for trivial causes such as desertion and failure to provide; (4) The best thought and civic conscience of our entire nation is now being aroused to a recognition of the alarming growth of the divorce evil, a fact recognized by the President of the United States in his last annual message to Congress.

We plead (1) for a more practical and more just system of sifting out the right and wrong in divorce cases; (2) for the right to demand legal separation only, where the injured one in marital troubles has conscientious scruples against absolute divorce; (3) for the appropriate punishment of those who willfully violate the solemn obligations of the sacred marriage vow; (4) for the more adequate protection of the sacred marriage relation; and (5) for the stability and permanence of the home, because the home is the rock upon which both the State and the nation are founded, and if the home decays, both State and nation must crumble and fall.

James B. Fair, Centerville; John Fair, Centerville; James T. Houston, Centerville; Chris. Anderson, Centerville; O. B. Simpson, Centerville; F. T. Hawes, Centerville.

By Senator Savage:

To the Honorable Members of the Assembly and of the Senate of the State of California:

The undersigned residents of the town of Yountville, Napa County, California, all living within a mile and a half of the Veterans' Home, respectfully petition asking your honorable bodies to defeat Assembly Bill No. 858, introduced for the purpose of repealing an Act prohibiting the sale of liquor within a mile and a half of the Veterans' Home.

W. D. Johnson, W. H. Marshall, John Bruhn, M. Conant, John Darnis, Henry Darnis, M. Johnson, Geo. B. Ragatz, Fred Stiefel, J. L. Healy, J. S. Conant, S. E. Jameson, Walter Ferguson, Theo. E. Bennett, Thos. D. Falver, M. F. Stephens, Robert Robertson, Frank Wilt, W. M. Skinner, L. A. Johnson, William C. Dick, Joseph Gyi, G. N. Briggs, W. O. Nunn, T. M. Nunn, Tim Downey, N. B. Nunn, L. Damencian, E. W. Johnson, P. Downey, G. E. Merrill, T. E. Peckinpah, O. E. Burns.

Hon. J. O. Davis:

DEAR SIR: This was sent to us with instructions to get it to you as soon as possible. If there was time we could get the names of nearly the whole township.

Yours truly,

F. E. PECKENPOLE.

By Senator Lukens:

To His Excellency, James N. Gillett, Governor of California, and to the Senate, and to the Assembly, of the State of California.

We, the undersigned citizens of California, send greeting:

And we hereby earnestly petition your favorable action in passing at the present session of the Legislature remedial legislation on the subject of divorce substantially as set forth in Senate Bills Nos. 402, 403, 404, 405, and 406; providing (1) for divorce from bed and board, and personal service on defendant whether within or without the State, and for restriction of migratory divorces; (2) for requiring the district attorney to appear in all divorce proceedings in his county in behalf of the State to prevent collusion or fraud, or a one-sided presentation of default cases; (3) for making it a misdemeanor or crime to be guilty of any of the acts or omissions that constitute a ground for divorce, or to be guilty of collusion or fraud in divorce proceedings; (4) providing for service of summons and all other papers in divorce cases on the district attorney and giving the co-respondent in adultery cases notice and right to intervene.

And in support of our petition we recite the significant facts: (1) That the number of divorces has increased to an alarming extent, illustrated by the fact that in Los Angeles County in 1905 one divorce case was filed to every four marriage licenses issued; (2) Judges estimate that in ninety per cent (90 %) of divorce cases there is no appearance by the defendant; (3) More than one half the divorces granted in California are for trivial causes, such as desertion and failure to provide; (4) The best thought and civic conscience of our entire nation is now being aroused to a recognition of the alarming growth of the divorce evil, a fact recognized by the President of the United States in his last annual message to Congress.

We plead (1) for a more practical and more just system of sifting out the right and wrong in divorce cases; (2) for the right to demand legal separation only, where the injured one in marital troubles has conscientious scruples against absolute divorce; (3) for the appropriate punishment of those who willfully violate the solemn obligations of the sacred marriage vow; (4) for the more adequate protection of the sacred marriage relation; and (5) for the stability and permanence of the home, because the home is the rock upon which both the State and the nation are founded, and if the home decays, both State and nation must crumble and fall.

P. P. Ward, 2201 San Antonio Avenue; Wm. H. Groat, 1040 Santa Clara Avenue; H. T. Carvin, 2246 San Antonio Avenue; E. J. Ellis, 1515 Benton Street; Howard M. Hansbrow, 2264 San José Avenue; Leo S. Robinson, 2237 San Antonio Avenue, Alameda; Frank Smith, 1566 Pacific Avenue; Joseph Throp, 1526 Bay Street; Wallace B. Drew, 2319 Alameda Avenue; S. E. G. Smith, 1113 Chestnut Street, Alameda; E. S. Gadring, 1313 Regent Street.

Franklin Rhoda; Joseph Grimes, Fruitvale; J. Y. Millar, Fruitvale; Mrs. J. Grimes, Fruitvale; W. R. Ward, Fruitvale; F. M. Beebe, Fruitvale; Jas. Rutherford, East Oakland; F. G. Easton, Fruitvale; Lucy B. Welch, Fruitvale; Mrs. F. G. Easton, Fruitvale; L. A. Ward, Fruitvale; Mrs. L. W. Williams, Fruitvale; Mrs. Janett Woodland, Fruitvale; E. M. Kerr, Fruitvale; A. M. Nichols, Petaluma

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day recedes from Assembly amendment to Senate Bill No. 113—An Act to amend Sections 628, 628a, 628b, 632, and 634 of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 632b, all relating to the protection and preservation of fish.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bill No. 113 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 134—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.

Also: Senate Bill No. 838—An Act defining the character of imitation butter and imitation cheese, providing for the prevention of deception in the manufacture or sale of butter or cheese, to secure its enforcement, defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses, providing that the State Veterinarian shall be ex officio State Dairy Commissioner, and shall also perform, in addition to his duties as fixed by law, the duties of State Dairy Commissioner, designating and prescribing the duties of such State Dairy Commissioner, providing that no action can be maintained to recover on account of any sale or contract made in violation hereof, providing for the issuance and service of search warrants, when necessary for the seizure of substances designed to be used contrary to the provisions hereof, and repealing an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor," approved March 4, 1897.

Also: Senate Bill No. 707—An Act appropriating \$4,500 to pay the claim of J. B. Lauck.

Also: Senate Bill No. 881—An Act to amend Section 386 of the Political Code, relating to salary of executive secretary of the Governor.

Also: Senate Bill No. 260—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen (\$101,314.00) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also: Assembly Bill No. 892—An Act appropriating money to pay rent already incurred and rent to be incurred during the next two fiscal years by the District Court of Appeal for the Third Appellate District of the State of California, to pay for janitor services for said court, and to provide for the maintenance of a law library for said court; also to pay for furnishing and equipping the chambers, court room, clerk's and stenographer's rooms, and the library.

Also: Assembly Bill No. 240—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 12 and 13.

Also: Assembly Bill No. 961—An Act to repeal Section 2 of an Act entitled "An Act providing for the furnishing to sheriffs and chiefs of police of certain information, descriptions, and photographs of convicts about to be discharged by the wardens of State prisons," approved March 27, 1897.

Also: Assembly Bill No. 997—An Act to empower the boards of supervisors, boards of trustees, common councils, or other governing or legislative bodies of counties, cities and counties, cities and towns, to permit the holders of street railroad and interurban railway franchises therein, to operate freight cars, and to transport freight, and to provide for a compensation for such permission.

Also: Assembly Bill No. 902—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of school trustees, and city boards of education.

Also: Assembly Bill No. 936—An Act to add a new section to the Political Code, to be numbered 2697, providing for a notice of petition to alter, discontinue or lay out a road, and the effect thereof.

Also: Assembly Bill No. 504—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Section 1 thereof, and by adding a new section, to be known as Section 18a.

Also: Assembly Bill No. 921—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.

Also: Assembly Bill No. 971—An Act to amend an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal officers, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, amended March 20, 1905, by amending Section 6 thereof.

Also: Assembly Bill No. 592—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Also: Assembly Bill No. 1035—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to officers of a township.

Also: Assembly Bill No. 981—An Act to amend the Penal Code by adding thereto a new section, to be numbered 515, relating to embezzlement by a co-owner or co-partner.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bills Nos. 134, 838, 707, 881, and 260 ordered to enrollment.

Assembly Bill No. 892 read first time, and referred to Committee on Finance.

Assembly Bill No. 240 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 961 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bills Nos. 997 and 921 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 902 and 981 read first time, and ordered on file without reference to committee.

Assembly Bill No. 936 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 504 read first time, and referred to Committee on Insurance and Insurance Laws.

Assembly Bill No. 971 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bills Nos. 592 and 1035 read first time, and referred to Committee on County Government.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 944 and Senate Joint Resolution No. 12, the same were taken up for consideration.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Senate Bills Nos. 944 and 879 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

CASES OF URGENCY.

Senate Bill No. 944—An Act making an appropriation for the purchase of a site and the erection thereon of suitable buildings for an intermediate prison, and providing for a commission to purchase said site.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 944 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Greenwell, Hartman, Keane, Kennedy, Lukens, Lynch, Mattos, McCartney, Muentner, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 879—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time, and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 879 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Carter, Greenwell, Keane, Lukens, Lynch, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE JOINT RESOLUTION No. 12.

WHEREAS, The mining industry is annually adding nearly two billions of dollars to the wealth of the United States, and is furnishing employment to more than half a million men directly engaged in the mining industry, as well as furnishing the material absolutely necessary to the employment of a still larger additional number of men, and

WHEREAS, The loss of life (being 3.53 per 1000 in coal mining operations in the United States as against 1.35 per 1000 in England) through a lack of proper precautions in mining operations, over which but little, if any, supervision is exercised, is a disgrace to the government, from which the man is supposed to have greater consideration than the dollar, and

WHEREAS, The product of the mine, when exhausted, cannot be replaced, and

WHEREAS, The enormous waste of metal resources, through the application of unscientific methods of mining and treatment, and the enormously extravagant waste of fuel, through both carelessness and unscientific methods, is a menace to our future industrial growth, and

WHEREAS, The United States is the only English speaking nation in which this important industry receives relatively such small consideration.

Therefore, be it resolved by the Senate and Assembly of the State of California, concurring jointly, That we urge upon the Congress of the United States the importance of the creation of a department of mines, with its head a member of the President's Cabinet, through which human life may receive protection, and the mineral resources may be conserved, and production increased through governmental control and the application of scientific methods, and

Be it further resolved, That a copy of these resolutions be forwarded to the Senate and the House of Representatives of the United States, and to each of our Representatives in the United States Congress, and that the Governor of this State be instructed to communicate with the President of the United States, requesting his cooperation in bringing about the creation of a Department of Mining, through which the mining industry may receive that governmental recognition and assistance to which it is entitled as one of the two great productive industries of this country.

Joint Resolution read.

The question being on the adoption of the Senate Joint Resolution.

The roll was called, and Senate Joint Resolution No. 12 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Greenwell, Irish, Keane, Lukens, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Price, Rambo, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.
 NOES—None.

Senate Joint Resolution ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Lukens asked for and was granted unanimous consent to have Senate Bill No. 940 taken up for consideration.

Senate Bill No. 940—An Act to authorize, empower, and direct the Governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting and recovering the claims of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 940 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Carter, Greenwell, Keane, Leavitt, Lukens, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Rely, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.
 NOES—Senator Caminetti—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator McCartney asked for and was granted unanimous consent to have Senate Bill No. 166 taken up for consideration.

Senate Bill No. 166—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, relating to the Commissioner for the Bureau of Labor Statistics, the compensation of the said Commissioner, his deputy, his agents, and assistants, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 166 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Hartman, Keane, Leavitt, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Reily, Rush, Savage, Walker, Weed, Willis, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RE-REFERRED TO COMMITTEE.

On motion of Senator Muentner, Senate Bill No. 739—An Act authorizing the Governor to appoint a commission to consist of himself, a Senator and Assemblyman of the thirty-seventh session of the Legislature of the State of California, and two citizens at large, of which commission the Governor shall be ex officio a member and chairman thereof, to investigate the fish and fishing industry and the wild game of the State, relative to the propagation, preservation, and better protection thereof, and to recommend to the thirty-eighth session of the Legislature a plan for the propagation, preservation, and better protection of such fish and game; to provide for the creation of said commission and to define its powers, and making an appropriation therefor—was referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 930—An Act to provide for ascertaining and expressing the will of the people of the State of California upon the subject of Asiatic immigration—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALKER, Chairman.

Senate Bill No. 930 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 782—An Act to amend Section 58 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the election of county and township officers and their terms of office.

Also: Assembly Bill No. 983—An Act affecting the duties of county auditors throughout the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CARTER, Chairman.

Senate Bill No. 782 ordered on file for second reading.

Assembly Bill No. 983 ordered on Assembly special file for second reading.

ON LABOR, CAPITAL AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your Committee on Labor, Capital and Immigration, to whom was referred Assembly Bill No. 749—An Act to amend an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers, or the officers and employes of State institutions," approved March 19, 1903.

Also: Assembly Bill No. 904—An Act making it a misdemeanor for a contractor to employ any person to work more than eight hours any calendar day in the execution of any contract for work done for the State of California, or any political subdivision thereof, or under the direction of any public officer acting in his official capacity.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 522—An Act to amend an Act entitled "An Act to regulate the work and hours of employes engaged in selling at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

KEANE, Chairman.

Assembly Bills Nos. 749 and 904 ordered on Assembly special file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Keane asked for and was granted unanimous consent to have Assembly Bill No. 522 taken up for the purpose of amendment.

Assembly Bill No. 522—An Act to amend an Act entitled "An Act to regulate the work and hours of employes engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof."

During second reading of bill, the following amendments were submitted by committee:

On page 1, amend the title by adding at the end thereof, after the word "thereof," the words "approved February 28, 1905," and strike out the period and quotation marks after the word "thereof," at the end of the title, and insert in lieu thereof a comma.

Amendment adopted.

Also:

On page 1, strike out the words in italics upon the line immediately preceding line 1, in Section 1, as follows: "Drug clerks, hours of labor of."

Amendment adopted.

Also:

Amend by striking out on page 1, upon the line immediately preceding line 1, in Section 2, the words in italics as follows: "Employer not to permit longer hours."

Amendment adopted.

Also:

Amend by striking out on page 2, immediately preceding line 1, in Section 3, the word "Penalty" in italics.

Amendment adopted.

Also:

Amend by inserting after the enacting clause the following:

SECTION 1. An Act entitled "An Act to regulate the work and hours of employes engaged in selling retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof," approved February 28, 1905, is hereby amended by adding thereto a new section, to be known and numbered Section five."

Amendment adopted.

Also:

Amend by renumbering the sections following thereafter "Section 2," "Section 3," "Section 4," "Section 5," "Section 6."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Keane, the Secretary was directed to issue a rush order for printing Assembly Bill No. 522.

RESOLUTIONS.

The following resolutions were offered:

By Senator Belshaw:

Resolved, That the Controller be, and he is hereby directed to draw his warrant in favor of the following named persons and for the amounts specified, the same being on account of expenditures incurred in connection with the work of the special committee on prison investigations:

H. E. Carter.....	\$45 00
J. A. McKee.....	10 00
W. R. Eckart.....	28 50

The amounts named to be paid out of the Contingent Fund of the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Carter, Greenwell, Hartman, Keane, Kennedy, Leavitt, McCartney, Miller, Nelson, Price, Reily, Rolley, Savage, Walker, Weed, Willis, and Wolfe—24.

NOES—None.

By Senator Nelson:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of the following named persons for services rendered the Senate prior to its organization, and the Treasurer is hereby directed to pay the same:

R. G. Collins, 4 days, carrying the mail.....	\$12 00
Wm. Gamble, 3 days, as watchman	9 00
J. W. Gudgel, 3 days, as watchman	9 00

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Black:

Resolved, That the Controller of State is hereby directed to draw his warrants, and the Treasurer of the State to pay the same out of the Contingent Fund of the Senate, in favor of John Varcoe and Fred Malley, File Clerks, in the amounts of fifty dollars (\$50) each, for their services for remaining after final adjournment, to assist the Secretary of the Senate in compiling and preparing a final calendar of legislative business of the thirty-seventh session.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Price:

Resolved, That the State Printer be and he is hereby directed to print in volumes of 200 each all the bills and amended bills, joint resolutions, constitutional amendments, and concurrent resolutions, as introduced into each house, and deliver one set of each to the members of the Senate, the same to be paid for out of the Contingent Fund of the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Greenwell, Keane, Kennedy, Lynch, Mattos, McCartney, Nelson, Price, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, and Wright—25.

NOES—None.

By Senator Walker:

Resolved, That the Controller is hereby directed to draw his warrant, and the Treasurer is directed to pay the same out of the Contingent Fund of the Senate, in the sum

of \$35.00. to Miss Mamie Hughes, for remaining after final adjournment one week, to take care of and forward the mail of members and attachés of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Walker:

Resolved, That the Controller of State is hereby directed to draw his warrant, and the Treasurer of State to pay the same out of the Contingent Fund of the Senate, in the amount of fifty dollars (\$50), in favor of Wm. F. James, Assistant Minute Clerk, for his services for remaining after final adjournment, to properly paste together, arrange and label the original minutes, which, according to law, must be properly signed and delivered to the Secretary of State.

Resolution read, and referred to Committee on Contingent Expenses.

SENATE CONCURRENT RESOLUTIONS.

The following concurrent resolutions were offered:

By Senator Carter:

SENATE CONCURRENT RESOLUTION No. 21.

Resolved by the Senate, the Assembly concurring, That George I. Cochran, a Trustee of the State Normal School at Los Angeles, be granted a leave of absence from the State for a period longer than sixty days.

Resolution read and adopted.

Concurrent resolution ordered transmitted to the Assembly.

By Senator Wright:

SENATE CONCURRENT RESOLUTION No. 22.

Relative to the appointment of a joint committee on revision of the rules.

Be it resolved by the Senate, the Assembly concurring, That a committee be appointed consisting of two members of each House, to be named by the respective presiding officers, who, together with the State Librarian or one of his deputies, shall inquire into the rules and manner of conducting business adopted by other legislative bodies, and report at the opening of the next session of the Legislature a plan for simplifying and amending the rules of the two houses, and the expediting and improving of its manner of transacting business. The sum of \$750, or so much thereof as may be necessary, may be expended by said committee for the proper dispatch of its duties, to be paid out of the Contingent Fund in the manner in which other disbursements from such fund are made.

Resolution read, and referred to Committee on Rules.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 457—An Act to regulate the business of detectives, guards, and watchmen, in the State of California, and prescribing penalties for the violation thereof.

Senate Bill No. 457 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 464—An Act to amend the Political Code of the State of California, by adding eight new sections thereto, to be numbered 338, 338a, 338b, 339, 339a, 339b, 340, 340a, under a new article to be numbered thirteen (XIII), to be added to Chapter Two (2), Title One (1), Part Three (3) of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statement of expenses incurred in connection with said employment to be filed with the Secretary of State.

On motion of Senator Sanford, Senate Bill No. 464 was temporarily passed on file, to retain its place.

Committee Substitute for Senate Bill No. 436 and Senate Bill No. 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate."

On motion of Senator Keane, Committee Substitute for Senate Bills Nos. 436 and 437 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 8—To propose to the people of the State of California the repeal of Section 12 of Article XIII of the Constitution of the State of California, whereby to abolish State poll tax.

On motion of Senator Anthony, Senate Constitutional Amendment No. 8 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to Section 1 of Article VI of the Constitution of the State of California, relating to the judicial power of the State and creating a court of impeachment.

On motion of Senator Wright, Senate Constitutional Amendment No. 30 was temporarily passed on file, to retain its place.

Senate Bill No. 791—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written-up passbook or bank-book or to statement of his deposit accounts within a certain time or be concluded thereby.

On motion of Senator Bates, Senate Bill No. 791 was temporarily passed on file, to retain its place.

Senate Bill No. 792—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349½, relating to books or records of any bank, banker, trust company, or savings and loan society that have been lost or destroyed by conflagration, earthquake, or other public calamity, and prescribing a time within which certain actions shall be commenced.

On motion of Senator Bates, Senate Bill No. 792 was temporarily passed on file, to retain its place.

Senate Bill No. 254—An Act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partitions, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

On motion of Senator Anthony, Senate Bill No. 254 was temporarily passed on file, to retain its place.

Senate Bill No. 820—An Act to repeal Sections 7 and 8 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to changing boundaries of and consolidation of municipal corporations.

On motion of Senator Savage, Senate Bill No. 820 was temporarily passed on file, to retain its place.

Senate Bill No. 807—An Act to amend Section 34 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to the expenses of making the assessment for work authorized by this Act.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator McCartney moved that Senate Bill No. 807 be withdrawn and stricken from the file, and Senate Bill No. 883 be substituted therefor.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 883—An Act to protect all citizens in their civil and legal rights and to fix a penalty for the violation thereof.

On motion of Senator Leavitt, Senate Bill No. 883 was temporarily passed on file, to retain its place.

Senate Bill No. 510—An Act to add a new section to the Civil Code, to be known as Section 2758, to compel insurance companies to pay the full amount of the loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulation in such policies to the contrary.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Hartman moved that Senate Bill No. 510 be withdrawn and stricken from the file, and Senate Bill No. 935 be substituted therefor.

Motion carried.

Senate Bill No. 935—An Act providing the conditions upon which maps outlining the subdivision of tracts or lots of land for residence or other purposes shall be recorded in the office of the county recorder.

During second reading of bill, the following amendment was submitted by committee:

Amend by inserting in line 16, Section 1, printed bill, after the word "least," the following: "twenty."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for printing Senate Bill No 935.

SECOND READING OF BILLS.

On motion of Senator Mattos, the second-reading file was taken up for consideration.

Senate Bill No. 776—An Act to amend Section 1468 of the Code of Civil Procedure, relating to property set apart to family of decedent, and apportionment thereof between surviving spouse and children.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, insert before the word "Section," at beginning of line, the word and figure "Section 1."

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the word "Sec."

Amendment adopted.

Also:

On page 1, Section 1, line 5, insert after the word "to" the word "the."

Amendment adopted.

Also:

On page 1, Section 1, line 17, strike out the words "This Act takes effect immediately."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 777—An Act to amend Section 1465 of the Code of Civil Procedure, relating to property set apart to family of decedent, and apportionment thereof between surviving spouse and children.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, insert before the word "Section" at beginning of line, the word and figure "Section 1."

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the word "Sec."

Amendment adopted.

Also:

On page 1, Section 1, line 10, strike out the words "This Act takes effect immediately."

Amendment adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 942—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1906, by amending certain sections thereof, and adding two new sections thereto, and repealing Section 580 of the Civil Code.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 150—An Act to define trusts and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

Bill read second time, considered engrossed, and ordered on file for third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Hartman asked for and was granted unanimous consent to withdraw Senate Bill No. 511—An Act to add a new section to the Civil Code, to be known as Section 2759, relating to fire insurance companies—and substitute therefor on file Senate Bill No. 937.

Senate Bill No. 511 withdrawn and ordered stricken from the file, and Senate Bill No. 937 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 937—An Act authorizing and empowering the State Board of Harbor Commissioners to construct artesian wells along the water front in the City and County of San Francisco, and appropriating \$25,000 therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 937 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Greenwell, Hartman, Irish, Keane, Kennedy, Markey, Mattos, McCartney, McKee, Miller, Rambo, Reily, Rush, Savage, Walker, Weed, Willis, and Wolfe—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Leavitt moved that the vote whereby Assembly Bill No. 151—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of jurors—was passed, be now reconsidered.

The motion was duly seconded.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Bates, Black, Broughton, Carter, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.
NOES—Senators Anthony, Bell, Belshaw, Caminetti, Irish, Mattos, McCartney, Miller, Rush, and Sanford—10.

The vote having been reconsidered, the question being on the final passage of the bill.

The President directed the Secretary to call the roll.

During the roll call, Senator Caminetti asked for unanimous consent to address the Senate on the merits of the bill.

Objection made.

Senator Curtin moved that, albeit the roll call was in progress, further proceedings be dispensed with temporarily to enable the Senate to give the bill further consideration.

Motion lost.

Roll call continued.

Pending the announcement of the vote, Senator Miller moved a call of the Senate.

Motion lost.

Time, twelve o'clock M.

Whereupon the President announced that Assembly Bill No. 151 was refused final passage by the following vote.

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Caminetti, Carter, Irish, Mattos, Miller, Rolley, Rush, and Sanford—13.

NOES—Senators Bates, Black, Broughton, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Muentner, Nelson, Rambo, Reily, Savage, Walker, Weed, Willis, Wolfe, and Wright—20.

Bill ordered transmitted to the Assembly.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 242—An Act to amend Title V, of Part IV, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding two new sections thereto, to be numbered 4463 and 4464, requiring persons, firms, associations, or corporations in this State engaged in the business of loaning money, receiving deposits, banking, or insurance in any form, to publish certain reports, and prescribing a penalty for failure or neglect to do so.

On motion of Senator Sanford, Senate Bill No. 242 was temporarily passed on file, to retain its place.

Senate Bill No. 819—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid.

On motion of Senator McKee, Senate Bill No. 819 was temporarily passed on file, to retain its place.

Senate Bill No. 808—An Act to increase the number of judges of the Superior Court of the County of Tulare, and to provide for the appointment of an additional judge.

On motion of Senator Miller, Senate Bill No. 808 was temporarily passed on file, to retain its place.

Senate Joint Resolution No. 4—Relative to the issuance of currency by the United States on school bonds on the same terms as bank notes are issued to national banks.

On motion of Senator Caminetti, Senate Joint Resolution No. 4 was temporarily passed on file, to retain its place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Wright asked for and was granted unanimous consent to withdraw Senate Joint Resolution No. 9—Relative to reorganizing and increasing the efficiency of the artillery of the United States army—and substitute therefor on file Assembly Bill No. 145.

Senate Joint Resolution No. 9 withdrawn and ordered stricken from the file, and Assembly Bill No. 145 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 145—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the Bay of San Diego.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 145 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Greenwell, Irish, Leavitt, Mattos, McCartney, Nelson, Rambo, Rolley, Walker, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 841—An Act to provide for the organization, incorporation, disincorporation, consolidation and government of municipal

corporations, and to amend an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, by adding a new section thereto, to be known as Section 4a, relating to the disincorporation and the reorganization and consolidation of municipalities, and by amending Section 8 of said Act, relating to consolidation of municipal corporations.

On motion of Senator Savage, Senate Bill No. 841 was temporarily passed on file, to retain its place.

Senate Bill No. 814—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

On motion of Senator Miller, Senate Bill No. 814 was temporarily passed on file, to retain its place.

Senate Bill No. 402—An Act to amend Sections 90, 91, 92, 128, and 131, and to add certain new sections, to be known as and numbered Sections 108 and 128a, all of and to the Civil Code of the State of California, relating to divorce, the kinds thereof, and the grounds therefor.

On motion of Senator Anderson, Senate Bill No. 402 was temporarily passed on file, to retain its place.

Senate Bill No. 664—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered Section 1271a, relating to the subject of escheated estates.

On motion of Senator Broughton, Senate Bill No. 664 was temporarily passed on file, to retain its place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Rolley asked for and was granted unanimous consent to withdraw Committee Substitute for Senate Bill No. 502—An Act to provide for permanently draining Lake Earl in Del Norte County, and making an appropriation therefor—and substitute therefor on file, Assembly Bill No. 333.

Committee Substitute for Senate Bill No. 502 withdrawn and ordered stricken from the file, and Assembly Bill No. 333 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 333—An Act to amend Section 632 of the Penal Code of the State of California, relating to buying, selling, or taking of steel-heads.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 333 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Leavitt, Markey, Mattos, McCartney, Nelson, Reily, Rolley, Rush, Savage, Walker, Weed, and Wright—25.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Belshaw, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee and concurred in Senate Amendments Nos. 3, 6, 9, 11, 16, 18, 26, 38, 39, and 62 to Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: Your Committee on Conference, concerning Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for fifty-ninth and sixtieth fiscal years—report that we have met a like committee of the Assembly, consisting of Assemblymen Estudillo, McLellan, and Held, and we report that the Conference Committee have agreed and do now recommend that the Assembly do concur in Senate Amendments Nos. 3, 6, 9, 11, 16, 18, 26, 38, 39 and 62 to said Assembly Bill No. 975, and that the Senate do recede from Senate Amendments Nos. 22, 28, 48, 54, and 63 to said Assembly Bill No. 975.

BELSHAW,
Chairman of Committee on Conference of the Senate.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Curtin, Greenwell, Irish, Leavitt, Lukens, Mattos, Muentner, Nelson, Price, Rolley, Rush, Savage, Walker, Weed, Willis, and Wolfe—24.

NOES—Senators Anthony, Caminetti, and Reily—3.

The question being, "Shall the Senate recede from the following Senate amendments to Assembly Bill No. 975?"

On page 9, line 286, strike out the word "twelve," and insert in lieu thereof the word "fifteen."

Also: On page 11, lines 340 and 341, strike out the words "two thousand five hundred," and insert in lieu thereof the words "five thousand."

Also: On page 15, line 501, strike out the words "seven thousand nine hundred and twenty," and insert in lieu thereof the words "ten thousand eight hundred."

Also: On page 17, line 544b, strike out the word "six" and insert in lieu thereof the word "twelve."

Also: On page 19, line 637, strike out the word "one," and insert in lieu thereof the word "two."

The roll was called, and the Senate receded from the above Senate amendments to Assembly Bill No. 975 by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton Broughton, Carter, Curtin, Greenwell, Hartman, Irish, Leavitt, Lukens, Mattos, Nelson, Price, Rolley, Rush, Savage, Walker, Weed, Willis, and Wolfe—25.

NOES—Senator Caminetti—1.

Assembly Bill No. 975 ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Carter asked for and was granted unanimous consent to withdraw Senate Bill No. 832—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices courts and justices of the peace—and substitute therefor on file Assembly Bill No. 1.

Senate Bill No. 832 withdrawn, and ordered stricken from the file, and Assembly Bill No. 1 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 1—An Act creating a board to be known as the "Board of Pardons, Paroles, and Relief," whose duties shall be to hear and pass upon all applications for pardons, commutations and paroles, and to have the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board, and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said board, its agents, clerks, and employés.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Black, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Nelson, Price, Reily, Roiley, Rush, Savage, Walker, Weed, Willis, and Wolfe—25.

NOES—Senator Boynton—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 109—An Act to appropriate the sum of ten thousand dollars to pay the claim of Harve O. Waterman, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Senate Bill No. 109 was temporarily passed on file, in the absence of the author, to retain its place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Boynton asked for and was granted unanimous consent to withdraw Committee Substitute for Senate Bills Nos. 3, 266, 278, 412, and 524—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State Laboratory of Plant Pathology, and the appointment of a State Plant Pathologist for this purpose, and for investigations in the field of viticulture, and making an appropriation therefor—and substitute therefor on file Assembly Bill No. 1024.

Committee Substitute for Senate Bills Nos. 3, 266, 278, 412, and 524 withdrawn and ordered stricken from the file, and Assembly Bill No. 1024 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 1024—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance

of a State Laboratory of Plant Pathology, and the appointment of a State Plant Pathologist for this purpose, and for investigations in the field of viticulture, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1024 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, Muentner, Nelson, Price, Reily, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—29.
NOES—None.

Title read.

During the reading of the title, the following amendment was offered by Senator Boynton:

Amend the title by striking out the word "viticulture," on line 8, and inserting in lieu thereof "vine pathology and vine diseases."

Amendment adopted.

Title approved as amended.

Bill ordered to print, and to the Assembly.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 739—An Act authorizing the Governor to appoint a commission to consist of himself, a Senator and Assemblyman of the thirty-seventh session of the Legislature of the State of California and two citizens at large, of which commission the Governor shall be ex officio a member and chairman thereof, to investigate the fish and fishing industry and the wild game of the State relative to the propagation, preservation and better protection thereof, and to recommend to the thirty-eighth session of the Legislature a plan for the propagation, preservation and better protection of such fish and game; to provide for the creation of said commission and to define its powers, and making an appropriation therefor.

Also: Assembly Bill No. 499—An Act making an appropriation to carry out the provisions of Section 2979a of the Political Code of the State of California.

Also: Assembly Bill No. 880—An Act making an appropriation to repay to Thomas Bair moneys paid by him into the county treasury of Humboldt County for lands purchased by him under location 1223.

Also: Assembly Bill No. 892—An Act appropriating money to pay the District Court of Appeal for the Third Appellate District of the State of California, and to provide for the maintenance of a law library for said court. Also, to pay for furnishing and equipping the chambers, court-room, clerk's and stenographer's rooms and the library.

Also: Assembly Bill No. 1026—An Act providing for the indexing and preservation of certain books, maps, papers and documents in the office of the Surveyor-General, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 531—An Act to regulate traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or mis-branded articles, and making an appropriation for the enforcement of its provisions—have had the same under consideration, and respectfully report the same back, without recommendation.

BELSHAW, Chairman.

Senate Bill No. 739 ordered on file for second reading.

Assembly Bills Nos. 499, 880, 892, 1026, and 531 ordered on Assembly special file for second reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 936—An Act to add a new section to the Political Code, to be numbered 2697, providing for a notice of petition to alter, discontinue or lay out a road, and the effect thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MATTOS, Chairman.

Assembly Bill No. 936 ordered on Assembly special file for second reading.

CONSIDERATION OF DAILY SPECIAL FILE—THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 536—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

On motion of Senator Leavitt, Assembly Bill No. 536 was temporarily passed on file, to retain its place.

Assembly Bill No. 420—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes, and for the supervision of all societies or organizations engaged in such work, and known as children's home-finding societies.

Assembly Bill No. 420 was temporarily passed on file to retain its place.

Assembly Bill No. 903—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid.

Assembly Bill No. 903 was temporarily passed on file, to retain its place.

Assembly Bill No. 35—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

Assembly Bill No. 35 was temporarily passed on file, to retain its place.

Assembly Bill No. 414—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 414 finally passed by the following vote:

AYES—Senators Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Nelson, Price, Rambo, Rolley, Savage, Walker, Weed, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 750—An Act to amend Section 2004 of the Code of Civil Procedure, stating the definition of a deposition.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 750 finally passed by the following vote:

AYES—Senators Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Irish, Keane, Kennedy, Mattos, McCartney, Miller, Nelson, Price, Rambo, Rush, Savage, Walker, Weed, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 751—An Act to amend Section 2024 of the Code of Civil Procedure, relative to the manner of taking depositions out of the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 751 finally passed by the following vote:

AYES—Senators Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Nelson, Price, Rambo, Rush, Savage, Walker, Weed, Willis, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR SANFORD IN THE CHAIR.

At three o'clock and ten minutes P. M., Senator Sanford, of the Fourth District, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 587—An Act adding a new section to the Political Code of the State of California, to be numbered 1893, relating to duties of school trustees and city boards of education regarding fraternities in public schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 587 finally passed by the following vote:

AYES—Senators Anderson, Bell, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Miller, Muenter, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Welch, and Wolfe—28.

NOES—Senators Bates, Belshaw, Lukens, Lynch, Rolley, Weed, Willis, and Wright—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 948—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1203a, relating to liens.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 948 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Miller, Muentner, Price, Rambo, Reily, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 952—An Act to amend Section 1194 of the Code of Civil Procedure of the State of California, relating to liens and the docketing of a deficiency.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 952 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Belshaw, Black, Boynton, Broughton, Greenwell, Keane, Leavitt, Lukens, Lynch, Mattos, Miller, Muentner, Nelson, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—Senator McCartney—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 953—An Act to amend an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing the compensation of said director and clerk and providing for the manner of paying the same and providing for the expense of conducting the office," approved March 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 953 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Keane, Leavitt, Markey, Mattos, McCartney, Miller, Muentner, Nelson, Price, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—Senator Savage—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM COMMITTEE AND ORDERED ON FILE.

On motion of Senator Wright, Assembly Bill No. 921—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement—was recalled from Committee on Judiciary and ordered on Assembly special file for second reading.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 551—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Curtin moved to refer to Senator Leavitt as a special committee of one, to amend as follows:

By inserting after the word "dollars," on line 14, Section 1, the following: "of the County of Mariposa three thousand five hundred dollars."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 551, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator McCartney, the Secretary was directed to issue a rush order for printing Assembly Bill No. 551, the same to retain its place on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for and was granted unanimous consent to have Assembly Bill No. 935 taken up for the purpose of amendment.

Assembly Bill No. 935—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

During second reading of the bill, the following amendment was submitted by Senator Curtin:

Amend by striking out of Section 1, lines 4 and 5, the word "Alameda"; also, after the words "San Francisco," in lines 4 and 5, strike out the words "and the County of Los Angeles," and inserting the following: "and the counties of Los Angeles and Alameda."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

BILL RECALLED FROM COMMITTEE AND ORDERED ON FILE.

On motion of Senator Leavitt, Assembly Bill No. 1035—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to officers of a township—was recalled from Committee on County Government and ordered on Assembly special file for second reading.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 438—An Act prohibiting the placing, painting, printing, sticking, posting, or otherwise affixing upon any fence, structure, pole, rock, or other object, which is the property of another, any word or words, device, trademark, advertisement or notice, except such as required by law, without having first obtained the consent in writing of the owner or tenant of said property, and providing a penalty for the violation thereof, and providing for the obliteration of any word or words, device, trademark, or notice, placed, printed, painted, stuck, posted, or otherwise affixed upon any fence, structure, pole, rock, or other object, in violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 438 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Black, Boynton, Broughton, Curtin, Greenwell, Leavitt, Lukens, Markey, Mattos, McCartney, Muentner, Nelson, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read.

During the reading of the title, the following amendment was offered by Senator Black:

Amend title as follows: After the word "consent" strike out the words "in writing."

Amendment adopted.

Title approved as amended.

Bill ordered to print, and to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Lukens:

Resolved, That Senate Bill No. 942 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section, requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Greenwell, Keane, Leavitt, Lukens, Lynch, Mattos, McCartney, Muentner, Price, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 942—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1906, by amending certain sections thereof, and adding two new sections thereto, and repealing Section 580 of the Civil Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 942 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That on and after the 9th day of March, 1907, at five o'clock p. m., no Senate bill shall be considered in the Senate except upon amendments made by the Assembly, or results of conference committees.

Resolution read and adopted.

SECOND READING OF ASSEMBLY BILLS.

On motion of Senator Muentner, the second-reading file of Assembly bills was taken up for consideration

Assembly Bill No. 699—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement or utility.

During second reading of bill, the following amendments were submitted by committee:

On page 1, amend the title of said bill by striking out the period after the word "utility," in line 4 of said title, and insert in lieu thereof the following: "comma (,) or sawmill."

Amendment adopted.

Also:

On page 1, Section 1, line 6, after the word "utility," strike out semicolon and insert comma, and add the following: "or within four miles of any sawmill where lumber is being manufactured."

Amendment adopted.

Also:

On page 1, Section 1, line 11, after the word "such," insert the word: "sawmill."

Amendment adopted.

Also:

On page 2, Section 2, line 5, insert period after the figures "\$500," and strike out all of the remaining lines of said section.

Amendment adopted.

Also:

Amend Section 1, line 5, by adding, after the word "more," the word "white."

Amendment adopted.

Also:

On same line, strike out the figures "25," and insert in lieu thereof "one hundred."

Amendment adopted.

Also:

Strike out of line 10, Section 1, the words "at least six months next."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 650—An Act to provide for the improvement of public streets, lanes, alleys, courts and places in cities, in cases where any damage to private property would result from such improvement.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 907—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Section 34 of said Act.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 826—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 916—An Act to amend Section 16 of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemptions of property of associations in liquidation from attachments, executions, and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners, and the publication thereof.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 991—An Act to amend Section 6 of an Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in said channels, and preventing the overflow thereof, and for the construction by such districts of all the necessary works for said purposes.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 593—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 690—An Act in relation to fees of county recorders in recording documents or writings for water users' associations, incorporated in conformity with the direction of the United States under the Act of Congress approved June 17, 1902, and relating to the use of printed matter or blanks by such recorders.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 1022—An Act to amend an Act entitled "An Act to amend Section 163 of an Act entitled 'An Act to establish a uniform

system of county and township government,' approved April 1, 1897, and amended March 23, 1901," approved March 20, 1905, relating to county and township officers of counties of the sixth class.

On motion of Senator Price, Assembly Bill No. 1022 was temporarily passed on file, to retain its place.

Assembly Bill No. 919—An Act to add a new section to the Penal Code, to be numbered Section 556, and relating to the correct weight of agricultural products sold by the bale.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 798—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 843—An Act to amend Section 920 of the Penal Code of the State of California by providing that upon application by the defendant the grand jury is bound to hear evidence on his behalf.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 675—An Act to amend Sections 3804 and 3805 of the Political Code, relating to the refunding of taxes and the cancellation of certificates of tax sales.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 840—An Act to amend Section 3788 of the Political Code and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817; and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818 of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and re-sale of such property; and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 361—An Act to amend the Penal Code of the State of California, by adding three new sections thereto, to be numbered 556, 556a, and 556b, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State.

During second reading of bill, the following amendments were submitted by committee:

On page 1, title, strike out all of said title and insert in lieu thereof the following: "An Act to protect trade and commerce against unlawful restraints and monopolies."

Amendment adopted.

Also:

On page 1, Section 1, line 1. strike out all of Sections 1, 2, and 3, and insert:

SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in unreasonable restraint of trade or commerce, within the State of California, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and,

on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or both said punishments, in the discretion of the court.

SEC. 2. Every person who shall monopolize or attempt to monopolize or combine or conspire with any other person or persons to monopolize any part of the trade or commerce with the State of California, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 3. The several Superior Courts of the State of California are hereby invested with jurisdiction to prevent and restrain violations of this Act, and it shall be the duty of the several District Attorneys in the respective counties, under the direction of the Attorney-General of the State, to institute proceedings in equity to prevent and restrain such violations. Such proceeding may, by way of petition setting forth the case and praying that such violations shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

SEC. 4. Whenever it shall appear to the court before which any proceedings under Section 3 of this Act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the county in which the court is held or not.

SEC. 5. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof mentioned in Section 1 of this Act, and being in the course of transportation within the State of California, shall be forfeited to the State of California, and may be seized and condemned by like proceedings as those provided by law for the recovery of escheated estates, Title VIII, Part III, of the Code of Civil Procedure.

SEC. 6. Any person who shall be injured in his business or property by any other person or corporation, by reason of anything forbidden or declared to be unlawful by this Act may sue therefor in any court of competent jurisdiction and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

SEC. 7. That the word "person" or "persons" wherever used in this Act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the territories, or of any State, or of this State, or of any foreign country.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 868—An Act to amend Section 1240 of the Code of Civil Procedure, specifying the property which may be taken under the law of eminent domain, and authorizing proceedings therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 898—An Act creating a Public Relief Commission, and defining its powers and purposes; providing for the appointment of commissioners in whom its administration shall be vested, and prescribing their duties, powers, and compensation; providing for the rental of offices for the use of the commissioners, and for traveling and office expenses; providing for the appointment of other officers, agents, and servants, and for their compensation; providing a course of procedure where any person, firm, or corporation, or society has received, held, distributed, or disposed of, or is receiving, holding, distributing, or disposing of trust funds or trust property in an unsafe or unauthorized manner, where the trust funds or other trust property has been donated, granted, given, or bequeathed for the relief of any sufferers from any earthquake, conflagration, or other disaster; providing for succession in the office of the commissioner, and repealing all Acts and parts of Acts in conflict herewith.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 374—An Act to add a new section to the Code of Civil Procedure, to be numbered 1060, in relation to undertakings.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 500—An Act to add a new section to the Code of Civil Procedure, relating to juries, to be known and numbered as Section 605.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 989—An Act to amend an Act entitled "An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, relating to the propagation of noxious weeds.

Bill read second time, and ordered on Assembly special file for third reading.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER SET.

In compliance with his notice given on a previous day, Senator Caminetti moved that the vote whereby Senate Bill No. 805—An Act to amend Section 1662 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872—was refused passage, be now reconsidered.

The motion was duly seconded.

Senator Caminetti moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 805 was refused passage be postponed until next legislative day at eleven o'clock A. M.

Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Wolfe moved that the vote whereby Assembly Bill No. 839—An Act to amend Sections 10 and 11 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of parties to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such parties; and providing when proceedings under this Act shall be admissible in evidence"—was passed, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Caminetti, Curtin, Greenwell, Hartman, Kennedy, Leavitt, Mattos, McCartney, McKee, Muentzer, Price, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

SPECIAL ORDER SET.

Senator Wolfe moved that further consideration of Assembly Bill No. 839 be made a special order for Saturday, March 9, 1907, at two o'clock and thirty minutes P. M.

Motion carried.

CONSIDERATION OF MEMBERS' URGENCY FILE--THIRD READING OF BILLS.

Assembly Bill No. 918—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 918 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Caminetti, Greenwell, Hartman, Kennedy, Leavitt, Lukens, Mattos, McCartney, McKee, Muentner, Price, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 941—An Act to amend Section 2713 of the Political Code, relating to construction and repair of bridges to be let out by contract.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 941 passed by the following vote:

AYES—Senators Anderson, Bell, Boynton, Caminetti, Greenwell, Kennedy, Leavitt, Lukens, Mattos, McCartney, McKee, Muentner, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—22.

NOES—Senator Anthony—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 311—An Act to amend Section 330 of the Code of Civil Procedure and to add a new section thereto, to be numbered 248, both relating to jurors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 311 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Caminetti, Curtin, Greenwell, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Reily, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 353—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof; and fixing the responsibility of the parents to the counties from which their children are committed," approved March 28, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 353 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Caminetti, Curtin, Greenwell, Hartman, Irish, Kennedy, Lukens, Mattos, McCartney, McKee, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read.

During the reading of the title the following amendment was offered by Senator Caminetti:

Strike out the word "at," printed copy, as amended March 7, 1907, in line 2 of the title, and insert the following: "Section 2 of an."

Amendment adopted.

Also:

Strike out period after figure "5," last line of title, and insert a comma, also the following: "so as to provide for the cost of maintenance of certain persons committed for certain offenses."

Amendment adopted.

Title approved as amended.

Bill ordered to print and to the Assembly.

Senate Bill No. 885—An Act making an appropriation for the purchase and installment of improved materials and machinery, and improvements for the State Printing Office and bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 885 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, Muentner, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 913—An Act to repeal an Act entitled "An Act to further define the powers of the board of trustees of the City of Sacramento," approved March 22, 1886.

Also: Assembly Bill No. 914—An Act to repeal Section 2 of an Act entitled "An Act relating to streets and roads in the City and County of Sacramento," approved March 22, 1874.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SAVAGE, Chairman.

Assembly Bills Nos. 913 and 914 ordered on Assembly special file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 615—An Act to provide for the reproduction of books, documents, maps or records of any city, county, or city and county board or officer, where the same have been destroyed by conflagration or other public calamity.

Also: Assembly Bill No. 777—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

Also: Assembly Bill No. 692—An Act granting rights of way for lines, roads, structures, levees, canals and excavations to the United States, over the public lands of this State. Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 1007—An Act to amend Section 1943 of the Civil Code of the State of California.

Also: Assembly Bill No. 1008—An Act to amend Section 1945 of the Civil Code of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

LUKENS, Chairman.

Senate Bill No. 615 ordered on file for second reading.

Assembly Bills Nos. 777, 692, 1007 and 1008 ordered on Assembly special file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 135—An Act to amend Section 3817 of the Political Code of the State of California, relative to the redemption of real estate sold for taxes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McCARTNEY, Chairman.

Senate Bill No. 135 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 598—An Act to amend Sections 3109 and 3110 of the Civil Code of the State of California, relating to public cemeteries and cemeteries owned by benevolent or charitable associations or societies and the jurisdiction over and control of the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

McKEE, Chairman.

Assembly Bill No. 598 ordered on Assembly special file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Bynton:

Resolved, That the Controller be and is hereby directed to draw his warrant in favor of the following named persons and for the amounts specified, the same being on account of expenses incurred in connection with the work of the Senate special committee for the investigation of the sale of prison-made jute bags at San Quentin:

James Oliver, traveling expenses.....	\$10 00
J. Ballard, traveling expenses.....	10 00
J. Louis Martin, serving subpoenas.....	20 50
V. Dietz reporting, and transcription of testimony.....	46 10

The amounts named to be paid out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Mattos asked for and was granted unanimous consent to have Assembly Bill No. 822 taken up for consideration.

Assembly Bill No. 822—An Act to classify the roads in the State of California, and to define each class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 822 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Black, Boynton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Nelson, Price, Reily, Rush, Sanford, Savage, Walker, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Caminetti gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 822 was this day passed.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Lynch asked for and was granted unanimous consent to have Assembly Bill No. 598 taken up for the purpose of amendment.

Assembly Bill No. 598—An Act to amend Sections 3109 and 3110 of the Civil Code of the State of California, relating to public cemeteries, and cemeteries owned by benevolent or charitable associations or societies, and the jurisdiction over and control of the same.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 1, strike out the words "Civil Code," and insert in lieu thereof the following: "Political Code."

Amendment adopted.

Also:

On page 2, Section 2, line 1, strike out the words "Civil Code," and insert in lieu thereof the following: "Political Code."

Amendment adopted.

Also:

On page 1, line 2 of the title, strike out the words "Civil Code," and insert in lieu thereof the following: "Political Code."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Lynch, the Secretary was directed to issue a rush order for printing Assembly Bill No. 598.

RECESS.

At four o'clock and forty-five minutes P. M., on motion of Senator Wolfe, the Acting President declared the Senate in recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Mattos asked for and was granted unanimous consent to have Assembly Bill No. 1021 taken up for the purpose of amendment.

Assembly Bill No. 1021—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Mattos moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

By striking out all of Sections 28 and 29, and inserting in lieu thereof the following: Sec. 28. The provisions of this Act and each and every part thereof shall only apply to such county or counties as may adopt the county highway plan, when all proceedings required in Section 1 of this Act have been fully complied with, and not before.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1021, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Mattos, the Secretary was directed to issue a rush order for printing Assembly Bill No. 1021.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Wright:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session, without the consent of two thirds of the members thereof, be complied with, and that Senator Wright be and is hereby permitted to introduce two bills, to be numbered respectively No. 945 and No. 946.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Greenwell, Irish, Keane, Leavitt, Mattos, McCartney, Muenter, Nelson, Rambo, Rely, Rolley, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bills were introduced:

By Senator Wright: Senate Bill No. 945—An Act making an appropriation of \$300 to pay the claim of George H. P. Shaw against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 946—An Act making an appropriation of \$300 to pay the claim of George H. P. Shaw against the State of California.

Bill read first time, and referred to Committee on Finance.

RUSH ORDER TO PRINTER.

On motion of Senator Wright, the Secretary was directed to issue a rush order for printing Senate Bill No. 945 and Senate Bill No. 946.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 310—An Act to amend Sections 204, 205, 206, and 241 of the Code of Civil Procedure, relating to jurors for courts of record.

Also: Senate Bill No. 460—An Act to amend Section 1662 of the Political Code, fixing the age at which children may be admitted to primary schools.

And report that the same have been correctly engrossed.

REILY, Chairman.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Willis asked for and was granted unanimous consent to have Senate Bill No. 310 taken up for immediate consideration.

Senate Bill No. 310—An Act to amend Sections 204, 205, 206, and 241 of the Code of Civil Procedure, relating to jurors for courts of record.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 310 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Boynton, Caminetti, Curtin, Greenwell, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Muentner, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the further consideration of Senate Bill No. 460, the same was taken up for consideration.

Senate Bill No. 460—An Act to amend Section 1662 of the Political Code, fixing the age at which children may be admitted to primary schools.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 460 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Keane:

Resolved, That Senate Bill No. 930 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring

that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Nelson, Rambo, Reily, Rolley, Rush, Sanford, Weed, Welch, Willis, Wolfe, and Wright—29.
NOES—None.

CASE OF URGENCY.

Senate Bill No. 930—An Act to provide for ascertaining and expressing the will of the people of the State of California upon the subject of Asiatic immigration.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 930 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Weed, Welch, Willis, Wolfe, and Wright—31.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That Assembly Bill No. 1035 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Weed, Willis, Wolfe and Wright—30.
NOES—None.

CASE OF URGENCY.

Assembly Bill No. 1035—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897," relating to officers of a township.

During second reading of bill, the following amendments were offered by Senator Leavitt:

Amend by striking out of Section 1, page 1, line 8, engrossed bill, the word "and," after the word "justices," and inserting the following: "or."

Amendment adopted.

Also:

Amend by striking out in Section 1, page 1, line 8, engrossed bill, the comma after the word "elected," and thereafter inserting the following: "there shall be one justice of the peace."

Amendment adopted.

Also:

Amend by striking out, in Section 1, page 1, line 9 (where said designation of line 9 appears the second time on said page), engrossed bill, the semicolon after the word "peace," and insert the following: "and one constable."

Amendment adopted.

Also:

Amend by striking out, in Section 1, page 1, line 12, engrossed bill, the period after the word "peace," and inserting in lieu thereof the following: "and four constables."

Amendment adopted.

Also:

Amend by striking out, in Section 1, page 2, line 16, engrossed bill, the words "in counties of the second class," and inserting in lieu thereof the following: "that may be hereafter established."

Amendment adopted.

Also:

Amend by inserting in Section 1, page 1, line 20, engrossed bill, after the word "peace," the following: "and constables."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for printing Assembly Bill No. 1035.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Rambo:

Resolved, That Edward McCabe be and he is hereby allowed \$15 for services performed this thirty-seventh session of the Legislature from January 7th to January 9th, inclusive, and the Controller is hereby directed to draw his warrant and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Caminetti moved that the vote whereby Senate Bill No. 805—An Act to amend Section 1662 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872—was refused passage, be now reconsidered.

The motion was duly seconded.

MOTION TO LAY ON THE TABLE.

Senator Caminetti moved that the motion to reconsider the vote whereby Senate Bill No. 805 was heretofore refused passage be laid on the table.
Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 7, have had the same under consideration, and recommend the following substitute therefor be adopted:

WHEREAS, There are now in the United States 150,000 Japanese and 12,000 Koreans, an undesirable class that are prejudicial to the laboring interests of this country; and

WHEREAS, Such immigration has been increasing in alarming proportions during the past few years (14,000 Japanese immigrants having landed on this coast in 1906), and threatens to affect the body politic of the entire Nation, both economically and ethnologically; and

WHEREAS, The President of the United States has, in a recent message to Congress, strongly urged the passage of a special Act to naturalize Japanese, a race that can not be assimilated by the Caucasian race; and

WHEREAS, Instead of extending the elective franchise by adding a large and undesirable element to our voting population, our endeavor should be to thoroughly Americanize our already large foreign population and safeguard and elevate our citizenship by all reasonable restrictions; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That we oppose further Japanese immigration and favor the extension of the immigration laws so as to include Japanese, Koreans, and all other Asiatic people, and we hereby urge our Senators and Representatives in Congress to use all honorable means to secure the passage of such a measure.

Be it further Resolved, That we most strenuously oppose the proposition to naturalize Japanese and extend the elective franchise to the alien-born of that race as being inimical to the welfare of the American people, and we hereby instruct our Senators and Representatives in Congress to use every honorable means within their power to combat such pernicious legislation.

Be it further Resolved, That a copy of these resolutions be forwarded to each of our Senators and Representatives in Congress by the Secretary of the Senate.

BLACK, Chairman.

Senate Joint Resolution No. 7 ordered on file.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 890—An Act making an appropriation to be used to develop water and furnish equipment for the same, and to repeal Chapter CCLXIII, Statutes 1905, all relating to the water supply at the Whittier State School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 890 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Greenwell, Irish, Keane, Kennedy, Leavitt, Mattos, McCartney, Nelson, Price, Rambo, Rolley, Sanford, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 883—An Act to protect all citizens in their civil and legal rights, and to fix a penalty for violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 883 refused passage by the following vote:

AYES—Senator McCartney—1.

NOES—Senators Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, Nelson, Price, Rambo, Reily, Sanford, Weed, Wolfe, and Wright—24.

Assembly Bill No. 562—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 562 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Cartwright, Greenwell, Irish, Keane, Kennedy, Leavitt, Markey, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Weed, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 594—An Act to authorize the District Court of Appeal for the Second District to provide proper rooms in which to hold court and for the proper accommodation of its officers and library, and authorizing the presiding justice to enter into contracts or leases therefor; and providing for an appropriation of money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 594 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, Nelson, Price, Rambo, Reily, Rolley, Rush, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 452—An Act to amend Sections 626 and 626d of the Penal Code of the State of California, relating to fish and game.

Read third time.

On motion of Senator Caminetti, Assembly Bill No. 452 was temporarily passed on file, to retain its place.

Assembly Bill No. 16—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 16 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Irish, Keane, Leavitt, Markey, Mattos, McCartney, Nelson, Rambo, Reily, Rolley, Rush, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 387—An Act to amend Section 1140 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing that trial jurors in criminal cases shall be discharged after retirement for deliberation within a certain number of hours.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 387 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Cartwright, Hartman, Keane, Kennedy, Lynch, Markey, McCartney, Nelson, Reilly, Rush, Weed, Willis, and Wright—21.

NOES—Senator Curtin—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATOR WILLIS IN THE CHAIR.

At nine o'clock and forty minutes P. M., Senator Willis, of the Thirtieth District, in the chair.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 676—An Act supplementary to the Act approved June 16, 1906, entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," providing for the making and recordation of notice of ownership or claim to real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 676 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, McCartney, Nelson, Price, Rambo, Reilly, Rush, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Lynch:

Resolved, That the Controller of the State be, and he is hereby directed to draw his warrants, and the Treasurer of the State is directed to pay the same out of the Contingent Fund of the Senate, in favor of

Donn J. Shields, Assistant Secretary, for the sum of.....	\$100 00
J. W. Kavanagh, Assistant Secretary, for the sum of.....	100 00
W. G. Randall, Assistant Secretary, for the sum of.....	100 00
A. N. Umphreys, Assistant Secretary, for the sum of.....	100 00
Oscar A. Foster, Assistant Secretary, for the sum of.....	100 00

for necessary work to be performed by them in completing the records of the Senate and preparing the same for delivery, as required by law, and performing other necessary services in bringing to a close the work of their department.

Resolution read, and referred to Committee on Contingent Expenses.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 828—An Act to pay the claim of Mrs. John F. Kidder against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 828 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Mattos, McCartney, Nelson, Price, Rambo, Reily, Rolley, Rush, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 572—An Act to create a preserve for shellfish and invertebrate animals within a portion of the Bay of Monterey, and to prohibit taking the same from such preserves for commercial purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 572 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, Muentner, Price, Rambo, Rolley, Rush, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 852—An Act relating to life, health, and accident insurance of live stock on the assessment plan, and the conduct of the business of such insurance.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 852 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lynch, McCartney, Price, Rambo, Reily, Rolley, Rush, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 908—An Act to repeal Section 145 of the Political Code of the State of California.

Read third time.

On motion of Senator Lukens, Senate Bill No. 908 was temporarily passed on file, to retain its place.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to have Senate Joint Resolution No. 7 taken up for the purpose of amendment.

Senate Joint Resolution No. 7—Relative to the protest against the naturalization of Japanese.

During consideration of joint resolution, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION No. 7.

WHEREAS, There are now in the United States 150,000 Japanese and 12,000 Koreans, an undesirable class that are prejudicial to the laboring interests of this country; and

WHEREAS, Such immigration has been increasing in alarming proportions during the past few years (14,000 Japanese immigrants having landed on this coast in 1906), and

threatens to affect the body politic of the entire Nation, both economically and ethnologically; and

WHEREAS, The President of the United States has, in a recent message to Congress, strongly urged the passage of a special Act to naturalize Japanese, a race that can not be assimilated by the Caucasian race; and

WHEREAS, Instead of extending the elective franchise by adding a large and undesirable element to our voting population, our endeavor should be to thoroughly Americanize our already large foreign population and safeguard and elevate our citizenship by all reasonable restrictions; therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That we oppose further Japanese immigration and favor the extension of the immigration laws so as to include Japanese, Koreans, and all other Asiatic peoples, and we hereby urge our Senators and Representatives in Congress to use all honorable means to secure the passage of such a measure.

Be it further Resolved, That we most strenuously oppose the proposition to naturalize Japanese and extend the elective franchise to the alien-born of that race as being inimical to the welfare of the American people, and we hereby instruct our Senators and Representatives in Congress to use every honorable means within their power to combat such pernicious legislation.

Be it further Resolved, That a copy of these resolutions be forwarded to each of our Senators and Representatives in Congress by the Secretary of the Senate.

Substitute read and adopted.

RUSH ORDER TO PRINTER.

On motion of Senator Wolfe, the Secretary was directed to issue a rush order for printing Committee Substitute for Senate Joint Resolution No. 7.

SPECIAL ORDER SET.

Senator Wolfe moved that the consideration of the Committee Substitute for Senate Joint Resolution No. 7 be made a special order for Saturday, March 9, 1907, at twelve o'clock M.

Motion carried.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 428—An Act making an appropriation for searching for beneficial insects.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 428 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lynch, Mattos, McCartney, Muentner, Reily, Rolley, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 951—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 21, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 951 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Greenwell, Irish, Keane, Leavitt, Markey, Mattos, McCartney, Reily, Rolley, Rush, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER SET.

Senator Curtin moved that the consideration of Assembly Bill No. 794—An Act to regulate nominations of public officers in the party conventions by instructing delegates thereto and limiting their powers—be made a special order for Saturday, March 9, 1907, at two o'clock P. M.
Motion carried.

BILL RECALLED FROM PRINT FOR THE PURPOSE OF AMENDMENT.

On motion of Senator Mattos, Assembly No. Bill 1021 was recalled from print for the purpose of amendment.

Assembly Bill No. 1021—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Mattos moved to refer to Senator Keane, as a special committee of one, to amend as follows:

By adding after Section 27 the following:

SEC. 27a. The county board of Supervisors may create road districts, in addition to those provided for in this Act, out of territory lying within towns, or additions adjacent to incorporated cities or towns.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 1021, with instructions to amend, respectfully reports the same back, amended as per instructions.

KEANE, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

Assembly Bill No. 630—An Act to amend Section 1768 of the Code of Civil Procedure, relating to the powers and duties of guardians.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 630 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Broughton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Reily, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 150—An Act to add one section to the Code of Civil Procedure of the State of California, to be numbered 230½, relating to selecting and summoning jurors for courts not of record in incorporated cities having a population of more than fifteen thousand—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

WOLFE, Chairman pro tem.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Mattos asked for and was granted unanimous consent to have Assembly Bill No. 150 taken up for the purpose of amendment.

Assembly Bill No. 150—An Act to add one section to the Code of Civil Procedure of the State of California, to be numbered 230½, relating to selecting and summoning jurors for courts not of record in incorporated cities having a population of more than fifteen thousand.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 2, strike out the words "and one-half," and insert in lieu thereof the following "a."

Amendment adopted.

Also:

On page 1, Section 1, line 3, insert at the beginning of line 3 the following: "230a."

Amendment adopted.

Also:

On page 1, strike out the fraction " $\frac{1}{2}$," in line 2 of title, and insert in lieu thereof the following: "a."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

PRESIDENT PORTER IN THE CHAIR.

At ten o'clock and forty-five minutes P. M., Lieutenant-Governor Warren R. Porter in the chair.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 701—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1532a, defining the meaning of the words "average daily attendance."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 701 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Belshaw, Black, Broughton, Caminetti, Greenwell, Hartman, Keane, Lukens, Lynch, Markey, Mattos, McCartney, Nelson, Rambo, Reily, Rolley, Willis, Wolfe, and Wright—21.

NOES—Senators Bell, Irish, and Sanford—3.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Caminetti gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 701 was this day passed.

SPECIAL ORDER SET.

Senator Belshaw moved that the consideration of Senate Bill No. 935—An Act providing the conditions upon which maps outlining the subdivision of tracts or lots of land for residence or other purposes shall be recorded in the office of the county recorder—be made a special order for Saturday, March 9, 1907, immediately after the reading of the Journal.

Motion carried.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator McCartney asked for and was granted unanimous consent to have Assembly Bill No. 840 taken up for the purpose of amendment.

Assembly Bill No. 840—An Act to amend Section 3788 of the Political Code and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817; and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818 of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Read second time heretofore this day.

The following amendments were submitted by committee:

Amend title by striking out all after the word "Act," and inserting in lieu thereof the following: To amend section three thousand seven hundred eighty-eight of the Political Code, enacted March 28, 1895, and to repeal section three thousand seven hundred eighty-eight of the Political Code as amended February 25, 1895, relating to sale of public lands and delinquent taxes due on assessment thereof.

Amendment adopted.

Also:

Amend, on page 1, Section 1, line 2, by inserting after the word "code," the following: "enacted March 28, 1895."

Amendment adopted.

Also:

On page 1, Section 1, line 14, before the word "but," insert the following: "Provided, that if at the time such deed is filed with the Surveyor-General there is pending in the Superior Court of the county in which the land is situated, a contest for the purchase of such State land, the contestant in such contest, if he is contesting on the ground that he is an actual settler and that such land is suitable for cultivation, shall have the preferred right for four months after the deed is filed to purchase such land, and his application in the Surveyor-General's office shall be renewed and considered for such purpose, and if it shall appear to the Surveyor-General by affidavit of such contestant, supported by the affidavit of two disinterested witnesses, that such contestant has resided on the land for the period of one year, or more, since the filing of his application, then and in that case, upon the previous payment into the State treasury, as other moneys are required to be paid therein, of the sum or sums hereinafter mentioned, together with the whole of the purchase price of the lands thus sought to be purchased, the Register of the State Land Office shall issue to such contestant a certificate of purchase and upon surrender of such certificate by the person or persons entitled to the same, a patent for such land shall be issued to him or them as provided in Sections 3519 and 3520 of this code."

Amendment adopted.

Also:

On page 2, Section 2, line 1, by striking out the word "All" and inserting in lieu thereof the following: Section three thousand seven hundred and eighty-eight of the Political Code, enacted February 25, 1895, and all."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 869—An Act to amend Section 1154 of the Code of Civil Procedure, relating to commitment for contempt in civil actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 869 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Caminetti, Cartwright, Curtin, Greenwell, Keane, Leavitt, Lynch, Mattos, McCartney, Nelson, Rambo, Reily, Rolley, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 943—An Act to empower the Board of Managers of the Southern California State Hospital to sell a right of way for an electric road.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 943 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Cartwright, Curtin, Greenwell, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, Nelson, Rambo, Reily, Rolley, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Mattos, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 758—An Act to amend Section 290 of the Civil Code, relating to the contents of articles of incorporation of corporations— and request that your honorable body recede therefrom.

CLAO LLOYD, Chief Clerk of the Assembly.

By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 882—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and amended March 6, 1899.

Also: Assembly Bill No. 799—An Act to amend Section 1817 of the Political Code, relating to county, and city and county, school tax.

Also: Assembly Bill No. 152—An Act to amend Section 753 of the Political Code, relating to disposition of fees of Clerk of the Supreme Court.

Also: Assembly Bill No. 557—An Act to amend section one hundred and seventy (170) of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Also: Assembly Bill No. 806—An Act to regulate the conduct of election campaigns, and repealing an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Also: Assembly Bill No. 138—An Act to add a new article to Part III, Title VI, Chapter II of the Political Code, designated Article IX, comprising twenty-eight sections, numbered 2745 to 2772, inclusive, authorizing the formation of permanent road divisions for the construction and improvement of roads in such divisions and prescribing the method of such formation, and of providing funds for said purposes.

Also: Assembly Bill No. 106—An Act to create a State Board of Forestry, to prescribe its duties, to establish a forestry fund, to provide for the enforcement of forest protection laws, and to repeal an Act approved March 18, 1905, entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain

officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor.

Also: Assembly Bill No. 876—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, 2112, all of the Political Code of the State of California, relating to the National Guard.

Also: Assembly Bill No. 934—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 263—An Act to add a new section to the Penal Code of the State of California, to be numbered 374a, providing for safeguards against the pollution of waters used for domestic purposes.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 207—An Act to amend Section 226 of the Civil Code of the State of California, relating to the procedure of adopting minor children, and the manner of procuring consent thereto.

Also: Assembly Bill No. 526—An Act to provide for the establishment and maintenance of a fish hatchery at or near Shaver Lake, in the Sierra Nevada Mountains, and making an appropriation therefor.

Also: Senate Bill No. 535—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Also: Senate Bill No. 341—An Act providing for an appropriation of \$8,000 for the purpose of purchasing additional land along the south line of L Street, between Twenty-sixth and Twenty-eighth streets, in Sacramento City, so as to extend and improve the grounds in and about Sutter's Fort.

Also: Senate Bill No. 571—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California where the same has been destroyed by conflagration or other public calamity.

Also: Committee Substitute for Senate Bills Nos. 227 and 346—An Act to amend Section 1195 of the Political Code.

Also: Senate Bill No. 882—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered four hundred and seventy-six a (476a), relating to the making, drawing, uttering, or delivery of a bank check or draft for the payment of money by a person without funds or credit to meet the same upon presentation, and prescribing a penalty therefor.

Also: Senate Bill No. 554—An Act to prevent the manufacture and sale of thread of cotton, linen and silk, where such is not labeled as to its correct yardage and weight.

Also: Senate Bill No. 705—An Act to add a new section to the Penal Code, to be known as Section 273g, relating to indulging in degrading, lewd, immoral, or vicious habits or practices, or being habitually drunk in the presence of children.

Also: Senate Bill No. 869—An Act making an appropriation to pay the claim of Charles J. Morf against the State of California.

Also: Senate Bill No. 73—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bill No. 207 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 526 read first time, and referred to Committee on Finance.

Senate Bills Nos. 535, 341, 571, 882, 554, 705, 869, and 73 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and passed Senate Bill No. 767—An Act to amend the Political Code, by adding a new section thereto to be numbered 1115a, requiring the county clerks, and the registrar of voters of the City and County of San Francisco, to furnish the Secretary of State with a certified copy of the index and supplements to the great register.

Also: Senate Bill No. 32—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

Also: Senate Bill No. 728—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Also: Senate Bill No. 444—An Act to amend Section 634 of the Penal Code of the State of California, relating to the protection and preservation of fish.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 444?"

Amend by striking out the words "(taking, sale, or possession of salmon, when prohibited)," Section 1, on lines 3 and 4, first page, printed bill.

Also: Amend by striking out the words "(repeal of conflicting acts)," Section 2 on line 1, third page, printed bill.

The roll was called, and the Assembly amendments to Senate Bill No. 444 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Lynch, McCartney, Nelson, Rambo, Reily, Rolley, Sanford, Willis, Wolfe, and Wright—21.

NOES—None.

Senate Bill No. 444 ordered to enrollment.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER SET.

In compliance with his notice given on previous day, Senator Keane moved that the vote whereby Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure—was refused final passage, be now reconsidered.

The motion was duly seconded.

Senator Keane moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 6 was refused final passage be postponed until next legislative day and made a special order for eleven o'clock A. M.

Motion carried.

ADJOURNMENT.

At eleven o'clock P. M., on motion of Senator Leavitt, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, March 9, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muenster, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

APPROVAL OF JOURNAL.

The Journal of Wednesday, March 6, 1907, having been corrected, was read and approved.

READING OF JOURNAL.

During the reading of the Journal of Friday, March 8, 1907, the further reading was dispensed with, on motion of Senator Keane.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President announced, in pursuance of the refusal of the Senate on March 1, 1907, to concur in Assembly amendments to Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry—that he had appointed Senators Caminetti, Belshaw, and Anderson as a Committee on Conference to meet a like committee from the Assembly on Senate Bill No. 54.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 8, 1907.

To the Senate of the State of California:

I have the honor to return to your honorable body without my approval Senate Bill No. 129—An Act to repeal Section 491 of the Penal Code of the State of California—and submit the following reasons therefor:

Section 491 declares that dogs are personal property, and their value is to be ascertained in the same manner as the value of other property.

The purpose of this Act is to fix the measure of punishment that shall be meted out to the one guilty of the larceny of such property.

Three bills have been introduced following the same general plan, intending to create a new grade of felony. These bills are numbered 128, 129, and 130.

Bill No. 128 defines the crime of grand larceny as at present, with the exception that the stealing of a bicycle is not necessarily grand larceny, but the degree of the crime is to be determined by the value of the bicycle taken. If such value is over the sum of fifty dollars, it shall be grand larceny, if under that sum, petty larceny. This bill I have approved.

Bill No. 130 provides that the stealing of a bicycle, jack, jenny, or dog is punishable by imprisonment in the State prison or in the county jail not exceeding two years, or by a fine not exceeding \$1,000, or by both.

By specifically naming the article that may be stolen, it would no longer be necessary to allege or prove the value; so in the present case, if bill 130 were approved, the stealing of a dog, regardless of its value, would be punishable by imprisonment not exceeding two years or by a fine not exceeding \$1,000, or by both such fine and imprisonment.

This leaves the matter of the punishment entirely in the hands of the court, and takes away from the jury all right to determine the value of the stolen dog.

In my opinion it is much better to leave the law in its present condition, so far as dogs are concerned, making the punishment more severe as the value of the stolen property increases.

J. N. GILLETT,
Governor of the State of California.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 129 sustained by the following vote:

AYES—None.

NOES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Muentzer, Rambo, Reily, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 8, 1907.

To the Senate of the State of California:

I have the honor to return to your honorable body, without my approval, Senate Bill No. 28—An Act to amend Section 10 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, relating to deposits in bonds or mortgages accompanied by a certificate of title or abstract of title—and present the following reasons therefor:

Under Section 10 of the present Act, it is the duty of the depositing company to furnish an abstract of title and to pay the fees for the examination of such abstract. These fees are limited and determined by the Act itself and cannot be in excess of the amounts therein named.

Under the proposed bill, the depositing company may furnish an abstract of title or a policy of title insurance, or a certificate of title, issued by a duly organized title insurance company.

A certificate of title, in my opinion, does not give the same security that would be given by an examination of a full abstract of the title.

A further objection to the bill arises from the fact that where the abstract is furnished, there is no limit placed upon the fees that may be charged the depositing company, and in the absence of such limitation the expenses might be made so onerous that they might result in great injustice to the depositing company.

J. N. GILLETT,
Governor of the State of California.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 28 sustained by the following vote:

AYES—None.

NOES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Curtin, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Rambo, Reily, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 8, 1907.

To the Senate of the State of California:

I have the honor to return to your honorable body, without my approval, Senate Bill No. 262—An Act to add a new section to the Political Code of the State of California, to be known as Section 2979a, relating to the duties of the State Board of Health—and present the following reasons therefor:

This is an Act purporting to add a new section to the Political Code, to be known as Section 2979a. There is already such a section in the Political Code upon an entirely different subject, and the approval of this measure would only produce confusion.

J. N. GILLETT,
Governor of the State of California.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 262 sustained by the following vote:

AYES—None.

NOES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Rambo, Reily, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 8, 1907.

To the Senate of the State of California:

I have the honor to return to your honorable body, without my approval, Senate Bill No. 130—An Act to add a new section to the Penal Code of California, to be numbered 490a, providing therein for the punishment of the larceny of bicycles, jacks, jennies, and dogs—and present the following reasons therefor:

Under Section 487, Subdivision 3, the stealing of a jack or jenny is grand larceny, the stealing of a bicycle or of a dog is either grand or petty larceny, dependent upon the value of the property stolen.

For the reasons given in my message vetoing Senate Bill No. 129, I feel that it is better to leave to the jury the right to determine the value of the bicycle or dog stolen, and for the reasons there given I return to you this bill without my approval.

J. N. GILLETT,
Governor of the State of California.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 130 sustained by the following vote:

AYES—None.

NOES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Cartwright, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Savage, Willis, Wolfe, and Wright—26.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 8, 1907.

To the Senate of the State of California:

I have the honor to return to your honorable body, without my approval, Senate Bill No. 101—An Act to amend Section 2981 of the Political Code of the State of California, relating to meetings of the State Board of Health—and present the following reasons therefor:

Under the law at present, regular meetings of the State Board of Health shall be held in the City of Sacramento once every three months. By the proposed amendment the president may designate any other place for the purpose of holding such regular meetings. The office of the secretary is located in the City of Sacramento, and I do not consider it proper that the place of the regular meetings of this board should be left to the discretion of the president, but the regular meeting place should be in the future, as it is now, in the City of Sacramento, where the office of the secretary is.

J. N. GILLETT,
Governor of the State of California.

The question being, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 101 sustained by the following vote:

AYES—None.

NOES—Senators Anderson, Anthony, Bates, Bell, Broughton, Caminetti, Carter, Cartwright, Curtin, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Savage, Walker, Weed, Willis, Wolfe, and Wright—28.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Joint Resolution No. 12—Relative to the creation by the Congress of the United States of a department of mines, with its head a member of the President's Cabinet.

Also: Senate Bill No. 150—An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

Also: Senate Bill No. 935—An Act providing the conditions upon which maps outlining the subdivisions of tracts or lots of land for residence or other purposes shall be recorded in the office of the county recorder.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Joint Resolution No. 12 ordered on file.

Senate Bills Nos. 150 and 935 ordered on file for third reading.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 637—An Act to amend Section 2645 of the Political Code of the State of California, relating to the duties of road overseers.

Also: Senate Bill No. 638—An Act to amend Section 2643 of the Political Code of the State of California, relating to the powers of supervisors.

Also: Senate Bill No. 636—An Act to add a new section to the Political Code of the State of California, to be known as Section 2644a, relating to the oath and bond of road overseers.

Also: Senate Bill No. 640—An Act to amend Section 2642 of the Political Code of the State of California, relating to the powers and duties of highway officers.

Also: Senate Bill No. 836—An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays.

Also: Assembly Bill No. 841—An Act providing for the laying out, constructing, straightening, improvement, and repair of main public highways in any county, providing for the voting, issuing and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor.

Also: Senate Bill No. 429—An Act to amend Sections 8 and 15 of an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897.

Also: Senate Bill No. 860—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 651a, relating to the use of public highways.

Also: Senate Bill No. 591—An Act to add a new Article to Part III, Title VI, Chapter II of the Political Code, designated Article IX, comprising twenty-eight sections, numbered 2745 to 2772, inclusive, authorizing the formation of permanent road divisions for the construction and improvement of roads in such divisions, and prescribing the method of such formation and of providing funds for said purposes.

Have had the same under consideration, and respectfully report the same back, without recommendation.

MATTOE, Chairman.

Senate Bills Nos. 637, 638, 636, 640, 836, 429, 860, and 591 ordered on file for second reading.

Assembly Bill No. 841 ordered on Assembly special file for second reading.

BILL RECALLED FROM COMMITTEE AND RE-REFERRED TO COMMITTEE.

On motion of Senator Savage, Assembly Bill No. 997—An Act to empower the boards of supervisors, boards of trustees, common councils or other governing or legislative bodies of counties, cities and counties, cities and towns, to permit the holders of street railroad and interurban railway franchises therein to operate freight cars and to transport freight, and to provide for a compensation for such permission—was recalled from Committee on Judiciary and referred to Committee on Municipal Corporations.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 935, the same was taken up for consideration.

Senate Bill No. 935—An Act providing the conditions upon which maps outlining the subdivision of tracts or lots of land for residence or other purposes shall be recorded in the office of the county recorder.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 935 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Muenter, Nelson, Price, Reily, Rolley, Savage, Walker, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: Your Committee on Conference concerning Assembly Bill No. 825—An Act making an appropriation to pay for printing, binding and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, schools, and other State institutions for the remainder of the fifty eighth fiscal year—report that we have met a like committee of the Assembly, consisting of Assemblymen Held, Jury, and Finney, and we report that the Conference Committee have agreed, and recommend that the Assembly do concur in Senate amendments to said Assembly Bill No. 825.

BELSHAW,

Chairman of Committee on Conference of the Senate.

Report adopted.

RESOLUTION.

The following resolution was offered:

By Senator McKee:

Resolved, That the State Controller is hereby directed to draw his warrant for the sum of \$250, in favor of Red Men's Hall Association, for damages to Red Men's Hall, beyond the damage occasioned by ordinary wear and tear, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Broughton:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of Dr E. H. Pitts for the sum of \$80, the same being in payment for rent of two committee rooms for two months at \$20 per month, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

Also:

Resolved, That C. B. Mahone be and he is hereby allowed the sum of \$29 for services performed during this thirty-seventh session of the Legislature, from January 7 to January 20, inclusive, and the Controller is hereby directed to draw his warrant, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

Resolved, That the Controller of State be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate, in favor of the Sergeant-at-Arms, for the sum of \$336.45 in payment of the bills attached hereto.

Hook & Son.....	\$8 00
C. J. Peters.....	2 95
Scott, Lyman & Stack.....	18 75
John Breuner Co.....	27 25
Globe Transfer Co.....	36 00
Siller Bros.....	15 00
A. J. Johnston & Co.....	55 50
Capital Ice Co.....	1 80
Kane-Trainer Co.....	31 50
H. S. Crocker Co.....	32 00
Thos. Lewis.....	18 00
F. Pulford.....	5 20
J. L. Martin.....	40 00

Mrs. McAll	\$8 00
Mrs. Blake	6 00
C. L. Paine	17 50
J. W. Gudgel	5 00
Wm. Weeks	10 00
	\$336 45

Resolution read, and referred to Committee on Contingent Expenses.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 562—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day read and adopted Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of the members of the Legislature, and limiting the expense of employes of the Senate and Assembly.

Also: Senate Bill No. 367—An Act to repeal an Act entitled "An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judges," approved March 20, 1905.

Also: Senate Bill No. 747—An Act to amend Section 777 of the Penal Code of the State of California, relating to local jurisdiction of public offenses.

Also: Senate Bill No. 759—An Act amending an Act entitled "An Act to provide for the appointment of a Board of Sutter's Fort Trustees and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection, and improvement of said property," approved March 7, 1891.

Also: Senate Bill No. 787—An Act to dissolve Protection District No. 2 of Yuba County, California, and providing for the liquidation and winding up of said dissolved district.

Also: Senate Bill No. 95—An Act to appropriate the sum of fifty thousand (\$50,000) dollars for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California, in Alameda County, by the Board of Directors thereof, and providing for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Senate Bill No. 558—An Act entitled "An Act to grant rights of way over the public land of the State of California for ditches, tunnels, and telephones and transmission lines."

Also: Senate Bill No. 788—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the appropriation of water and the time in which to commence the excavation and construction.

Also: Senate Bill No. 825—An Act to define the duties of and to license land surveyors, and to repeal an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Also: Senate Bill No. 116—An Act declaring that no contract entered into during the holidays from and including the 19th day of April, 1906, to and including the 3d day of June, 1906, shall be held invalid by reason of being entered into on any such holidays nor by reason of having been entered into prematurely on account of such holidays, and ratifying and confirming contracts so entered into.

Also: Senate Bill No. 292—An Act making an appropriation of five thousand (\$5,000) dollars for the purpose of completing the photographic laboratory in combination with the fireproof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Also: Senate Bill No. 561—An Act to validate the organization and incorporation of municipal corporations.

Also: Senate Bill No. 152—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River, in Tuolumne County, and making appropriation therefor.

Also: Senate Bill No. 627—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employes thereof.

Also: Assembly Bill No. 201—An Act to repeal Article II, of Chapter V, of Title XI, of Part III, of the Code of Civil Procedure, and to substitute a new Article II to take the place thereof in said Code, relating to proceedings to set aside homesteads.

Also: Assembly Bill No. 281—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates.

Also: Assembly Bill No. 1000—An Act to repeal Article V, of Title VI, of Part III, of the Political Code, and to substitute therefor a new Article V, relating to public waters.

Also: Assembly Bill No. 1001—An Act to repeal Article VI, of Title VI, of Part III, of the Political Code, and to substitute therefor a new Article VI, relating to pilot regulations.

Also: Assembly Bill No. 1002—An Act to add a new chapter to Title V, of Part III, of the Political Code, to be known as Chapter Ic, relating to the Woman's Relief Corps Home of California.

Also: Assembly Bill No. 285—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1915, 1918, 1921, 1922, 1925, 1935, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1962, 1963, and 1982 of the Code of Civil Procedure, to repeal Section 1973 thereof, and to add a new section thereto, to be numbered 1947a, all relating to evidence.

Also: Assembly Bill No. 1030—An Act to increase the number of judges of the Superior Court of the County of Alameda.

Also: Assembly Bill No. 313—An Act providing for courses of study in agriculture and domestic science in high schools, and making an appropriation in aid thereof.

Also: Assembly Bill No. 1009—An Act to amend Section 827 of the Civil Code of the State of California.

Also: Assembly Bill No. 900—An Act to amend Section 53 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the county and township officers and their terms of office.

Also: Assembly Bill No. 756—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Constitutional Amendment No. 16 ordered to enrollment.

Senate Bill No. 367 ordered on file, without reference to committee.

Senate Bills Nos. 747, 759, 787, 95, 558, 788, 825, 116, 292, 561, 152, and 627 ordered to enrollment.

Assembly Bills Nos. 201, 281, 1000, 1001, 1002, 285, and 1030 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 313 and 1009 read first time, and referred to Committee on Education.

Assembly Bill No. 900 read first time, and referred to Committee on County Government.

Assembly Bill No. 756 read first time, and referred to Committee on Finance.

UNFINISHED BUSINESS—(OUT OF ORDER).

On motion of Senator Miller, Assembly amendment, pending since the previous legislative day, to Senate Bill No. 728—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts—was taken up for consideration.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 728?"

Amend by striking out all of page 2 of printed bill, and inserting in lieu thereof the following: "If any of the land described in said petition be land which has been or is at the time of the filing or presentation of said petition, included within any other reclamation or levee district or districts, in which district, or districts the works of reclamation have not effectually and permanently reclaimed all the land in said district or districts, said petition shall state in what reclamation or levee district or districts said land is then included; and the fact that any land described in said petition has theretofore been included in any other reclamation or levee district or districts shall in no manner interfere with or prevent the inclusion of said land in a new district; *provided*, that when any land situated in any reclamation or levee district previously formed is proposed to be included in a new reclamation district, all the land in any such previously formed district or districts shall be included in said petition, for the formation of such new district; and the petition shall state that the works of reclamation in said district have not effectually and permanently reclaimed all the lands included therein; *and provided further*, that nothing herein contained shall in any wise impair any contract or indebtedness already incurred by any such previously formed district; and that such previously formed district shall continue its existence until all its contracts and indebtedness incurred by it, up to the time of its inclusion, in a new district, shall be fully

performed and paid, or otherwise satisfied and discharged, and until such time such district shall, for the purpose of winding up its affairs, be considered an existing reclamation district to all intents and purposes as if the same were not included within any district.

This Act shall take effect and be in force from and after its passage.

The roll was called and Assembly amendment to Senate Bill No. 728 concurred in by the following vote:

AYES: Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Brroughton, Campbell, Campbell, Carwright, Cramer, Hartman, Keane, Leidy, Lynde, Martin, McCarthy, McKee, Miller, Nelson, Savage, Sawyer, Wacker, Wells and Wolfe—29.
NOES: None.

Senate Bill No. 728 ordered to enrollment.

On motion of Senator McCarthy, Assembly amendments, pending since the previous legislative day, to Senate Bill No. 32—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds—were taken up for consideration.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 32?"

Strike out the words after the word "and" in line 20, Section 1, page 2 of the act and insert: ALL AND (insert in line the word "section" and the word "will").

Insert the words: "that in counties where the county officers are paid by the State for their services, such tax deed shall be voidable by the State, and the State shall not be bound to pay the same, until the county officers are paid."

Also: In page 2, line 32 of amended bill, after the word "any," by inserting the word "State."

Also: On page 2, lines 30, 33 and 34 of amended bill, strike out the words and figures "of \$1.25 per acre."

The roll was called, and the Assembly amendments to Senate Bill No. 32 concurred in by the following vote:

AYES: Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Brroughton, Campbell, Carwright, Cramer, Hartman, Keane, Leidy, Martin, McCarthy, McKee, Miller, Nelson, Rindley, Sanford, Savage, Sawyer, Wacker, Wells and Wolfe—24.
NOES: None.

Senate Bill No. 32 ordered to enrollment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

Mr. FERGUSON, Your Committee on County Government, to whom was referred Assembly Bill No. 362—An Act to amend Section 37 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a county and township government,' approved April 1, 1897," by adding certain sections thereof, respecting certain the sections and adding certain sections thereof, approved March 21, 1907, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 365—An Act to amend an Act entitled "An Act to establish a county and township government," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto, by adding one new section, thereto, to be numbered Section 10, relating to the duties of boards of supervisors, providing how and under what conditions, ordinances adopted by boards of supervisors, providing for prohibiting the sale of malt, vinous, or other intoxicating liquors and regulating or prohibiting the issuance of licenses for the sale thereof, shall take effect, and providing for compensation to persons who sustain loss or suffer damages by the taxing effect and enforcement of such ordinances.

Also: Assembly Bill No. 768—An Act to amend an Act entitled "An Act to establish a county and township government," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto, by adding one new section, thereto, to be numbered Section 10, relating to the duties of boards of supervisors, providing how and under what conditions, ordinances adopted by boards of supervisors, providing for prohibiting the sale of malt, vinous, or other intoxicating liquors and regulating or prohibiting the issuance of licenses for the sale thereof, shall take effect, and providing for compensation to persons who sustain loss or suffer damages by the taxing effect and enforcement of such ordinances.

Also: Senate Constitutional Amendment No. 17—Amending Section 31 of Article IV of the Constitution, relative to the granting of aid to certain counties.

Have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 698—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, and the Act amendatory thereof, approved March 11, 1887, by changing the division line between said San Benito County and Monterey County so as to include in said San Benito County a part of said Monterey County, and in said Monterey County a part of said San Benito County.

Also: Senate Bill No. 143—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a, relating to the powers and duties of the county recorder, respecting registration of marriages, births, and deaths.

Also: Senate Bill No. 230—An Act to change, establish, and permanently locate the boundary lines of the County of Kings.

Also: Senate Bill No. 804—An Act affecting the duties of county auditors throughout the State of California.

Also: Senate Bill No. 97—An Act to amend Section 25 of "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the powers of the boards of supervisors, and the duties and compensation of health officers appointed by such boards.

Also: Senate Bill No. 335—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto, approved March 21, 1905, relating to the officers of the county, and to add a new section thereto, to be numbered 55½, providing for the employment by the board of supervisors of a live stock inspector.

Also: Senate Bill No. 823—An Act to amend Section 4232 of the Political Code, relating to indexes to be kept by the recorder.

Have had the same under consideration, and respectfully report the same back, and recommend that authors withdraw same.

CARTER, Chairman. *

Assembly Bills Nos. 592, 365, and 755 ordered on Assembly special file for second reading.

Senate Constitutional Amendment No. 17 ordered on file.

Senate Bills Nos. 698, 143, 230, 804, 97, 335, and 823 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 807—An Act to amend an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880, by adding a new section, number 9, relating to furnishing the series of school text-books published by this State, to institutions in this State, conducted for the support and maintenance of minor orphans, half orphans and abandoned children, and to appropriate money for the purchase of said text-books—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BELSHAW, Chairman.

Assembly Bill No. 807 ordered on Assembly special file for second reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 457—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Senate Bill No. 457 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 464—An Act to amend the Political Code of the State of California, by adding eight new sections thereto, to be numbered 338, 338a, 338b, 339, 339a, 339b, 340, 340a, under a new article to be numbered thirteen (XIII), to be added to Chapter Two (2), Title One (1), Part Three (3), of said Code, relating to the employment of legislative

counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

On motion of Senator Sanford, Senate Bill No. 464 was temporarily passed on file, to retain its place.

WITHDRAWAL OF BILL.

Senator McCartney asked for and was granted unanimous consent to withdraw Senate Bill No. 175—An Act to add a new section to the Civil Code, to be numbered 617, relating to cemetery corporations.

Senate Bill No. 175 withdrawn and ordered stricken from the file.

SENATOR LYNCH IN THE CHAIR.

At eleven o'clock and five minutes A. M., Senator Lynch, of the Thirty-first District, in the chair.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Keane asked for and was granted unanimous consent to withdraw Committee Substitute for Senate Bills Nos. 436 and 437—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate"—and substitute therefor on file Assembly Bill No. 522.

Committee Substitute for Senate Bills Nos. 436 and 437 withdrawn, and ordered stricken from the file, and Assembly Bill No. 522 substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 522—An Act to amend an Act entitled "An Act to regulate the work and hours of employes engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 522 passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Cartwright, Curtin, Keane, Kennedy, Lynch, McCartney, Miller, Price, Rolley, Sanford, Savage, Walker, Weed, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Assembly Bill No. 868 taken up for consideration.

Assembly Bill No. 868—An Act to amend Section 1240 of the Code of Civil Procedure, specifying the property which may be taken under the law of eminent domain, and authorizing proceedings therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 868 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Broughton, Curtin, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Rolley, Sanford, Savage, Walker, and Weed—22.

NOES—Senators Caminetti and Cartwright—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Belshaw asked for and was granted unanimous consent to have Assembly Bill No. 709 taken up for consideration.

Assembly Bill No. 709—An Act to regulate the building and occupancy of tenement houses in incorporated cities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 709 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Carter, Hartman, Keane, Lynch, Mattos, McCartney, McKee, Miller, Nelson, Rambo, Rolley, Savage, Walker, Weed, and Willis—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF BILLS—(RESUMED).

Senate Constitutional Amendment No. 8—To propose to the people of the State of California the repeal of Section 12 of Article XIII of the Constitution of the State of California, whereby to abolish State poll tax.

On motion of Senator Anthony, Senate Constitutional Amendment No. 8 was temporarily passed on file, to retain its place.

Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to Section 1, of Article VI, of the Constitution of the State of California, relating to the judicial power of the State and creating a court of impeachment.

Senate Constitutional Amendment No. 30 was temporarily passed on file, in the absence of the author, to retain its place.

Senate Bill No. 791—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written-up passbook or bank book or to statement of his deposit account within a certain time or to be concluded thereby.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Bates moved that Senate Bill No. 791 be withdrawn and stricken from the file, and Assembly Bill No. 924 be substituted therefor.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 924—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the California State Board of Pharmacy for the remainder of the fifty-eighth, and for the fifty-ninth and sixtieth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 924 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Keane, Kennedy, Lynch, Markey, McArthur, McKee, Miller, Nelson, Price, Rambo, Rely, Rolley, Savage, Walker, Weed, and Willis—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 792—An Act to amend the Code of Civil Procedure, by adding a new section, to be numbered 349½, relating to books or records of any bank, banker, trust company or savings and loan society that have been lost or destroyed by conflagration, earthquake or other public calamity, and prescribing a time within which certain actions shall be commenced.

WITHDRAWAL OF BILL.

Senator Bates asked for and was granted unanimous consent to withdraw Senate Bill No. 792.

Senate Bill No. 792 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 254—An Act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partitions, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

On motion of Senator Anthony, Senate Bill No. 254 was temporarily passed on file, to retain its place.

Senate Bill No. 820—An Act to repeal Sections 7 and 8 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to changing boundaries of and consolidation of municipal corporations.

WITHDRAWAL OF BILL.

Senator Savage asked for and was granted unanimous consent to withdraw Senate Bill No. 820.

Senate Bill No. 820 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 242—An Act to amend Title V, of Part IV, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding two new sections thereto, to be numbered 4463 and 4464, requiring persons, firms, associations, or corporations in this State engaged in the business of loaning money, receiving deposits, banking, or insurance in any form, to publish certain reports, and prescribing a penalty for failure or neglect to do so.

On motion of Senator Sanford, Senate Bill No. 242 was temporarily passed on file, to retain its place.

Senate Bill No. 819—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid.

On motion of Senator McKee, Senate Bill No. 819 was temporarily passed on file, to retain its place.

Senate Bill No. 808—An Act to increase the number of judges of the Superior Court of the County of Tulare, and to provide for the appointment of an additional judge.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Miller moved that Senate Bill No. 808 be withdrawn and stricken from the file, and Senate Bill No. 150 be substituted therefor.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 150—An Act to define trusts and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 150 passed by the following vote:

AYES—Senators Anthony, Bell, Black, Boynton, Caminetti, Carter, Cartwright, Curtin, Keane, Kennedy, Leavitt, Mattos, McCartney McKee, Miller, Rambo, Reily, Rolley, Sanford, Savage, Walker, and Willis—22.

NOES—Senator Wright—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 4—Relative to the issuance of currency by the United States on school bonds on the same terms as bank notes are issued to national banks.

WITHDRAWAL OF JOINT RESOLUTION.

Senator Caminetti asked for and was granted unanimous consent to withdraw Senate Joint Resolution No. 4.

Senate Joint Resolution No. 4 withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 739—An Act authorizing the Governor to appoint a commission to consist of himself, a Senator and Assemblyman of the thirty-seventh session of the Legislature of the State of California, and two citizens at large, of which commission the Governor shall be ex officio a member and chairman thereof, to investigate the fish and fishing industry and the wild game of the State, relative to the propagation, preservation, and better protection thereof, and to recommend to the thirty-eighth session of the Legislature a plan for the propagation, preservation, and better protection of such fish and game; to provide for the creation of said commission and to define its powers, and making an appropriation therefor.

On motion of Senator Nelson, Senate Bill No. 739 was temporarily passed on file, to retain its place.

Senate Bill No. 841—An Act to provide for the organization, incorporation, disincorporation, consolidation and government of municipal corporations, and to amend an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, by adding a new section thereto, to be known as Section 4a, relating to the disincorporation, and the reorganization and consolidation of municipalities and by amending Section 8 of said Act, relating to consolidation of municipal corporations.

On motion of Senator Savage, Senate Bill No. 841 was temporarily passed on file, to retain its place.

Senate Bill No. 814—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

WITHDRAWAL OF BILL.

Senator Miller asked for and was granted unanimous consent to withdraw Senate Bill No. 814.

Senate Bill No. 814 withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 402—An Act to amend Sections 90, 91, 92, 128, and 131, and to add certain new sections, to be known as and numbered Sections 108 and 128a, all of and to the Civil Code of the State of California, relating to divorce, the kinds thereof, and the grounds therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 402 refused passage by the following vote:

AYES—Senators Anderson, Bell, Caminetti, Carter, Cartwright, McCartney, McKee, Nelson, Rambo, Reilly, Savage, and Wright—12.

NOES—Senators Boynton, Broughton, Curtin, Irish, Leavitt, Lynch, Markey, Miller, Price, Rolley, Sanford, Walker, and Willis—13.

EXPLANATION OF VOTE.

Senator Willis, in explanation of his vote on Senate Bill No. 402, addressed the Senate, declaring he had voted "no" because the measure proposed to make it impossible for a plaintiff to secure a divorce except by personal service of summons; consequently, a deserted wife, unable to find her husband, would be compelled to go through life without the opportunity of freeing herself from her recreant spouse.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 664—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered Section 1271a, relating to the subject of escheated estates.

On motion of Senator Broughton, Senate Bill No. 664 was temporarily passed on file, to retain its place.

Senate Bill No. 109—An Act to appropriate the sum of \$10,000 to pay the claim of Harve O. Waterman, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 109 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Carter, Cartwright, Curtin, Irish, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Price, Rambo, Reily, Savage, Walker, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 343—An Act to amend an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals or produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold, to improve the quality of dairy products of the State; to prevent the deception in the sale of dairy products, and to appropriate money for enforcing its provisions," by amending Sections 2 and 12, making provisions for enforcing the above Act as amended by appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 343 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Irish, Keane, Kennedy, Lynch, McCartney, McKee, Price, Rambo, Reily, Savage, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 733—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, and 2112, all of the Political Code of the State of California, relating to the National Guard.

WITHDRAWAL OF BILL.

Senator Anthony asked for and was granted unanimous consent to withdraw Senate Bill No. 733.

Senate Bill No. 733 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

SENATE CONSTITUTIONAL AMENDMENT No. 8.

To propose to the people of the State of California the repeal of Section 12, of Article XIII of the Constitution of the State of California, whereby to abolish State poll tax.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session, commencing on the seventh day of January, 1907, two thirds of all the members elected to each house of said Legislature voting in favor thereof, proposes to the people of the State of California that Article XIII of the Constitution of the State of California be amended by repealing Section 12 of said Article XIII.

Section 12 of Article XIII of the Constitution of the State of California is hereby repealed.

Constitutional Amendment read.

The question being on the adoption of Senate Constitutional Amendment.

The roll was called, and Senate Constitutional Amendment No. 8 refused adoption by the following vote:

AYES—Senators Anthony, Black, Caminetti, Carter, Cartwright, Hartman, Irish, Keane, Kennedy, Markey, Mattos, McKee, Muentner, Nelson, Reily, Sanford, Savage, Walker, Welch, and Wolfe—20.

NOES—Senators Anderson, Bell, Belshaw, Boynton, Broughton, Curtin, Leavitt, Lynch, McCartney, Miller, Price, Rambo, Rolley, and Wright—14.

Senate Bill No. 703—An Act to amend Sections 1925, 1928, 1934, and 1956, and to repeal Section 1930, 1932, and 2004, of Chapter II, of Title IV, of an Act entitled "An Act to establish a Political Code of the State of California," relating to the National Guard.

On motion of Senator Anthony, Senate Bill No. 703 was temporarily passed on file, to retain its place.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Caminetti:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Caminetti be and he is hereby permitted to introduce one bill and joint resolution, to be numbered, respectively, Senate Bill No. 947 and Senate Joint Resolution No. 13.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McArthur, McKee, Miller, Nelson, Price, Rambo, Reilly, Sanford, Savage, Walker, Wolfe, and Wright—30.

NOES—None

INTRODUCTION AND FIRST READING OF BILL, ETC.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill and joint resolution were introduced:

By Senator Caminetti: Senate Bill No. 947—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to restraintment of mining débris, the construction of certain works necessary and incident to the restraintment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process where the same can be done without injury to any other industry.

Bill read first time, and ordered on file without reference to committee.

By Senator Caminetti: Senate Joint Resolution No. 13—Relative to the construction of certain works intended to restrain mining débris, as provided by the Act of Congress entitled "An Act to create the California Débris Commission, and regulating hydraulic mining in the State of California," approved March 1, 1893, in sections, and requesting Congress to make appropriations for the purposes of said Act.

Senate Joint Resolution No. 13 ordered on file without reference to committee.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Caminetti:

Resolved, That Senate Bill No. 927 and Senate Joint Resolution No. 13 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in

each house is hereby dispensed with, and it is ordered that said bill and said joint resolution be read the first, second, and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Hartman, Irish, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Miller, Nelson, Rambo, Reily, Sanford, Savage, Walker, Willis, Wolfe, and Wright—30.

NOES—None.

RUSH ORDER TO PRINTER.

On motion of Senator Caminetti, the Secretary was directed to issue a rush order for printing Senate Bill No. 947 and Senate Joint Resolution No. 13.

SPECIAL ORDER SET.

Senator Caminetti moved that the consideration of Senate Bill No. 947 and Senate Joint Resolution No. 13 be made a special order for this day at four o'clock P. M.

Motion carried.

BILL RECALLED FROM COMMITTEE AND ORDERED ON FILE.

On motion of Senator Anderson, Assembly Bill No. 909—An Act to amend Section 53 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the county and township officers and their terms of office—was recalled from Committee on County Government and ordered on file.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the Acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Committee Substitute for Senate Joint Resolution No. 7, the same was taken up for consideration.

COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION No. 7.

WHEREAS, There are now in the United States 150,000 Japanese and 12,000 Koreans, an undesirable class that are prejudicial to the laboring interests of this country; and

WHEREAS, Such immigration has been increasing in alarming proportions during the past few years (14,000 Japanese immigrants having landed on this coast in 1906), and threatens to affect the body politic of the entire Nation, both economically and ethnologically; and

WHEREAS, The President of the United States has, in a recent message to Congress, strongly urged the passage of a special Act to naturalize Japanese, a race that can not be assimilated by the Caucasian race; and

WHEREAS, Instead of extending the elective franchise by adding a large and undesirable element to our voting population, our endeavor should be to thoroughly American-

ize our already large foreign population and safeguard and elevate our citizenship by all reasonable restrictions; therefore be it

Resolved by the Senate and Assembly of the State of California, jointly. That we oppose further Japanese immigration and favor the extension of the immigration laws so as to include Japanese, Koreans, and all other Asiatic peoples, and we hereby urge our Senators and Representatives in Congress to use all honorable means to secure the passage of such a measure.

Be it further resolved. That we most strenuously oppose the proposition to naturalize Japanese and extend the elective franchise to the alien-born of that race as being inimical to the welfare of the American people, and we hereby instruct our Senators and Representatives in Congress to use every honorable means within their power to combat such pernicious legislation.

Be it further resolved. That a copy of these resolutions be forwarded to each of our Senators and Representatives in Congress by the Secretary of the Senate.

Committee substitute for joint resolution read.

The question being on the adoption of the committee substitute for Senate Joint Resolution.

The roll was called, and Committee Substitute for Senate Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Bell, Black, Broughton, Caminetti, Cartwright, Greenwell, Hartman, Kennedy, Leavitt, McKee, Muenter, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Willis, Wolfe, and Wright—22.

NOES—None.

Senate Joint Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education,

Also: Assembly Bill No. 1018—An Act entitled an Act to amend Section 1670 of the Political Code, relating to establishing and maintaining high schools.

Have had the same under consideration and respectfully report the same back, and recommend that the same do pass.

ANDERSON, Chairman.

Assembly Constitutional Amendment No. 24 ordered on Assembly special file.

Assembly Bill No. 1018 ordered on Assembly special file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 580—An Act to add a new section to the Code of Civil Procedure, relating to costs in civil actions, to be numbered 1040.

Also: Assembly Bill No. 947—An Act to amend Section 469 of the Code of Civil Procedure of the State of California, relating to material variances.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WOLFE, Chairman pro tem.

Assembly Bills Nos. 580 and 947 ordered on Assembly special file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 497—An Act to add a new section to the Penal Code of the State of California, to be numbered 374a, providing for safeguards against the pollution

of waters used for domestic purposes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McKEE, Chairman.

Assembly Bill No. 497 ordered on Assembly special file for second reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 794, the same was taken up for consideration.

Assembly Bill No. 794—An Act to regulate nominations of public officers in party conventions by instructing delegates thereto and limiting their power.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 794 refused passage by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Kennedy, and Miller—10.

NOES—Senators Anthony, Bates, Broughton, Greenwell, Hartman, Keane, Leavitt, Lynch, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Willis, Wolfe, and Wright—22.

NOTICE OF MOTION TO RECONSIDER.

Senator Sanford gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 794 was this day refused passage.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 947 and Senate Joint Resolution No. 13, the same were taken up for consideration.

Senate Bill No. 947—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the restraintment of mining débris, the construction of certain works necessary and incident to the restraintment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process where the same can be done without injury to any other industry.

Section 15 of Article IV of the Constitution having been suspended heretofore this day.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 947 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Keane, Kennedy, Lynch, McCartney, McKee, Miller, Muentner, Rambo, Reily, Sanford, Savage, Walker, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE JOINT RESOLUTION No. 13.

WHEREAS, Under the provisions of an Act of Congress entitled "An Act to create the California Débris Commission and regulating hydraulic mining in the State of California, approved March 1, 1893, certain works intended to restrain mining débris are contemplated to be constructed on certain rivers and their respective tributaries draining the territory tributary to the Sacramento and San Joaquin River systems in the State of California;

WHEREAS, Though over twelve years have passed since the passage of said Act, only the barriers provided for certain places on the Yuba River, have been commenced;

WHEREAS, There has been ever since the passage of said Act, urgent and absolute need for the construction of barriers, or other works, intended to restrain débris of like character with those now in course of construction on the Yuba River, on all the remaining rivers and their respective tributaries upon which, under the provisions of said Act, it is contemplated to construct such works;

WHEREAS, Such works are extensive in character, and their construction must of necessity be in sections, thus requiring, as the Yuba system has shown, many years for their completion;

WHEREAS, The construction in sections of such barriers and works simultaneously, or as nearly so as practicable, on all such rivers and their respective tributaries as contemplated by said Act, would be of incalculable benefit to the river interests and to the mining industry of the State; therefore, be it

Resolved, by the Senate and Assembly jointly, That we respectfully urge upon the Congress of the United States the enactment of such laws as will permit the construction of such barriers and works as are contemplated by said Act, in sections, to the end that the protection provided therein shall be made possible at the earliest possible date, on all the said rivers and their respective tributaries; and we further respectfully urge the making by Congress of necessary appropriations to carry out the purposes of said Act; be it further

Resolved, That our Senators and Representatives in Congress be and they are hereby requested to use all honorable means to secure the legislation and appropriations hereinabove referred to; be it further

Resolved, That the Governor of California be and he is hereby requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress, to the respective houses of Congress and to the Secretary of War.

Joint resolution read.

The question being on the adoption of the Senate Joint Resolution.

The roll was called, and Senate Joint Resolution No. 13 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, McCartney, McKee, Muentner, Rambo, Reily, Rolley, Sanford, Savage, Walker, Wolfe, and Wright—25.

NOES—None.

Senate Joint Resolution ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Belshaw, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 1039—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bill No. 1039 read first time, and ordered on Assembly special file without reference to committee.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 945—An Act making an appropriation of \$300 to pay the claim of George H. P. Shaw against the State of California.

Also: Senate Bill No. 946—An Act making an appropriation of \$300 to pay the claim of George H. P. Shaw against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BELSHAW, Chairman.

Senate Bills Nos. 945 and 946 ordered on file for second reading.

BILL RECALLED FROM COMMITTEE AND ORDERED ON FILE.

On motion of Senator Anthony, Senate Bill No. 493—An Act to define, prohibit, and punish the desecration, mutilation, or improper use of the flag of the United States of America, and to repeal an Act entitled "An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor," approved March 2, 1889—was recalled from Committee on Judiciary, and ordered on file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Wright:

Resolved, That Senate Bills Nos. 135, 945, 615, 946, 493, and Assembly Bill No. 1039, present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that a bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, McCartney, McKee, Muentner, Nelson, Reily, Rolley, Sanford, Savage, Walker, Welch, Wolfe, and Wright—27.

NOES—None.

CASES OF URGENCY.

Senate Bill No. 135—An Act to amend Section 3817 of the Political Code of California, relative to the redemption of real estate sold for taxes.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 135 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Broughton, Caminetti, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, McCartney, McKee, Nelson, Reily, Rolley, Sanford, Savage, Walker, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 945—An Act making an appropriation of \$300 to pay the claim of George H. P. Shaw against the State of California.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 945 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, McCartney, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 615—An Act to provide for the reproduction of books, documents, maps, or records of any city, county, or city and county, board, or officer, where the same have been destroyed by conflagration or other public calamity.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 615 passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Greenwell, Hartman, Keane, Kennedy, Lynch, McCartney, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 946—An Act making an appropriation of \$300 to pay the claim of George H. P. Shaw against the State of California.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 946 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Curtin, Greenwell, Hartman, Keane, Kennedy, Lynch, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Sanford, Savage, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 493—An Act to define, prohibit, and punish the desecration, mutilation, or improper use of the flag of the United States of America and to repeal an Act entitled "An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor," approved March 2, 1889.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 493 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Broughton, Keane, Kennedy, Lynch, McCartney, McKee, Price, Rambo, Reily, Rolley, Savage, Walker, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 404—An Act to add a new section to the Penal Code of the State of California, to be known as and numbered Section 284a, relating to adultery, extreme cruelty, desertion, willful neglect, and habitual intemperance, and providing a punishment therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 404 refused passage by the following vote:

AYES—Senators Anderson, Anthony, Bell, Willis, and Wright—5.

NOES—Senators Bates, Belshaw, Black, Boynton, Broughton, Greenwell, Hartman, Leavitt, Lynch, McCartney, McKee, Muentzer, Price, Rambo, Reily, Rolley, Savage, and Wolfe—18.

Senate Bill No. 405—An Act to amend Section 132 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a subdivision, to be designated Subdivision 7 of said section of said Act, relating to the duties of the district attorney.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 405 refused passage by the following vote:

AYES—Senators Anderson, Anthony, Kennedy, McCartney, and McKee—5.

NOES—Senators Bates, Bell, Belshaw, Black, Boynton, Broughton, Greenwell, Hartman, Leavitt, Lynch, Muentzer, Price, Rambo, Reily, Rolley, Sanford, Savage, Willis, Wolfe, and Wright—20.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Rolley:

Resolved, That the Controller of the State is hereby directed to draw his warrant, and the Treasurer of the State to pay the same out of the Contingent Fund of the Senate, for the sum of fifty (\$50) dollars, in favor of Herbert Brice, for services in remaining after final adjournment, and assisting to properly paste, label, and arrange the original minutes of the Senate, which, according to law, must be arranged, signed, and delivered to the Secretary of State.

Resolution read, and referred to Committee on Contingent Expenses.

RECESS.

At five o'clock P. M., on motion of Senator Leavitt, the President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 876—An Act to definitely establish and permanently locate the eastern boundary line of Mendocino County, between Mount Hull and the southwest corner of

Tehama County, and establish the western boundary of the County of Glenn, between Mendocino and Glenn counties.

Also: Senate Bill No. 513—An Act to authorize municipal corporations, organized under the Act of the Legislature entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, or the Acts of which the same are amendatory of, or any Act amendatory thereof, to commence and prosecute an action or actions to recover real or personal property within the limits of such municipal corporation, acquired or held by the board of fire commissioners created by an Act of the Legislature entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and to provide for the procedure in such action or actions.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 7th day of March, 1907, at five o'clock P. M.

REILY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1907

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 35—An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from \$65,000 per annum to \$75,000 per annum for the fifty-ninth fiscal year and for each and every year thereafter and to that end to amend section one of an Act approved March 20th, nineteen hundred and five, entitled "An Act to amend section one of an Act entitled 'An Act to amend section one of an Act approved March 20th, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883 providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita, approved March 12, 1901, by providing for a fixed annual appropriation of \$65,000 in the place and stead of \$75 per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said home."

Also: Senate Bill No. 87—An Act to amend Section 3865 of the Political Code, relating to cancellation of double and erroneous assessments, certificates of sale and tax deeds.

Also: Senate Bill No. 643—An Act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein, and providing a penalty for the illegal deposit and use thereof.

Also: Senate Bill No. 824—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches, a misdemeanor.

Also: Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigations.

Also: Senate Bill No. 348—An Act to prohibit the use of chemicals and other materials in milk and milk products, to prevent fermentation therein.

Also: Senate Bill No. 503—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Also: Senate Bill No. 475—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 209 thereof, relating to the compensation of county and township officers in counties of the fifty-second class.

Also: Senate Bill No. 332—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.

Also: Senate Bill No. 506—An Act to amend Sections 1115, 1118, and 1125 of the Code of Civil Procedure, relating to contesting certain elections.

Also: Senate Bill No. 590—An Act to amend Sections 1189, 1192, 1358, 1079, 1361, 1186, and 1188 of the Political Code, relating to elections.

Also: Senate Bill No. 588—An Act to amend Sections 1123 and 1126 of the Code of Civil Procedure, relating to contesting certain elections.

Also: Senate Bill No. 62—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto five new sections, to be designated as Sections 1044, 1133, 1120, 1151, and 1121, and to repeal an Act entitled "An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled an Act in rela-

tion to elections held under the authority of Section 8, of Article XI, of the Constitution, approved March 31, 1897," approved March 4, 1899, all relating to elections.

Also: Senate Bill No. 778—An Act to provide for drainage by irrigation districts.

Also: Senate Bill No. 565—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof, approved March 23, 1901, and the amendment thereof, approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

Also: Senate Bill No. 582—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, March 19, 1903, and March 20, 1905, by amending Section 185 thereof, relating to salaries and fees of county and township officers of the twenty-eighth class.

Also: Senate Bill No. 188—An Act authorizing and directing the completion of the main buildings of the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 189—An Act authorizing and directing the construction and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 190—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 413—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and as amended March 20, 1905.

Also: Senate Bill No. 66—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Also: Senate Bill No. 112—An Act to amend Section 496 of the Penal Code, relating to the buying or receiving of stolen property.

Also: Senate Bill No. 168—An Act to amend Section 718 of the Civil Code, relating to leases of town and city lots.

Also: Senate Bill No. 540—An Act to regulate the practice of shoeing horses, mules, and other animals in the State of California, and to require all farriers to pass an examination as to their proficiency on the following subjects: anatomy of the feet of horses and mules; the making and fitting of shoes to the feet of horses and mules; in preparing the feet of horses and mules for shoes, and putting shoes on horses and mules; in driving nails in the feet of horses and mules; and in doing such other things as will advance the science of shoeing horses and mules to the best interests of the horse and mule, and all other animals, in the most skillful and scientific manner.

Also: Senate Bill No. 658—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

Also: Senate Bill No. 51—An Act to amend an Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903.

Also: Senate Bill No. 564—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators and guardians in certain cases.

Also: Senate Bill No. 67—An Act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.

Also: Senate Bill No. 30—An Act for the prevention of the manufacture, sale or transportation of adulterated, mislabeled or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof.

Also: Senate Bill No. 646—An Act supplementary to an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts in any county, or city and county, city, or town, at any or all elections held therein, and for ascertaining the result of such election; providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903, and providing for the testing and inspection of such machines.

Also: Senate Bill No. 92—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Also: Senate Bill No. 69—An Act to amend Section 1093 of the Penal Code, relating to the order of trial.

Also: Senate Bill No. 569—An Act to amend Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment.

Also: Senate Bill No. 550—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery and wagons, buggies, vehicles and other articles; providing for the collection thereof, and making the violation of this Act a misdemeanor.

Also: Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto, and repealing Section 580 of the Civil Code.

Also: Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads and regulating the hours of employment thereof.

Also: Senate Bill No. 784—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV of Division Second, consisting of Sections 1426, 1426a, 1426b, 1426c, 1426d, 1426e, 1426f, 1426g, 1426h, 1426i, 1426j, 1426k, 1426l, 1426m, 1426n, 1426o, 1426p, 1426q, and 1426r, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement, and drainage of mines within the State of California," approved March 31, 1891.

Also: Senate Bill No. 199—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert.

Also: Senate Bill No. 200—An Act to repeal Section 645 of the Penal Code, relating to harboring deserting seamen.

Also: Senate Bill No. 800—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township government", approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks and employees of such officers, and for the compensation of such officers, their assistants, deputies, clerks and employees.

Also: Senate Bill No. 556—An Act to amend Sections 3093, 3094, and 3095 of the Political Code, relating to dissection, of dead bodies.

Also: Senate Bill No. 555—An Act to amend Sections 337 and 339 of the Code of Civil Procedure, relating to time within which certain actions must be commenced.

Also: Senate Bill No. 880—An Act making an appropriation of twenty thousand dollars (\$20,000.00), to be expended by the Board of Capitol Commissioners for making alterations, repairs, improvements, and for otherwise completing and embellishing the State Capitol, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act authorizing and directing the Board of Capitol Commissioners to remodel and repair the State Capitol building, making the same fire-proof, rendering all space therein available, and making appropriation therefor," approved March 18, 1905, and exempting such appropriation from the provisions of an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and all Acts amendatory thereof.

Also: Senate Constitutional Amendment No. 1—A resolution to propose to the people of the state of California an amendment to the Constitution of the State of California providing for the separation of State and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end amending Sections 1, 9, 10, and 11 of Article XIII, and adding to Article XIII two new sections, to be numbered Sections 14 and 15, and repealing Section 10 of Article XI thereof, all relating to revenue and taxation.

Also: Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, seawall, State railroad, jetties, and appurtenances in the City and County of San Francisco, to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 399—An Act amendatory of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 21, 1905, by amending Section 29 thereof, and making an appropriation of \$25,000 to carry out the purposes of said Act.

Also: Senate Bill No. 65—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriations for the same.

Also: Senate Concurrent Resolution No. 19—Approving four certain amendments to the charter of the City of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the first day of March 1907, and report that the same have been correctly enrolled. And presented the same to the Governor on this 9th day of March, 1907, at twelve o'clock m.

REILY, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 776—An Act to amend Section 1468 of the Code of Civil Procedure, relating to property set apart to family of decedent, and apportionment thereof between surviving spouse and children.

Also: Senate Bill No. 777—An Act to amend Section 1465 of the Code of Civil Procedure, relating to property set apart to family of decedent, and apportionment thereof between surviving spouse and children.

And report that the same have been correctly engrossed.

REILY, Chairman.

Senate Bills Nos. 776 and 777 ordered on file for third reading.

BILL RECALLED FROM ENGROSSMENT FOR FURTHER CONSIDERATION.

On motion of Senator Willis, Senate Bill No. 863—An Act to repeal Title III, of Part IV, and each and every section thereof, of the Political Code, and to add a new Title III of Part IV of said Code in place thereof, relating to the organization, incorporation, and government of municipal corporations—was recalled from engrossment for further consideration.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 201—An Act to repeal Article II, of Chapter V, of Title XI, of Part III, of the Code of Civil Procedure, and to substitute a new Article II to take the place thereof in said Code, relating to proceedings to set aside homesteads.

Also: Assembly Bill No. 281—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates.

Also: Assembly Bill No. 285—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1918, 1921, 1922, 1925, 1935, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1963, and 1982 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1947a, all relating to evidence.

Also: Assembly Bill No. 1000—An Act to repeal Article V, of Title VI, of Part III, of the Political Code, and to substitute therefor a new Article V, relating to public waters.

Also: Assembly Bill No. 1001—An Act to repeal Article VI, of Title VI, of Part III, of the Political Code, and to substitute therefor a new Article VI, relating to pilot regulations.

Also: Assembly Bill No. 1002—An Act to add a new chapter to Title V, of Part III, of the Political Code, to be known as Chapter Ic, relating to the Woman's Relief Corps Home of California.

Have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

WOLFE, Chairman pro tem.

Assembly Bills Nos. 201, 281, 285, 1000, 1001, and 1002 ordered on Assembly special file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 756—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BELSHAW, Chairman.

Assembly Bill No. 756 ordered on Assembly special file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 971—An Act to amend an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal officers, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, amended March 20, 1905, by amending Sections 6 thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MCCARTNEY, Chairman.

Assembly Bill No. 971 ordered on Assembly special file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 313—An Act to amend Sections 387, 388, and 389 of the Code of Civil Procedure, all relating to parties to civil actions—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

* ANDERSON, Chairman.

Assembly Bill No. 313 ordered on Assembly special file for second reading.

MOTION TO RECONSIDER POSTPONED.

In compliance with his notice given on previous day, Senator Caminetti moved that the vote whereby Assembly Bill No. 822—An Act to classify the roads in the State of California, and to define each class—was passed, be now reconsidered.

The motion was duly seconded.

The question being on the motion to reconsider the vote whereby Assembly Bill No. 822 was heretofore passed.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Price, Rambo, Reilly, Savage, Walker, Welch, and Willis—24.

NOES—None.

The vote having been reconsidered, the question being on the passage of the bill.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Caminetti moved to refer to Senator Mattos as a special committee of one to amend as follows:

By striking out of Section 1, line 4, the comma (,) after the word "controlled," and inserting (,) after the word "owned."

Also: By striking out all of Section 6, and inserting in lieu thereof the following:

SEC. 6. The provisions of this Act shall only apply in counties that adopt and come under the provisions of an Act entitled "An Act for the establishment of a uniform system of road government and administration in the counties of the State of California," approved March —, 1907.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 822, with instructions to amend, respectfully reports the same back, amended as per instructions.

MATTOS, Special Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Mattos, the Secretary was directed to issue a rush order for printing Assembly Bill No. 822.

BILL RECALLED FROM ASSEMBLY FOR FURTHER CONSIDERATION.

On motion of Senator McCartney, Senate Bill No. 150—An Act providing the conditions upon which maps outlining the subdivision of tracts or lots of land for residence or other purposes shall be recorded in the office of the county recorder—was recalled from the Assembly for further consideration.

NOTICE OF MOTION TO RECONSIDER.

Senator McCartney gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 150 was this day passed.

MOTION TO RECONSIDER POSTPONED.

In compliance with his notice given on previous day, Senator Caminetti moved that the vote whereby Assembly Bill No. 701—An Act to amend Subdivision 15 of Section 162 of an Act entitled "An Act to amend Section 162 of an Act entitled 'An Act to establish a uniform system of county and township government,'" approved April 1, 1897, and amended March 19, 1903, approved March 20, 1905—was finally passed, be now reconsidered.

The motion was duly seconded.

Senator Caminetti moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 701 was finally passed be postponed until next legislative day.

Motion carried.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER RESET.

In compliance with his notice given on previous day, Senator Keane moved that the vote whereby Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure—was refused final passage, be now reconsidered.

The motion was duly seconded.

Senator Keane moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 6 was refused final passage be postponed until Monday, March 11, 1907, and made a special order for eleven o'clock A. M.

Motion carried.

UNFINISHED BUSINESS.

On motion of Senator Willis, Senate amendments pending to Assembly Bill No. 758 since previous legislative day were taken up for consideration.

The question being, "Shall the Senate recede from the following amendment to Assembly Bill No. 758?"

By striking out of Section 1, page 2, line 53, the word "sufficient," and inserting in lieu thereof the following: "succinct."

The roll was called, and the Senate receded from the above amendment to Assembly Bill No. 758 by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Price, Rambo, Savage, Walker, Willis, and Wolfe—25.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Welch, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 750—An Act to amend Section 2004 of the Code of Civil Procedure, stating the definition of a deposition.

Also: Assembly Bill No. 751—An Act to amend Section 2024 of the Code of Civil Procedure, relative to the manner of taking depositions out of the State.

Also: Assembly Bill No. 587—An Act adding a new section to the Political Code of the State of California, to be numbered 1893, relating to duties of school trustees and city boards of education, regarding fraternities in public schools.

Also: Assembly Bill No. 918—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.

Also: Assembly Bill No. 387—An Act to amend Section 1140 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing that trial jurors in criminal cases shall be discharged after retirement for deliberation within a certain number of hours.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to Section 16, of Article IV, of the Constitution in relation to the approval and return of bills by the Governor and the exercise of the veto power.

Also: Senate Concurrent Resolution No. 21—Relative to leave of absence to Geo. L. Cochran, Trustee of the State Normal School at Los Angeles.

Also: Senate Concurrent Resolution No. 3—Resolution relative to the appointment of committees to investigate and report upon the condition of the harbors of the State.

Also: Senate Constitutional Amendment No. 34—Relative to dealing in stocks on margins.

Also: Passed Assembly Bill No. 653—An Act to amend Section 3 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a Board of Trustees for the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the State Mineralogist of the State Mining Bureau.

Also: Assembly Bill No. 434—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered Section 317½, prohibiting the publication of certain advertisements.

Also: Assembly Bill No. 204—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation.

Also: Assembly Bill No. 923—An Act to provide for the payment of attorneys' fees in justices' courts and other inferior courts.

Also: Assembly Bill No. 964—An Act to amend Section 4 of an Act entitled "An Act to create the office of fish and game warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Also: Assembly Bill No. 966—An Act to provide for the survey, location, plans and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.

Also: Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.

Also: Senate Bill No. 581—An Act to amend Section 3 of an Act entitled "An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of an electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto," approved March 18, 1905.

Also: Senate Bill No. 600—An Act to create a commission on revenue and taxation to investigate the system of revenue and taxation in force in this State, and to formulate and regulate legislation for the revision and reform of the revenue laws, said commission to succeed and take the place of the present Commission on Revenue and

Taxation, and to be composed of the Governor, the Controller, the Chairman of the State Board of Equalization, all three ex officio, two members of the State Senate, and one member of the Assembly, and an expert on taxation and public finance, also authorizing the Governor to appoint said expert, and authorizing the Senate to appoint two members, to define the duties and powers of the commission, and making an appropriation therefor.

Also: Senate Bill No. 842—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," by adding a new section thereto, to be numbered Section 9½, providing for the disposition of money raised by the sale of bonds under said Act, whenever it appears to be impracticable to use said money for the purpose for which the bonds were voted.

Also: Senate Bill No. 681—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,'" approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested, approved March 3, 1905.

Also: Senate Bill No. 719—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Constitutional Amendment No. 28 read first time, and referred to Committee on Judiciary.

Senate Concurrent Resolutions Nos. 21 and 3 ordered to enrollment.

Senate Constitutional Amendment No. 34 ordered to enrollment.

Assembly Bill No. 653 read first time, and referred to Committee on Mines and Mining.

Assembly Bills Nos. 434 and 923 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 204 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 964 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 906 read first time, and referred to Committee on Roads and Highways.

Senate Bills Nos. 247, 581, 600, 842, 681, and 719 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as amended Senate Bill No. 933—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and power plants, and the right to take material from such land for the construction of such works, and to take any waters belonging to the State for the purpose of supplying such municipalities and its inhabitants with water.

Also: Committee Substitute for Senate Bills Nos. 21 and 394—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, except under certain stated conditions and restrictions.

Also: Senate Bill No. 813—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin and extending to Islais Creek, in the City and County of San Francisco, and extending their jurisdiction over the same.

Also: Senate Bill No. 812—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of \$1000 for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 738—An Act to add a new title to Part III of the Penal Code, to be known as Title 1a, relating to State schools of industry and reform for juvenile offenders.

Also: Senate Bill No. 785—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 19, 1903, and March 20, 1905, by amending Section 162 thereof, relating to the fees and the salaries of county and township officers in counties of the fifth class.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 933?"

Amend by striking out the title to Senate Bill No. 933, and inserting in lieu thereof the following:

An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and power plants, and the right to take material from certain land of the State for the construction of such works, and to take certain waters belonging to the State for the purpose of supplying such municipalities and their inhabitants with water.

The roll was called, and the Assembly amendment to Senate Bill No. 933 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Price, Rambo, Reily, Walker, Willis, and Wolfe—23.

NOES—None.

Senate Bill No. 933 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 813?"

Strike out period in line 5 of title of printed bill, and insert in title after the word "same," on line 5 of said title, the words "and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled 'An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in the relation thereto, making an appropriation of \$1,000.00 for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people.'"

Strike out the period after the word "procedure," on line 9 of Section 3, page 2 of the printed bill, and insert after the word "procedure," on line 9, Section 3, page 2 of the printed bill, the following: "provided, that any judgment under this Act or that certain Act entitled 'An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; making an appropriation of \$1,000 for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people,' shall be paid for from the proceeds of bonds issued and sold under the provisions of said last mentioned Act."

The roll was called, and the Assembly amendment to Senate Bill No. 813 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Rambo, Reily, Savage, Walker, Welch, Willis, and Wolfe—24.

NOES—None.

Senate Bill No. 813 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill 812?"

Strike out quotation marks in line 11, page 2, Section 1 of printed bill, and insert after word "same," in line 11, page 2, Section 1 of printed bill, the following: "and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled an Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of \$1,000 for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people."

The roll was called, and the Assembly amendment to Senate Bill No. 812 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Caminetti, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Price, Rambo, Reily, Savage, Walker, Welch, Willis, and Wolfe—24.

NOES—None.

Senate Bill No. 812 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 738?"

Strike out after the word "title," in line 3, Section 1, page 1 of the printed bill, the characters "Ia," and insert in lieu thereof the following: "III."

Also: Strike out the word "male," in line 8, all of line 9, and the word "female," in line 10, of Section 1648 of the body of the bill, on page 15 of the printed bill.

Also: Strike out the period after the word "institution," in line 9, Section 1651 of the body of the bill, on page 16 of the printed bill, and insert after said word "institution" the following: "until such minor attains the age of twenty-one years."

Also: Strike out the period at end of line 10, Section 1652 of the body of the bill, on page 16 of the printed bill, and insert after the last word of said line the following: "until such minor attains the age of twenty-one years."

Also: Strike out the word "eight," in line 4, Section 1654 of the body of the bill, on page 17 of the printed bill, and insert in lieu thereof the word "seven."

Also: Insert after the comma the word "years," in line 4, Section 1654 of the bill, on page 17 of the printed bill, the following: "until such minors attain the age of twenty-one years."

Also: Amend by striking out the characters "Ia," on line 3 of the title, first page, printed bill, and inserting in lieu thereof the following: "III."

Also: Amend by striking out the characters "Ia," on line 2, Section 1, first page, printed bill, and inserting in lieu thereof the following: "III."

Also: Amend by striking out of Section 1, pages 1 and 2 of the printed bill, under the sub-heading "Of the Preston School of Industry," and after the word "Section," the figures, "1590, 1590a, 1590b, 1590c, 1590d, 1590e, 1590f, 1590g, 1590h, 1590i, 1590j, 1590k, 1590l, 1590m, 1590n, 1590o, 1590p, 1590q, and 1590r," and inserting in lieu of each of said numbers, respectively, the following: "1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, and 1638."

Also: Amend by striking out of Section 1, page 2 of the printed bill, the section number "1590" of the body of the bill, and inserting in lieu thereof the following: "1620," and renumbering the remaining sections, Chapter I of the body of the bill respectively: 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, and 1638.

Also: Amend by striking out the words "fifteen hundred and ninety h of this Code," in line 10, of Section 1590d of the body of the bill, third page, printed bill, and inserting in lieu thereof the following: "sixteen hundred and twenty-eight."

Also: Amend by striking out the words "judge or court," in lines 7 and 8 of Section 1590i of the body of the bill, fifth page, printed bill, and inserting in lieu thereof the following: "court or judge thereof."

Also: Amend by striking out the words "superior judge," in line 9, Section 1590i of the body of the bill, fifth page, printed bill, and inserting in lieu thereof the following: "judge of the superior court."

Also: Amend by striking out the word "superior," on line 15, Section 1590i, of the body of the bill, sixth page, printed bill.

Also: Amend by striking out the words "superior judge thereof," in line 4, Section 1590k of the body of the bill, seventh page, printed bill, and inserting in lieu thereof the following: "judge of such court."

Also: Amend by striking out the words "fifteen hundred and ninety i of this code," in lines 13 and 14, of Section 1590l of the body of the bill, seventh page, printed bill, and inserting in lieu thereof the following: "sixteen hundred and twenty-nine."

Also: Amend by striking out of Section 1, pages 10 and 11 of the printed bill, under the subhead "Of the Whittier State School" and after the word "Section" the figures: 1592, 1592d, 1592e, 1592f, 1592g, 1592h, 1592i, 1592j, 1592k, 1592l, 1592m, 1592n, 1592o, 1592p, 1592q, 1592r, 1592s, 1593, 1593a, 1593b, 1593c, 1593d, 1593e, 1593f, 1593g, and 1593h, and inserting in lieu of each of said numbers, respectively, the following: "1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, and 1668."

Also: Amend by striking of Section 1, page 11, of the printed bill, the section number 1592 of the body of the bill, and inserting in lieu thereof the following: "1640," and renumbering the remaining sections of Chapter II of the body of the bill, respectively: 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, and 1668.

Also: Amend by striking out the words "fifteen hundred and ninety-two h of this code," on lines 9 and 10, Section 1592i, of the body of the bill, fifteenth page, printed bill, and inserting in lieu thereof the following: "sixteen hundred and forty-eight."

Also: Amend by striking out the words "fifteen hundred and ninety-two h of this code," on lines 15 and 16, Section 1592j, of the body of the bill, sixteenth page, printed bill, and inserting in lieu thereof the following: "sixteen hundred and forty-eight."

Also: Amend by striking out the words "superior judge," on line 1, Section 1592p of the body of the bill, eighteenth page, printed bill, and inserting in lieu thereof the following: "judge of a superior court."

Also: Amend by striking out the words "superior judge thereof," on line 4, Section 1592q of the body of the bill, eighteenth page, printed bill, and inserting in lieu thereof the following: "judge of such court."

Also: Amend by striking out the words "fifteen hundred and ninety-two n of this Code," on line 15, Section 1593 of the body of the bill, nineteenth page, printed bill, and inserting in lieu thereof the following: "sixteen hundred and fifty-four."

Also: Amend by striking out the words "fifteen hundred and ninety-two" of this Code," on lines 6 and 7, Section 1593^e of the body of the bill, twenty-first page, printed bill, and inserting in lieu thereof the following: "sixteen hundred and fifty-four."

Also: Amend by striking out the words "the superior judge" on line 2, Section 1593^f of the body of the bill, twenty-second page, printed bill, and inserting in lieu thereof the following: "a judge of the superior court."

Also: Amend by striking out the words "fifteen hundred and ninety-two" of this Code," on line 7, Section 1593^f of the body of the bill, twenty-second page, printed bill, and inserting in lieu thereof the following: "sixteen hundred and fifty-four."

Also: Amend by striking out the words "superior judge," on line 1, Section 1593^g of the body of the bill, twenty-third page, printed bill, and inserting in lieu thereof the following: "judge of the superior court."

The roll was called, and the Assembly amendments to Senate Bill No. 738 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Price, Rambo, Reily, Savage, Walker, Willis, and Wolfe—25.
 NOES—None.

Senate Bill No. 738 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 785?"

Amend by striking out the word "traveled," on line 204, seventh page, printed bill, and inserting in lieu thereof the following: "traveled."

Also: Amend by inserting on page 7, after line 234 of the printed bill, the following: "20. In counties of this class there may be a county analyst, to be appointed by the Board of Supervisors, who shall receive a salary of not less than \$50 per month to be paid at the same time, and in the same manner as other county officers are paid. He shall furnish his own laboratory. He shall perform such services as may be required by the district attorney, coroner, or by ordinances of the board of supervisors. He shall have been a resident of the county for at least two years, and shall be a graduate of a recognized university or technical school, and shall have had at least three years' experience in forensic and analytical chemistry."

The roll was called, and the Assembly amendments to Senate Bill No. 785 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muenter, Price, Rambo, Reily, Savage, Walker, Willis, and Wolfe—22.
 NOES—None.

Senate Bill No. 785 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to the Committee Substitute for Senate Bill No. 21 and Senate Bill No. 394?"

Amend between lines 12 and 13, Section 1, of the printed bill, by striking out the words "of six inches."

Also: Amend in line 29, Section 1, page 2, of the printed bill, by striking out the word "fraudulently."

Also: Amend in line 29, Section 1, page 2, of the printed bill, by inserting after the word "misrepresented" as follows: "or concealed, with intent to defraud."

Also: Amend in line 72, Section 1, page 3, of the printed bill, by striking out the words "also examine," and insert in lieu thereof "make examinations of."

Also: Amend between lines 154 and 155, Section 1, page 5, of the printed bill, by striking out the words "of one inch."

Also: Amend line 6, Section 4, page 6 of the printed bill, by inserting after the word "insured" as follows: "and if the loss is to be made payable to any person or corporation other than the insured the fact of such intended payment and the name of such payee and any other matter necessary to clearly express all the facts and conditions of insurance on any particular risk not inconsistent with any of the conditions of the foregoing policy."

Also: Amend in line 13, Section 4, page 6 of the printed bill, by striking out the period at the end thereof and adding as follows: "also any provisions which it is required by law to insert in its policies."

Also: Strike out all of Section 5, page 6 of the printed bill, and insert as follows:

"Section 5. No rider or riders may be attached to any policy and no contract may be made between the insured and the insurer under and by virtue of which the liability of the insurer shall be diminished, suspended, or avoided, except the same shall be printed in red ink and attached thereto, and the printing thereon shall be in type larger than

that used for printing the other conditions of the policy; and in case of any such addition or additions being made, there shall be printed in red ink and in large bold-faced type at the head of the policy whereon such riders are attached the words: 'This policy contains provisions not found in the California standard form.' Any rider restricting, reducing, or limiting the liability of the insurer shall be accepted and signed by the insured or his authorized agent before the same shall take effect."

Also: By striking out of Section 1, between lines 4 and 5 of printed bill, the words "of six inches."

The roll was called, and the Assembly amendments to Committee Substitute for Senate Bill No. 21 and Senate Bill No. 394 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Price, Rambo, Reilly, Savage, Walker, Willis, Wolfe, and Wright—25.

NOES—Senator Broughton—1.

Committee Substitute for Senate Bill No. 21 and Senate Bill No. 394 ordered to enrollment.

SENATOR BELSHAW IN THE CHAIR.

At nine o'clock and fifteen minutes P. M., Senator Belshaw, of the Ninth District, in the chair.

SECOND READING OF ASSEMBLY BILLS.

On motion of Senator Boynton, the Assembly second-reading file was taken up for consideration.

Assembly Bill No. 1022—An Act to amend an Act entitled "An Act to amend Section 163 of an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, and amended March 23, 1901," approved March 20, 1905, relating to county and township officers of counties of the sixth class.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 902—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of boards of school trustees and city boards of education.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 931—An Act to amend the Penal Code by adding thereto a new section, to be numbered 515, relating to embezzlement by a co-owner or co-partner.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 983—An Act affecting the duties of county auditors throughout the State of California.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 749—An Act to amend an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers or the officers and employes of State institutions," approved March 19, 1903.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 904—An Act making it a misdemeanor for a contractor to employ any person to work more than eight hours any calendar day in the execution of any contract for work done for the

State of California, or any political subdivision thereof, or under the direction of any public officer acting in his official capacity.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 499—An Act making an appropriation to carry out the provisions of Section 2979a of the Political Code of the State of California.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 880—An Act making an appropriation to pay Thomas Bair moneys paid by him into the county treasury of Humboldt County for land purchased by him under location 1223.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 892—An Act appropriating money to pay rent already incurred and rent to be incurred during the next two fiscal years by the District Court of Appeal for the Third Appellate District of the State of California, to pay for janitor services for said court, and to provide for the maintenance of a law library for said court; also to pay for furnishing and equipping the chambers, court room, clerk's and stenographer's rooms, and the library.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 1026—An Act providing for the indexing and preservation of certain books, maps, papers, and documents in the office of the Surveyor-General, and making an appropriation therefor.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 936—An Act to add a new section to the Political Code, to be numbered 2697, providing for a notice of petition to alter, discontinue, or lay out a road, and the effect thereof.

Bill read second time, and ordered on Assembly special file for third reading:

Assembly Bill No. 921—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 913—An Act to repeal an Act entitled "An Act to further define the powers of the Board of Trustees of the City of Sacramento," approved March 22, 1886.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 914—An Act to repeal Section 2 of an Act entitled "An Act relating to streets and roads in the City and County of Sacramento," approved March 22, 1874.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 1007—An Act to amend Section 1943 of the Civil Code of the State of California.

During second reading of bill, the following amendments were submitted by committee:

On page 1, Section 1, line 3, strike out the word "Section."

Amendment adopted.

Also:

On page 1, line 1, insert before the words "Section 1943 of," the word and figure "Section 1."

Amendment adopted.

Also:

On page 1, Section 1, lines 3 and 4, strike out the words "Relative to the term of hiring when no limit fixed."

Amendment adopted.

Bill read second time, and ordered to print, and third reading.

Assembly Bill No. 1008 —An Act to amend Section 1945 of the Civil Code of the State of California.

During second reading of bill, the following amendments were submitted by committee:

On page 1, line 1, insert before the words "Section 1945" the word and figure "Section 1."

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the words "Relation to renewal of lease by lessee's continued possession."

Amendment adopted.

Also:

On page 1, Section 1, line 3, strike out the word "Section."

Amendment adopted.

Bill read second time, and ordered to print, and third reading.

Assembly Bill No. 692 —An Act granting rights of way for lines, roads, structures, levees, canals, and excavations to the United States, over the public lands of this State.

Bill read second time, and ordered on Assembly special file for third reading.

Assembly Bill No. 777 —An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

BILL RE-REFERRED TO COMMITTEE.

On motion of Senator McCartney, Assembly Bill No. 777 was re-referred to Committee on Judiciary.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Keane asked for and was granted unanimous consent to have Assembly Bill No. 807 taken up for consideration.

Assembly Bill No. 807—An Act to amend an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880, by adding a new section, No. 9, relating to furnishing the series of school text-books published by this State, to institutions in this State, conducted for the support and maintenance of minor orphans, half orphans, and abandoned children, and to appropriate money for the purchase of said text-books.

Bill read second time, and ordered on Assembly special file for third reading.

PRESIDENT PORTER IN THE CHAIR.

At nine o'clock and thirty minutes P. M., Lieutenant-Governor Warren R. Porter in the chair.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON INVESTIGATION OF SALES OF JUTE BAGS MADE IN SAN QUENTIN PRISON.

MR. PRESIDENT: Your Special Committee of Investigation, appointed February 21, 1907, pursuant to the following resolution:

WHEREAS, The State of California is maintaining at the State Prison at San Quentin a factory for the manufacture of jute bags; and

WHEREAS, In addition to a large revolving fund required to carry on said work, a considerable sum of money is invested in machinery and other appliances used in said factory; and

WHEREAS, Said bag factory was established to provide employment for the prisoners and for the benefit of such of the tax payers of this State as are engaged in the occupation of farming, and not for the purpose of enabling speculators to secure control of the output of said factory, raise the price of said bags, and thus injure the farmers of California; and,

WHEREAS, It is rumored that the product of said factory for the year 1906 was unlawfully cornered by certain speculators, who, by reason of the monopoly so created, increased the cost of grain bags to the farmers of California on an average of fifty per cent; and,

WHEREAS, It is reported that the output of such factory for the year 1907 has been, or is about to be, secured by the same, or other, speculators; and

WHEREAS, The monopoly of the product of such factory works a grave injury to the farming industry and those interested therein, and enables the parties so speculating to unlawfully enrich themselves at the expense of the State of California; therefore, be it

Resolved, That a special committee of five Senators be appointed by the President of this Senate to investigate the alleged unlawful purchases by speculators of the output of the bag factory at San Quentin for the years 1906 and 1907, with the view of ascertaining whether the Act regulating the sale of such product has been violated by any person or persons; and for that purpose, said committee be and it is hereby empowered to issue all necessary subpoenas, to have full power to send for persons, books, and papers, and to compel the attendance of any and all necessary witnesses within the State, and to require the production of any and all necessary papers, books, or documents in order that the powers herein given may be fully carried out; and that it shall report the result of its investigations with such recommendations thereon as it may deem proper and necessary, to this Senate at the earliest possible moment;

And be it further resolved, That the Attorney-General of the State of California be and he is hereby requested to attend such investigation in behalf of the State.

Begs leave to submit the following report:

Your committee met immediately, and has made as thorough an investigation of the matters referred to in the resolution as the brief time allotted them would permit.

Based upon the testimony taken, we respectfully submit the following findings:

First. That during the years 1906 and 1907, the bulk of the output of jute bags at San Quentin was sold to ten or fifteen firms acting as agents for farmers.

Second. That the applications and affidavits on which such sales were made were, in many instances, executed prior to the date on which the price of bags was fixed.

Third. That applications and affidavits for practically one half of the output for the year 1907 were filed at San Quentin by one firm on the same day the price of bags for the present season was fixed.

Fourth. That during the years 1906 and 1907 the Board of Prison Directors, acting in good faith, fixed the price of bags as required by the statute and passed proper resolutions instructing the warden to sell the same as directed by law. That owing to a misconstruction of the Act by the commissary at San Quentin (the official who has full charge of the sale of grain bags), the proper legal notice of the sale of said bags was not given.

Your committee also makes the following recommendation:

First. That in all future sales the Board of Prison Directors proceed to advertise the sale of the output for the year by publishing a legal notice for one week in four newspapers published as follows: one in the City and County of San Francisco, one in San Joaquin Valley, one in the Salinas Valley, and one in the Sacramento Valley, said notice to state the terms and conditions upon which jute bags will be sold by the State.

Second. That applications be received up to and including fifteen days after the first publication of said notice; that the board thereupon sell said bags in accordance with the provisions of the Act as amended in 1905; that if more applications be received than can be filled, based upon the estimated output to July first next, said orders be filled pro rata.

Third. We further recommend that the Board of Prison Directors adopt a plan similar to the one hereinabove outlined to govern sales made during future seasons.

Your committee is under obligations to those members of the Board of Prison Directors who could be consulted for information rendered and valuable suggestions offered during its investigation.

We further recommend that a copy of this report be forwarded to the Board of Prison Directors forthwith.

Respectfully submitted.

HENRY W. LYNCH.
J. CLEM BATES.
H. S. G. MCCARTNEY.

Dated, Sacramento, Cal., March 9, 1907.

MINORITY REPORT.

As the minority member of your special committee of investigation appointed February 21, 1907, pursuant to the resolution set forth in the report of the majority, I concur in the findings in said report, but I cannot accept the recommendations therein set forth, and in lieu thereof respectfully offer the following:

First. That all sales of jute bags heretofore made for the present season be canceled.

Second. That the Board of Prison Directors proceed to advertise the sale of the output for the year 1907 by publishing a legal notice for one week in four newspapers published as follows: One in the City and County of San Francisco, one in the San Joaquin Valley, one in the Salinas Valley, and one in the Sacramento Valley; said notice to state the terms and conditions upon which jute bags will be sold by the State.

Third. That applications be received up to and including fifteen days from the first publication of said notice; that the board thereupon sell said bags in accordance with the provisions of the Act as amended in 1905; that if more applications be received than can be filled based upon the estimated output to July first next, said orders be filled pro rata.

Fourth. That the Board of Prison Directors adopt a plan similar to the one hereinabove outlined to govern sales made during future seasons.

Fifth. That a copy of this report be forwarded to the Board of Prison Directors forthwith.

Respectfully submitted,

BOYNTON.

Senator Boynton moved the adoption of the minority report.

MOTION.

Senator Lynch moved that the report of the above special committee and the minority report be printed in the Journal and made a special order for Monday, March 11, 1907.

Motion duly seconded.

The roll was called, and the motion lost by the following vote:

AYES—Senators Black, Curtin, Keane, Leavitt, Lynch, McCartney, and Wolfe—7.

NOES—Senators Anderson, Anthony, Bell, Boynton, Caminetti, Greenwell, Kennedy, Markey, McKee, Muentner, Price, Rambo, Reily, Savage, Walker, and Willis—16.

MOTION TO LAY ON THE TABLE.

Senator Curtin moved that the further consideration of these reports be postponed and both reports laid on the table.

The President declared the motion carried.

The ayes and noes were demanded by Senators Boynton, Walker, and Muentner.

POINT OF ORDER.

Senator Curtin raised the point of order that the result had already been announced, and the motion had been declared carried.

DECISION.

The President announced that he was prepared to render a decision, and declared the point of order well taken.

MOTION TO TAKE FROM THE TABLE.

Senator Boynton thereupon moved that the two reports be taken from the table.

Motion duly seconded.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Greenwell, Kennedy, Markey, Mattos, McKee, Muentner, Price, Reily, Savage, Walker, Willis, and Wright—19.

NOES—Senators Curtin, Keane, Lynch, McCartney, Rambo, and Wolfe—6.

SPECIAL ORDER SET.

Senator Boynton moved that the reports be printed in the Journal and made a special order for the next legislative day, immediately after the reading of the Journal.

Motion carried.

SENATOR LEAVITT IN THE CHAIR.

At ten o'clock and twenty minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 1021—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1021 finally passed by the following vote:

AYES—Messrs. Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Price, Rambo, Reily, Walker, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 989—An Act to amend an Act entitled "An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, relating to the propagation of noxious weeds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 989 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Price, Rambo, Reily, Savage, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Title read.

During the reading of the title the following amendment was offered by Senator Muentner:

Amend title by inserting after the word "amend," on line 2 of the title, the following: "Sections one, two, and three of."

Amendment adopted.

Title approved as amended.

Bill ordered to print and to the Assembly.

SUSPENSION OF RULES.

Senator Price moved that the rule, heretofore adopted this day, limiting the consideration of Senate Bills to the period prior to five o'clock P. M. this day, be temporarily suspended in favor of Senator Reily, to enable him to call up for consideration Senate Constitutional Amendment No. 39.

Motion carried.

Senate Constitutional Amendment No. 39—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section, to be numbered twenty-one, to Article XX thereof, relative to the number of hours of labor or employment in a calendar day.

Constitutional amendment read.

The question being on the adoption of the Senate Constitutional Amendment.

The roll was called, and Senate Constitutional Amendment No. 39 refused adoption by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Savage, Walker, and Wolfe—17.

NOES—Senators Belshaw, Curtin, Price, Rambo, Reily, Willis, and Wright—7.

NOTICE OF MOTION TO RECONSIDER.

Senator Reily gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 39 was this day refused adoption.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 991—An Act to amend Section 6 of an Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in said channels, and preventing the overflow thereof, and for the construction by such districts of all the necessary works for said purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 991 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Price, Rambo, Reily, Savage, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 651—An Act making an appropriation of \$5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, providing for a parole officer, his compensation and traveling expenses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 651 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Broughton, Curtin, Greenwell, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Muenter, Price, Rambo, Reily, Savage, Walker, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 916—An Act to amend Section 16 of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemptions of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners, and the publication thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 916 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Curtin, Greenwell, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Price, Rambo, Reily, Savage, Walker, Willis, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 589—An Act to add a new article to Chapter III, of Part III, of the Political Code, to be known as Article XIII, relating to the Board of Bank Commissioners, and prescribing their duties and powers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 589 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Broughton, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Price, Rambo, Reily, Savage, Walker, Willis, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 860—An Act to amend Section 590 of the Penal Code, and to add a new section to said code, to be numbered Section 590a, relating to the removal, injury, destruction, breaking, or defacing of mile boards, posts, or stones, or guide posts on or near highways, to the punishment thereof and to the disposition of fines collected therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 860 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Broughton, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Muentner, Price, Rambo, Reily, Savage, Walker, Welch, Willis, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 935—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 935 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Broughton, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Muentner, Price, Rambo, Reily, Savage, Walker, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PORTER IN THE CHAIR.

At ten o'clock and forty-five minutes P. M., Lieutenant-Governor Warren R. Porter in the chair.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 350—An Act to add a new section to the Political Code of the State of California, to be designated Section 2181a, relating to unclaimed money and property of patients at State hospitals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 350 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Broughton, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, McCartney, McKee, Price, Rambo, Reily, Savage, Walker, Willis, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At ten o'clock and fifty-five minutes P. M., on motion of Senator Leavitt, the President declared the Senate adjourned until Sunday, March 10, 1907, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Sunday, March 10, 1907.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

READING OF THE JOURNAL.

During the reading of the Journal of Saturday, March 9, 1907, the further reading was dispensed with, on motion of Senator Mattos.

MOTION TO ADJOURN.

The following motion was made by Senator Anderson:

WHEREAS, On motion of Senator Leavitt the Senate adjourned yesterday at eleven o'clock P. M. to to-day at eleven o'clock A. M.; and

WHEREAS, After said motion was stated and before the vote on the same was called for, Senator Anderson arose in his place and addressing the President of the Senate requested to be heard on the question, to show cause why said motion should not prevail; and

WHEREAS, The President of the Senate ruled said Anderson out of order, holding that the question was not debatable; and

WHEREAS, In pursuance to said motion the Senate is now in session this tenth day of March, 1907, and the roll having been called showing twenty-one Senators present, Lieutenant-Governor Porter presiding; and

WHEREAS, No reason was offered last evening in support of said motion; and

WHEREAS, There are no more valid reasons for, nor any more necessity of convening the Senate this Sabbath Day than any other Sabbath Day for the past month, or at all, the condition of the files not warranting the same; and

WHEREAS, It is not the intention of the laws of this State that the Legislature should convene to transact business on the Sabbath Day; and

WHEREAS, I am fully persuaded in the belief that the majority of the people of this State would protest against the Legislature convening on the Sabbath Day; and

WHEREAS, It is for the best interest of all of the people of the State that the Legislature should observe this day of rest;

Now, therefore, I move that the Senate do now adjourn.

Motion duly seconded.

The roll was called, and the motion lost by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Curtin, and McKee—5.

NOES—Senators Bates, Black, Boynton, Broughton, Caminetti, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Muentner, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, and Willis—22.

STATEMENT BY SENATOR WOLFE.

Senator Wolfe, who was absent during the roll call on the motion to adjourn, entered the Senate Chamber immediately after the result had been announced, whereupon he asked for and was granted unanimous consent to address the Senate; declaring that, had he been present, he would have voted in favor of adjournment and against meeting on Sunday, in deference to public sentiment.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and fifteen minutes P. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the report of the special committee on investigation of sales of jute bags made in San Quentin prison, together with the minority report, the same was taken up for consideration.

REPORT OF SPECIAL COMMITTEE ON INVESTIGATION OF SALES OF JUTE BAGS MADE IN SAN QUENTIN PRISON.

MR. PRESIDENT: Your Special Committee of Investigation, appointed February 21, 1907, pursuant to the following resolution:

WHEREAS, The State of California is maintaining at the State Prison at San Quentin a factory for the manufacture of jute bags; and

WHEREAS, In addition to a large revolving fund required to carry on said work, a considerable sum of money is invested in machinery and other appliances used in said factory; and

WHEREAS, Said bag factory was established to provide employment for the prisoners and for the benefit of such of the taxpayers of this State as are engaged in the occupation of farming, and not for the purpose of enabling speculators to secure control of the output of said factory, raise the price of said bags, and thus injure the farmers of California; and

WHEREAS, It is rumored that the product of said factory for the year 1906 was unlawfully cornered by certain speculators, who, by reason of the monopoly so created, increased the cost of grain bags to the farmers of California on an average of fifty per cent; and

WHEREAS, It is reported that the output of such factory for the year 1907 has been, or is about to be, secured by the same, or other, speculators; and

WHEREAS, The monopoly of the product of such factory works a grave injury to the farming industry and those interested therein, and enables the parties so speculating to unlawfully enrich themselves at the expense of the State of California; therefore, be it

Resolved, That a special committee of five Senators be appointed by the President of this Senate to investigate the alleged unlawful purchases by speculators of the output of the bag factory at San Quentin for the years 1906 and 1907, with the view of ascertaining whether the Act regulating the sale of such product has been violated by any person or persons; and for that purpose, said committee be and it is hereby empowered to issue all necessary subpoenas, to have full power to send for persons, books, and papers, and to compel the attendance of any and all necessary witnesses within the State, and to require the production of any and all necessary papers, books, or documents in order that the powers herein given may be fully carried out; and that it shall report the result of its investigations with such recommendations thereon as it may deem proper and necessary to this Senate at the earliest possible moment.

And be it further resolved, That the Attorney-General of the State of California be and he is hereby requested to attend such investigation in behalf of the State.

Begs leave to submit the following report:

Your committee met immediately, and has made as thorough an investigation of the matters referred to in the resolution as the brief time allotted them would permit.

Based upon the testimony taken, we respectfully submit the following findings:

First. That during the years 1906 and 1907, the bulk of the output of jute bags at San Quentin was sold to ten or fifteen firms acting as agents for farmers.

Second. That the applications and affidavits on which such sales were made, were, in many instances, executed prior to the date on which the price of bags was fixed.

Third. That applications and affidavits for practically one half of the output for the year 1907 were filed at San Quentin by one firm on the same day the price of bags for the present season was fixed.

Fourth. That during the years 1906 and 1907 the Board of Prison Directors, acting in good faith, fixed the price of bags as required by the statute and passed proper resolutions instructing the warden to sell the same as directed by law. That owing to a misconception of the Act by the commissary at San Quentin (the official who has full charge of the sale of grain bags), the proper legal notice of the sale of said bags was not given.

Your committee also makes the following recommendations:

First. That in all future sales the Board of Prison Directors proceed to advertise the sale of the output for the year by publishing a legal notice for one week in four newspapers published as follows: One in the City and County of San Francisco, one in San Joaquin Valley, one in Salinas Valley, and one in the Sacramento Valley, said notice to state the terms and conditions upon which jute bags will be sold by the State.

Second. That applications be received up to and including fifteen days after the first publication of said notice; that the board thereupon sell said bags in accordance with the provisions of the Act as amended in 1905; that if more applications be received than can be filled, based upon the estimated output to July first next, said orders be filled pro rata.

Third. We further recommend that the Board of Prison Directors adopt a plan similar to the one hereinabove outlined to govern sales made during future seasons.

Your committee is under obligations to those members of the Board of Prison Directors who could be consulted for information rendered and valuable suggestions offered during its investigation.

We further recommend that a copy of this report be forwarded to the Board of Prison Directors forthwith.

Respectfully submitted.

HENRY W. LYNCH.
J. CLEM BATES.
H. S. G. MCCARTNEY.

Dated, Sacramento, Cal., March 9, 1907.

MINORITY REPORT.

As the minority member of your special committee of investigation appointed February 21, 1907, pursuant to the resolution set forth in the report of the majority, I concur in the findings in said report, but I can not accept the recommendations therein set forth, and in lieu thereof respectfully offer the following:

First. That all sales of jute bags heretofore made for the present season be canceled.

Second. That the Board of Prison Directors proceed to advertise the sale of the output for the year 1907 by publishing a legal notice for one week in four newspapers published as follows: One in the City and County of San Francisco, one in the San Joaquin Valley, one in the Salinas Valley, and one in the Sacramento Valley; said notice to state the terms and conditions upon which jute bags will be sold by the State.

Third. That applications be received up to and including fifteen days from the first publication of said notice; that the board thereupon sell said bags in accordance with the provisions of the Act as amended in 1905; that if more applications be received than can be filled, based upon the estimated output to July first next, said orders be filled pro rata.

Fourth. That the Board of Prison Directors adopt a plan similar to the one hereinabove outlined to govern sales made during future seasons.

Fifth. That a copy of this report be forwarded to the Board of Prison Directors forthwith.

Respectfully submitted.

BOYNTON.

Senator Boynton moved the adoption of the minority report.

MOTION TO LAY ON THE TABLE LOST.

Senator Curtin moved that further consideration of these reports be postponed and both reports laid on the table.

Motion duly seconded.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Boynton moved a call of the Senate.

Motion carried.

Time, twelve o'clock and twenty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caninetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muenster, Price, Rambo, Reilly, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

The Secretary announced the absentees.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and twenty-three minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Boynton.

The roll was called.

Whereupon the President announced the motion lost by the following vote:

AYES—Senators Bates, Broughton, Curtin, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, Miller, Reily, Rolley, Weed, Welch, Willis, Wolfe, and Wright—17.

NOES—Senators Anderson, Anthony, Bell, Black, Boynton, Caminetti, Cartwright, Greenwell, Kennedy, Mattos, McKee, Muentner, Price, Rambo, Sanford, Savage, and Walker—17.

MINORITY REPORT REFUSED ADOPTION.

The question being on the minority report.

The ayes and noes were demanded by Senators Caminetti, Bell, and Boynton.

The roll was called, and the minority report refused adoption by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Caminetti, Cartwright, Greenwell, Kennedy, Mattos, McKee, Muentner, Price, Rambo, Sanford, Savage, and Walker—17.

NOES—Senators Bates, Broughton, Curtin, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, Miller, Reily, Rolley, Weed, Welch, Willis, Wolfe, and Wright—17.

EXPLANATION OF VOTE.

Senator Willis, in explanation of his vote on the minority report, addressed the Senate as follows:

MR. PRESIDENT: I agree with the minority report and I agree with the majority report. I am more favorable to the minority report than to the majority report. I voted against the adoption of the minority report because I think we have been asked to instruct the prison authorities at San Quentin to do what they ought to do of their own motion.

MAJORITY REPORT LAID ON THE TABLE.

The question being on the report of the special committee on investigation of the sales of jute bags made in San Quentin Prison.

Senator McCartney moved that the report be laid on the table.

Motion carried.

CONSIDERATION OF MEMBERS' URGENCY FILE—THIRD READING OF BILLS.

On motion of Senator Leavitt, the members' urgency file was taken up for consideration.

Assembly Bill No. 892—An Act appropriating money to pay rent already incurred and rent to be incurred during the next two fiscal years by the District Court of Appeal for the Third Appellate District of the State of California, to pay for janitor services for said court, and to provide for the maintenance of a law library for said court; also to pay for furnishing and equipping the chambers, court room, clerk's and stenographer's rooms, and the library.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 892 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Leavitt, McCartney, McKee, Muentner, Price, Reily, Rolley, Savage, Walker, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 150—An Act to add one section to the Code of Civil Procedure of the State of California, to be numbered 230½, relating to selecting and summoning jurors for courts not of record in incorporated cities having a population of more than fifteen thousand.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 150 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Cartwright, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muentner, Price, Reily, Rolley, Sanford, Savage, Walker, Welch, Wolfe, and Wright—26.

NOES—Senator Willis—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

WHEREAS, The Assembly bill making an appropriation to pay the claim of Frank Higgins against the State of California was defeated in the Senate; and

WHEREAS, The integrity of the State of California is involved in this claim; and

WHEREAS, It would be a violation of good faith with the Assembly to introduce any bill in the Senate at this time; therefore, be it

Resolved, That the Senate hereby asks permission of the Assembly to introduce a bill which shall cover the claim of Frank Higgins against the State of California.

Resolution read and adopted.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 880—An Act making an appropriation to pay Thomas Bair moneys paid by him into the county treasury of Humboldt County for land purchased by him under location 1223.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 880 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Savage, Walker, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY CONCURRENT RESOLUTION No. 21.

Relative to work done by the Outdoor Art League for the Five Per Centum Bill.

WHEREAS, The Outdoor Art League of San Francisco, department of the California Club, was invited by Government officials representing the State of California in Washington, to work for the passage of a bill collecting from the Government of the United States for the State of California five per cent on the cash sales of all lands belonging to the public domain within the borders of the State, which percentage from said sales has been accorded by the Government of the United States to all states having part of the public domain within their borders, at the times they were respectively admitted to the Union, and which percentage was under the provisions of the Constitution of the State of California to become when collected a part of the permanent school fund of the State; and

WHEREAS, The Outdoor Art League, an organization composed of patriotic women, having acceded to said request to supplement the efforts of our representatives at Washington, made a national campaign, and expended time, energy, and money in arousing the interest and cooperation of governors of states, and presidents of universities and colleges throughout the country; and

WHEREAS, Through the untiring efforts and influence of said league, the Five Per Centum Bill was passed by the Congress on the 19th day of June, 1906, thereby bringing approximately one million dollars into the State treasury to be used as a permanent fund for the benefit of the common schools of the State; now, therefore,

Resolved by the Assembly, the Senate concurring. That the California Legislature of 1907, in regular session, does hereby extend a resolution of appreciation of work accomplished by the California Outdoor Art League of San Francisco in the cause of education in the State of California;

Be it, likewise, further resolved, That a copy of this resolution be properly engrossed and forwarded to said organization.

Concurrent resolution read.

The question being on the adoption of the Assembly Concurrent Resolution.

The roll was called, and Assembly Concurrent Resolution No. 21 adopted by the following vote:

AYES—Senators Anderson, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muenter, Price, Rambo, Reily, Rolley, Savage, Walker, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

Assembly Bill No. 974—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 974 finally passed by the following vote:

AYES—Senators Anderson, Bell, Black, Boynton, Broughton, Caminetti, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muenter, Price, Rambo, Reily, Rolley, Savage, Walker, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 749—An Act to amend an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles, for the use of State officers, or the officers and employees of State institutions," approved March 19, 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 749 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Broughton, Caminetti, Cartwright, Curtin, Keane, Leavitt, Lynch, McCartney, McKee, Miller, Muenter, Rambo, Reily, Rolley, Savage, Walker, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 264—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or

subdivisions of land into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 291—An Act making an appropriation of one thousand six hundred and twenty-one (\$1,621) dollars to pay the Regents of the University of California for moneys appropriated by them to rebuild the barn of the Lick Observatory at Mt. Hamilton, California, which was destroyed by fire, and prescribing the duties of the Controller and Treasurer of the State in relation thereto.

Also: Senate Bill No. 873—An Act making an appropriation to pay the deficiencies in the appropriation for the maintenance of the Sonora and Mono road, a State highway, under the supervision of the Department of Highways, for the fifty eighth fiscal year.

Also: Senate Bill No. 597—An Act to amend Section 1 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the construction thereof and the exemption of the community property from the tax thereby imposed.

Also: Senate Bill No. 706—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and all other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Also: Senate Bill No. 910—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for cooperation in certain investigations by such board with the Interstate Commerce Commission.

Also: Senate Bill No. 133—An Act to amend an Act entitled "An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, which sections were added to said Code by an Act approved March 23, 1901," as amended by an Act approved March 9, 1903.

Also: Senate Bill No. 392—An Act to add a new section to the Code of Civil Procedure, to be known as Section 2039, relative to taking depositions.

Also: Senate Bill No. 653—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 10½.

Also: Senate Bill No. 840—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of California, 1850-1907, inclusive.

Also: Committee Substitute for Senate Bills Nos 342 and 273—An Act providing for the organization and management of mutual fire insurance companies.

Also: Senate Bill No. 362—An Act to repeal Section 599 of the Penal Code, as approved March 18, 1905, and to add a new section thereto, to be known as Section 599f, both relating to the killing of any elk within the State of California.

Also: Senate Bill No. 361—An Act to repeal Section 526 of the Penal Code, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public place of amusement for more than the original price thereof.

Also: Senate Bill No. 305—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

Also: Senate Bill No. 306—An Act to amend Section 139 of the Code of Civil Procedure and to repeal Section 140 thereof, both relating to proceedings in case of absence of judge.

Also: Senate Bill No. 307—An Act to amend Section 144 of the Code of Civil Procedure, relating to places of holding courts.

Also: Senate Bill No. 415—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Senate Bill No. 483—An Act to amend Section 3902 of the Political Code, relating to the division of the State into counties.

Also: Senate Bill No. 485—An Act to repeal Section 3366 of the Political Code, relating to the imposition of license taxes.

Also: Senate Bill No. 486—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Senate Bill No. 421—An Act to amend Section 1118 of the Code of Civil Procedure, relating to the setting of a day by the Superior Court for trial of contested election cases.

Also: Senate Bill No. 622—An Act to repeal Section 273 of the Penal Code as approved March 7, 1905, and to add a new section thereto, to be known as Section 273f thereof, both relating to the protection of children under eighteen years of age.

Also: Senate Bill No. 202—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.

Also: Senate Bill No. 203—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.

Also: Senate Bill No. 204—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.

Also: Senate Bill No. 209—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.

Also: Senate Bill No. 210—An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.

Also: Senate Bill No. 211—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise.

Also: Senate Bill No. 213—An Act to amend Section 803 of the Code of Civil Procedure, relating to action for the usurpation of an office or franchise.

Also: Senate Bill No. 215—An Act to repeal Section 749 of the Code of Civil Procedure, as approved March 31, 1891, relating to service of summons by publication in actions relating to real property in this State.

Also: Senate Bill No. 216—An Act to amend Section 740 of the Code of Civil Procedure, relating to actions for the recovery of property.

Also: Senate Bill No. 304—An Act to repeal Section 115 of the Code of Civil Procedure, relating to the criminal jurisdiction of justices' courts.

Also: Senate Bill No. 312—An Act to amend Sections 352 and 355 of the Code of Civil Procedure, both relating to the time of commencing actions.

Also: Senate Bill No. 320—An Act to amend Sections 566 and 567 of the Code of Civil Procedure, both relating to receivers.

Also: Senate Bill No. 321—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

Also: Senate Bill No. 208—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil action.

Also: Senate Bill No. 218—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution.

Also: Senate Bill No. 220—An Act to amend Sections 681, 687, 688, and 689 of the Code of Civil Procedure, all relating to execution in civil cases.

Also: Senate Bill No. 313—An Act to amend Sections 387, 388, and 389 of the Code of Civil Procedure, all relating to parties to civil actions.

Also: Senate Bill No. 314—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Also: Senate Bill No. 317—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Also: Senate Bill No. 330—An Act to amend Section 1365 of the Code of Civil Procedure, relating to persons entitled to administer on the estates of decedents.

Also: Senate Bill No. 359—An Act to amend Section 1475 of the Penal Code, relating to the issuance of writs of habeas corpus and to petitions therefor, and to service of copies thereof upon the district attorney in certain cases, and to the discharge of persons on such writs.

Also: Senate Bill No. 423—An Act to add a new section to the Political Code, to be known as Section 3975a, providing for the transfer of certain moneys from one county to another when a new county has been formed and organized.

Also: Senate Bill No. 424—An Act to amend the Code of Civil Procedure by adding a new title thereto, to be known as Title XIV, of Part III, relating to special proceedings; said title to relate to proceedings for the adjustment, settlement, and payment of any indebtedness existing against any city or municipal corporation at the time of exclusion of territory therefrom, and the division of the property thereof.

Also: Senate Bill No. 484—An Act to repeal Section 3977 of the Political Code, to add a new section thereto, to be known as Section 3975b, and to amend Sections 3976, 3981, and 3985 thereof, all relating to county seats and proceedings for the change thereof.

Also: Senate Bill No. 641—An Act to amend Section 52 of the Political Code, relating to residence.

Also: Senate Bill No. 783—An Act to add three new sections to the Code of Civil Procedure of the State of California, to be known as numbers 953a, 953b, and 953c, relating to a new and alternative method for the preparation of records to be used on appeals, judgments, orders, or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

Also: Senate Bill No. 896—An Act to add three new sections to the Code of Civil Procedure, to be known as sections numbers 941a, 941b, and 491c of said Code, respectively, providing a new and alternative method by which appeals may be taken from judgments, orders, or decrees of the Superior Court of the State of California, to the Supreme Court or District Courts of Appeal thereof.

Also: Senate Bill No. 928—An Act to add an article to Chapter II, of Title VI, of Part III of the Political Code, to be known as Article X, relating to the Department of Highways, defining its duties and powers, and providing for the appointment and compensation of the officers and employés thereof.

Also: Senate Bill No. 206—An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.

Also: Senate Bill No. 316—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, and 459 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Also: Senate Bill No. 322—An Act to amend Sections 581 and 585 of the Code of Civil Procedure, to repeal Section 582 thereof, as approved March 11, 1872, and to add two new sections thereto, to be numbered 582 and 583, all relating to judgments.

Also: Senate Bill No. 323—An Act to amend Sections 602 and 615 of the Code of Civil Procedure, both relating to jury trials.

Also: Senate Bill No. 326—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees.

Also: Senate Bill No. 327—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions.

Also: Senate Bill No. 358—An Act to amend Section 1467 of the Penal Code of the State of California, relating to the taking, hearing, and determination of appeals to the Superior Court in criminal actions.

Also: Senate Bill No. 861—An Act to amend the Civil Code by adding thereto a new section, to be numbered 290a, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository, or trustee.

Also: Senate Bill No. 922—An Act to repeal Article XIV, of Chapter III, of Title I, of Part III of the Political Code, relating to sealers of weights and measures.

Also: Senate Bill No. 913—An Act to amend Section 1386 of the Civil Code, relating to succession of the property of deceased persons.

Also: Senate Bill No. 329—An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

Also: Senate Bill No. 417—An Act to amend Section 4452 of the Political Code, relating to liabilities of counties and cities for injuries to property by mobs or riots.

Also: Senate Bill No. 898—An Act to add a new chapter to Title VII, of Part III, of the Political Code, to be known as Chapter XIVb, relating to a police relief, health, and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State.

Also: Senate Bill No. 899—An Act to add a new article to Chapter I, of Title VIII, of Part III, of the Political Code, to be known as Article 11a, relating to the sale of lands uncovered by the recession of drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made.

Also: Senate Bill No. 923—An Act to add a new chapter to Title V, of Part III, of the Political Code, to be known as Chapter 1b, relating to the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Assembly Bill No. 802—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Subdivision 1 of Section 1, and Subdivision 4 of Section 4 thereof, relating to the rights of local authorities to regulate the use of public highways by motor vehicles.

CLIO LLOYD, Chief Clerk of the Assembly.

By T. G. WALKER, Assistant Clerk.

Senate Bills Nos. 291, 873, 597, 706, 910, 133, 392, 653, 840, 362, 361, 305, 306, 307, 415, 483, 485, 486, 421, 622, 202, 203, 204, 209, 210, 211, 213, 215, 216, 304, 312, 320, 321, 208, 218, 220, 313, 314, 317, 330, 359, 423, 424, 484, 641, 783, 896, 928, 206, 316, 322, 323, 326, 327, 358, 861, 922, 913, 329, 417, 898, 899, and 923 ordered to enrollment.

Committee Substitute for Senate Bills Nos. 342 and 273 ordered to enrollment.

Assembly Bill No. 802 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 786—An Act to provide for the construction and maintenance of a fire boat for the protection of shipping, and appropriating money therefor.

Also: Senate Bill No. 839—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Also: Senate Bill No. 432—An Act to amend Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 20, 1903.

Also: Senate Bill No. 870—An Act to provide for the reconstruction and repair by the Board of State Harbor Commissioners of wharves, piers, docks, bul'heads, sheds, streets, and seawalls, the property of the State of California, situated on the water front of the City and County of San Francisco, and making an appropriation therefor.

CLIO LLOYD, Chief Clerk of the Assembly.

By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 786?"

Amend by striking out the word "twenty," Section 2, on line 2, first page, printed bill, and inserting in lieu thereof the following: "sixteen."

The roll was called, and the Assembly amendment to Senate Bill No. 786 concurred in by the following vote:

AYES—Senators Anderson, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Keane, Markey, McCartney, Miller, Muentner, Price, Rambo, Reilly, Rolley, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—26.
 NOES—None.

Senate Bill No. 786 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 839?"

Amend by striking out in line 7 the word "and."

Also: By inserting in line 7 after the word "fourth" the words "and fifth"; also, in line 8, Section 1, strike out the words "fifth and."

Also: In line 8, Section 1, strike out the word "classes" and insert in lieu thereof the word "class."

The roll was called, and the Assembly amendments to Senate Bill No. 839 concurred in by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Keane, Leavitt, Lynch, McCartney, McKee, Miller, Muentner, Rambo, Reilly, Rolley, Sanford, Savage, Walker, Welch, Willis, Wolfe and Wright—28.

NOES—None.

Senate Bill No. 839 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 432?"

Strike out, line 2, title of bill, the following words: "the title and."

Also: Out of lines 3 and 4 the following: "other than ex-Union soldiers and sailors."

Also: Strike out period (.) after thereof, line 5, page 1, and insert in lieu thereof comma (,).

Also: Strike out of line 6, page 1, printed bill, the following: "Section 2 of said Act."

Also: Insert before letter "a," line 7, page 1, printed bill, the following: "Section 2."

Also: Strike out all of line 1, page 1, printed bill, after enacting clause, and insert in lieu thereof the following:

"SECTION 1. Section 2 of an Act entitled."

The roll was called, and the Assembly amendments to Senate Bill No. 432 concurred in by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muentner, Price, Rambo, Reilly, Rolley, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Senate Bill No. 432 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 870?"

Amend by striking out the final letter "s" of the word "seawalls," on line 4 of the title.

The roll was called, and the Assembly amendment to Senate Bill No. 870 concurred in by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Miller, Muentner, Price, Rambo, Reilly, Rolley, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

Senate Bill No. 870 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 811—An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said code in place thereof, relating to the establishment of a uniform system of county and township governments.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 811?"

Amend by striking out of the printed bill, as amended in the Senate, on pages 5 to 85, inclusive, the whole of Sections 4006 to 4226, inclusive, of the body of the bill, and inserting in lieu thereof the following:

4006. For the purpose of regulating the compensation of all officers herein provided for, the several counties of this state are hereby classified, according to their population (as ascertained and determined in section four thousand and five c), as follows, to wit:

All counties containing a population of three hundred thousand and over shall belong to and be known as counties of the first class.

Counties containing a population of one hundred and fifty thousand and under three hundred thousand shall belong to and be known as counties of the second class.

Counties containing a population of one hundred thousand and under one hundred and fifty thousand shall belong to and be known as counties of the third class.

Counties containing a population of fifty thousand and under one hundred thousand shall belong to and be known as counties of the fourth class.

Counties containing a population of forty thousand and under fifty thousand shall belong to and be known as counties of the fifth class.

Counties containing a population of thirty-eight thousand and under forty thousand shall belong to and be known as counties of the sixth class.

Counties having a population of thirty-six thousand and under thirty-eight thousand shall belong to and be known as counties of the seventh class.

Counties having a population of thirty-five thousand four hundred and under thirty-six thousand shall belong to and be known as counties of the eighth class.

Counties having a population of thirty-five thousand and under thirty-five thousand four hundred shall belong to and be known as counties of the ninth class.

Counties having a population of twenty-seven thousand four hundred and under thirty-five thousand shall belong to and be known as counties of the tenth class.

Counties having a population of twenty-seven thousand and under twenty-seven thousand four hundred shall belong to and be known as counties of the eleventh class.

Counties having a population of twenty-four thousand and under twenty-seven thousand shall belong to and be known as counties of the twelfth class.

Counties having a population of twenty-one thousand and under twenty-four thousand shall belong to and be known as counties of the thirteenth class.

Counties having a population of twenty thousand and under twenty-one thousand shall belong to and be known as counties of the fourteenth class.

Counties having a population of nineteen thousand five hundred and under twenty thousand shall belong to and be known as counties of the fifteenth class.

Counties having a population of nineteen thousand and under nineteen thousand five hundred shall belong to and be known as counties of the sixteenth class.

Counties having a population of eighteen thousand five hundred and under nineteen thousand shall belong to and be known as counties of the seventeenth class.

Counties having a population of eighteen thousand two hundred and under eighteen thousand five hundred shall belong to and be known as counties of the eighteenth class.

Counties having a population of eighteen thousand and under eighteen thousand two hundred shall belong to and be known as counties of the nineteenth class.

Counties having a population of seventeen thousand eight hundred and under eighteen thousand shall belong to and be known as counties of the twentieth class.

Counties having a population of seventeen thousand five hundred and under seventeen thousand eight hundred shall belong to and be known as counties of the twenty-first class.

Counties having a population of seventeen thousand three hundred and under seventeen thousand five hundred and fifty shall belong to and be known as counties of the twenty-second class.

Counties having a population of seventeen thousand and under seventeen thousand three hundred shall belong to and be known as counties of the twenty-third class.

Counties having a population of sixteen thousand seven hundred and fifty and under seventeen thousand shall belong to and be known as counties of the twenty-fourth class.

Counties having a population of sixteen thousand five hundred and under sixteen thousand seven hundred and fifty shall belong to and be known as counties of the twenty-fifth class.

Counties having a population of sixteen thousand four hundred and seventy-five and under sixteen thousand five hundred shall belong to and be known as counties of the twenty-sixth class.

Counties having a population of sixteen thousand and under sixteen thousand four hundred and seventy-five shall belong to and be known as counties of the twenty-seventh class.

Counties having a population of fifteen thousand seven hundred and fifty and under sixteen thousand shall belong to and be known as counties of the twenty-eighth class.

Counties having a population of fifteen thousand and under fifteen thousand seven hundred and fifty shall belong to and be known as counties of the twenty-ninth class.

Counties having a population of fourteen thousand and under fifteen thousand shall belong to and be known as counties of the thirtieth class.

Counties having a population of thirteen thousand and under fourteen thousand shall belong to and be known as counties of the thirty-first class.

Counties having a population of twelve thousand and under thirteen thousand shall belong to and be known as counties of the thirty-second class.

Counties having a population of eleven thousand one hundred and seventy-five and under twelve thousand one hundred shall belong to and be known as counties of the thirty-third class.

Counties having a population of eleven thousand one hundred and fifty and under eleven thousand one hundred and seventy-five shall belong to and be known as counties of the thirty-fourth class.

Counties having a population of eleven thousand and under eleven thousand one hundred and fifty shall belong to and be known as counties of the thirty-fifth class.

Counties having a population of ten thousand and under eleven thousand shall belong to and be known as counties of the thirty-sixth class.

Counties having a population of nine thousand seven hundred and fifty and under ten thousand shall belong to and be known as counties of the thirty-seventh class.

Counties having a population of nine thousand five hundred and under nine thousand seven hundred and fifty shall belong to and be known as counties of the thirty-eighth class.

Counties having a population of nine thousand and under nine thousand five hundred shall belong to and be known as counties of the thirty-ninth class.

Counties having a population of eight thousand seven hundred and fifty and under nine thousand shall belong to and be known as counties of the fortieth class.

Counties having a population of eight thousand and under eight thousand seven hundred and fifty shall belong to and be known as counties of the forty-first class.

Counties having a population of seven thousand and under eight thousand shall belong to and be known as counties of the forty-second class.

Counties having a population of six thousand five hundred and under seven thousand shall belong to and be known as counties of the forty-third class.

Counties having a population of six thousand two hundred and fifty and under six thousand five hundred shall belong to and be known as counties of the forty-fourth class.

Counties having a population of six thousand and under six thousand two hundred and fifty shall belong to and be known as counties of the forty-fifth class.

Counties having a population of five thousand five hundred and under six thousand shall belong to and be known as counties of the forty-sixth class.

Counties having a population of five thousand one hundred and under five thousand five hundred shall belong to and be known as counties of the forty-seventh class.

Counties having a population of five thousand and under five thousand one hundred shall belong to and be known as counties of the forty-eighth class.

Counties having a population of four thousand seven hundred and under five thousand shall belong to and be known as counties of the forty-ninth class.

Counties having a population of four thousand six hundred and under four thousand seven hundred shall belong to and be known as counties of the fiftieth class.

Counties having a population of four thousand five hundred and under four thousand six hundred shall belong to and be known as counties of the fifty-first class.

Counties having a population of four thousand three hundred and eighty and under four thousand five hundred shall belong to and be known as counties of the fifty-second class.

Counties having a population of four thousand two hundred and under four thousand three hundred and eighty shall belong to and be known as counties of the fifty-third class.

Counties having a population of four thousand and under four thousand two hundred shall belong to and be known as counties of the fifty-fourth class.

Counties having a population of two thousand two hundred and under four thousand shall belong to and be known as counties of the fifty-fifth class.

Counties having a population of two thousand and under two thousand two hundred shall belong to and be known as counties of the fifty-sixth class.

Counties having a population of under two thousand shall belong to and be known as counties of the fifty-seventh class.

4006. Counties created or organized after July 1, 1907, shall immediately come under and be governed by the provisions of this title so far as the same are applicable thereto. When the population of any existing county shall have been reduced, by reason of the creation of any new county from the territory thereof, below the class and rank first assigned hereunder, it shall be the duty of the board of supervisors of such county to designate by order the class to which such county has been reduced by reason thereof, and such county shall thereafter enter the list of such class, *provided*, that the salary of county officers shall not be affected by reason of such division of the county or order of the board, for the term for which they were elected and qualified. In any newly created county, for the purpose of fixing the salaries and fees of county and township officers, the board of supervisors of such new county shall classify such new county according to the population thereof. In each case the population shall be numerically fixed, and when so fixed shall be certified to the secretary of state by the board fixing the same.

4007. Whenever a new federal census is taken, the counties on the first day of July following the session of the legislature next thereafter, are, by operation of law, classified under such census.

CHAPTER III.

CLASSIFICATION AND ELECTION OF OFFICERS.

ARTICLE I. County Officers.

II. Township Officers.

III. Consolidation of Offices.

IV. Elections for and Qualifications of Officers.

ARTICLE I.

COUNTY OFFICERS.

4013. The officers of a county are:

1. A District Attorney;
2. A Sheriff;
3. A County Clerk;
4. An Auditor;
5. A Treasurer;
6. A Recorder;
7. A License Collector;
8. A Tax Collector, who shall be ex-officio License Collector;
9. An Assessor;
10. A Superintendent of Schools;
11. A Public Administrator;
12. A Coroner;
13. A Surveyor;
14. Members of the Board of Supervisors;
15. A Live Stock Inspector;
16. A Fish and Game Warden.
17. Such other officers as may be provided by law.

ARTICLE II.

TOWNSHIP OFFICERS.

Section 4014. Officers of township.

4015. Supervisors shall divide counties into townships.

4016. This article not to affect incumbent.

4014. The officers of a township are, two justices of the peace, two constables, and such subordinate officers as are provided by law. In townships containing cities in which city justices or mayors are created there shall be but one justice of the peace, and in townships having a population of less than five thousand, there shall be but one justice of the peace and one constable; *provided, however*, that in townships containing a population of more than one hundred thousand and less than three hundred thousand there shall be four justices of the peace and four constables. Upon the approval of this title the board of supervisors must appoint competent persons to fill the additional offices of justices of the peace and constables of this section created.

4015. The board of supervisors of each county, at public convenience may require, shall divide their respective counties into townships for the purpose of creating justices of the peace and constables; *provided, however*, that in the establishment of townships that may be hereafter established no incorporated city shall be divided so as to be partly within one township and partly within another.

4016. The provisions of this article shall not affect any incumbent of the office of justice of the peace or constable.

ARTICLE III.

CONSOLIDATION OF OFFICES.

- Section 4017. Offices, and how may be consolidated.
 4018. Consolidated offices, separated how.
 4019. Officer filling consolidated offices, duty of.
 4020. Each office filled by election, when.

4017. In counties where the board of supervisors by proper ordinance so elect, except as otherwise provided in this title, the duties of certain of the officers mentioned in section four thousand and thirteen are hereby consolidated, as follows: Sheriff and tax collector; auditor and recorder; county clerk, auditor and recorder; county clerk and recorder; county clerk and auditor; treasurer and tax collector; assessor and tax collector; public administrator and coroner.

4018. In counties where the duties of said officers have been, or may hereafter be, consolidated in any manner designated in the preceding section, the board of supervisors thereof, by proper ordinance, may elect to separate the duties so consolidated, and reconsolidate them in any other manner above provided, or may separate said duties without reconsolidation, and provide that the duties of each office shall be performed by a separate person, whenever, in their discretion, the public interest will be best subserved thereby.

4019. When offices are united and consolidated, the person elected to fill the offices so united and consolidated must take the oath and give the bond required for each, discharge all the duties pertaining to each, and receive the compensation of the offices consolidated.

4020. When there is an omission by the board of supervisors to consolidate and to advertise the consolidation of offices as in this article authorized, each office not so consolidated must be filled by an election.

ARTICLE IV.

ELECTION FOR AND QUALIFICATION OF OFFICERS.

- Section 4021. Officers, when elected.
 4022. Official bonds.
 4023. Who is eligible to county and local offices.
 4024. Appointment of deputies.
 4025. Registers, indexes, etc.
 4026. Canvass of elections.

4021. All elective county and township officers, except otherwise provided for in this title, and by law, shall be elected at the general election at which the governor is elected, and shall take office at twelve o'clock meridian on the first Monday after the first day of January next succeeding their election. All officers elected under the provisions of this title shall hold office until their successors are elected or appointed and qualified. Supervisors shall be elected at the general election prior to expiration of the term of the incumbent. The supervisors of any county created after the first day of July, nineteen hundred and seven, shall, within six months after the first general election succeeding the creation of such county, classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire in two years from such general election, and the term of office of the class having the lesser number shall terminate in four years from such general election.

4022. The board of supervisors of each county shall, on or before the first Monday in September, preceeding the election of the following officers, prescribe the amount in which said officers must execute official bonds: Treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, surveyor, superintendent of schools, public administrator, coroner, justice of the peace and constable. The judge or judges of the superior court shall, on or before the said first Monday of September, prescribe the amount in which each member of the board of supervisors must execute an official bond before entering upon the discharge of the duties of his office. The bonds and sureties of such officers must, before the bonds can be recorded and filed, be approved by the judge, or judges, if there be more than one, of the superior court. All persons offered as sureties on official bonds may be examined on oath touching their qualifications, and no person can be admitted as surety on any such bond unless he is a resident and freeholder or householder within the state, and is worth in real or personal property, or both, situate in this state, the amount of his undertaking, over and above all sums for which he is already liable, exclusive of property exempt from execution and forced sale. All official bonds shall be recorded in the office of the county recorder, and then filed and kept in the office of the county clerk. The official bond of the county clerk shall, after being recorded, be filed and kept in the office of the county treasurer. The tax collector shall also before qualifying give a bond as license collector in such sum as may be fixed by the board of supervisors, to be approved as provided in this section.

4023. No person is eligible to a county, district, or township office, who at the time of his election, is not of the age of twenty-one years, or over, a citizen of the state, and an elector of the county, district, township, or other division, in which the duties of the office are to be exercised; *provided*, that any woman who is of the age of

twenty-one years, or over, a citizen of the state, and a resident of the county or district, shall be eligible to the office of superintendent of public schools, school trustee, or member of the county board of education; *and provided further*, that no person shall hereafter be eligible to the office of district attorney who has not been admitted to practice in the supreme court of the State of California; *and provided further*, that the county live stock inspector shall, at the time of his appointment, be a duly qualified veterinary surgeon having on file in the office of the county clerk a certificate issued to him by the state veterinary medical board.

4024. Every county, township, or district officer, except a supervisor or judicial officer, may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office. Such appointment must be made in writing, and filed in the office of the county clerk; and until such appointment is so made and filed, and until such deputy shall have taken the oath of office, no one shall be or act as such deputy.

4025. The board must provide the registers required by law and printed copies of the indexes, poll lists, poll books, blank returns and certificates, proclamations of elections, and other appropriate and necessary appliances for holding all elections in the county, and allow reasonable charges therefor, and for the transmission and return of the same to the proper officers.

4026. Whenever, as canvassers, the board of supervisors have declared the result of an election held in the county, certificates must be, by the county clerk, issued to all persons elected to a county, township, or district office therein, and such other certificates must be made out and transmitted as required by law.

CHAPTER IV.

LEGISLATIVE DEPARTMENT.

ARTICLE I. The Board of Supervisors.

- II. The Clerk of the Board of Supervisors.
- III. Records of the Board of Supervisors.
- IV. General Permanent Powers.
- V. Additional Powers and Duties.
- VI. Ordinances.
- VII. Examination of Persons, Books and Papers.
- VIII. Liabilities.
- IX. Buildings.
- X. Claims Against County.
- XI. Warrants on County Treasury.
- XII. The Several Funds.
- XIII. Issuance of Bonds.

ARTICLE I.

THE BOARD OF SUPERVISORS.

Section 4027. How constituted and known.

- 4028. Members, qualifications of.
- 4029. Supervisorial district, how changed.
- 4030. Vacancy in office of supervisor, how filled.
- 4031. Organization of.
- 4032. Records and minutes of, how signed.
- 4033. Meetings of—public.
- 4034. Meetings of.
- 4035. Special meetings of.
- 4036. May direct sheriff to attend meetings of, etc.

4027. Each county must have a board of supervisors, consisting of five members.

4028. Each member of the board of supervisors must be an elector of the district which he represents, must reside therein during his incumbency, must have been such elector for at least one year immediately preceding his election, and shall be elected by such district, and not at large; *provided*, that in any county or city and county in which supervisorial districts have not been established by law or ordinance, and in which supervisors are now required to be elected at large, from particular wards, the members of the board of supervisors shall be elected at large and without regard to residence.

4029. The board of supervisors may, by a two-thirds vote of the members of said board, change the boundaries of any or all of the supervisor districts of a county. Said districts shall be as nearly equal in population as may be. The boundaries of no supervisor district shall at any time be changed in such manner as to affect the term of office of any supervisor who has been elected, and whose term of office has not expired. No change in the boundaries of any supervisor district shall be made within ninety days next preceding a general election.

4030. Whenever a vacancy occurs in the board of supervisors of a county, the Governor shall fill the vacancy, and the appointee shall hold office until the election and qualification of his successor. In such case the election of a supervisor shall be held at the next general election to fill the vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding said election.

4031. The supervisors shall elect a chairman, who shall preside at all meetings of the board, and in case of his absence or inability to act, the members present must, by an order entered on their records, select one of their number to act as chairman temporarily. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all the members concur therein.

4032. The records and minutes of the board must be signed by the chairman and the clerk.

4033. All meetings of the board must be public, and the books, records, and accounts of the board must be kept at the office of the clerk, open at all times for public inspection.

4034. The board of supervisors must, by ordinance, provide for the holding of regular meetings of the board at the county seat.

4035. A special meeting may be ordered by a majority of the board. The order must be signed by the members calling such meeting, and must be entered in the minutes. Five days' notice of such meeting must be given by the clerk, personally or by mail, to the members not joining in the order. The order must specify the business to be transacted at such special meeting, and none other shall be transacted.

4036. The board of supervisors shall have power to direct the sheriff to attend, in person or by deputy, all the meetings of the board, to preserve order, serve notices, subpoenas, citations, or other process, as directed by the board.

ARTICLE II.

CLERK OF THE BOARD OF SUPERVISORS.

Section 4037. County clerk ex-officio clerk of.

4038. Duties of.

4037. The county clerk is ex-officio clerk of the board of supervisors.

4038. The clerk of the board must:

1. Record all the proceedings of the board.
2. Make full entries of all their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county.

3. Record the vote of each member on any question upon which there is a division, or at the request of any member present.

4. Immediately after the adjournment of each meeting of the board, certify all demands allowed and orders made for the payment of money, giving the amount and date of each demand, or order, and the date of the allowance thereof, which demands, or orders, shall be countersigned by the chairman of the board, and thereafter said clerk shall deliver to and leave the same with the auditor.

5. File and preserve the reports of the county treasurer of the receipts and disbursements of the county.

6. Preserve and file a memorandum of all accounts acted upon by the board.

7. Preserve and file all petitions and applications for franchises, and record the action of the board thereon.

8. Authenticate with his signature and seal of the board the proceedings of the board, whenever the same shall be ordered published.

9. Authenticate with his signature and the seal of the board all ordinances passed by the board, and to record the same at length in the "ordinance book."

10. Record all orders levying taxes; and,

11. Perform all other duties required by law, or any rule or order of the board.

ARTICLE III.

RECORDS OF THE BOARD OF SUPERVISORS.

Section 4039. Board of Supervisors must cause what books to be kept.

4040. Records open for public inspection.

4039. The board must cause to be kept:

1. A "minute book," in which shall be entered the daily proceedings had at all regular and special meetings, and all orders and decisions made by them, except such as are required to be recorded in the "road," "franchise," or "ordinance" books.

2. An "allowance book," in which must be recorded all orders for the allowance of money from the county treasury, to whom made, and on what account, dating, numbering, and indexing the same through each year.

3. A "road book," containing all proceedings and adjudications relating to the establishment, maintenance, change, and discontinuance of roads and road districts.

4. A "franchise book," containing all franchises granted by them, and all proceedings had in relation thereto.

5. A "warrant book," to be kept by the county auditor, in which must be entered, in the order of drawing, all warrants drawn on the treasury, with their number and reference to the order on the minute book, with the date, amount, on what account, and name of payee.

6. An "ordinance book," in which must be entered all ordinances duly passed by the board

4040. The records, books and accounts of the board must be kept at the office of the clerk at all times for public inspection.

ARTICLE IV.

GENERAL PERMANENT POWERS.

Section 4041. General powers of the board.

4041. The boards of supervisors, in their respective counties, shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law:

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county charged with the assessing, collecting, safe-keeping, management, or disbursement of the public revenues; to see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection.

2. To divide the counties into township, election, school, road, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires.

3. To establish, abolish, and change election precincts, and to appoint inspectors, clerks, and judges of election, canvass all election returns, declare the result, and order the county clerk to issue certificates thereof; but no election precinct shall be established, or abolished, or the boundaries of any precinct changed, within ninety days prior to any election.

4. To lay out, maintain, control, construct, repair, and manage public roads, turnpikes, ferries, wharves, chutes, and other shipping facilities and bridges within the county, unless otherwise provided by law, and to grant franchises and licenses to collect tolls thereon; *provided*, where the cost of construction of any bridge, wharf, chute, or other shipping facilities that may be built under the provisions of this subdivision exceeds the sum of five hundred dollars, they must cause to be prepared and must adopt plans and specifications, strain sheets, and working details, and must advertise for bids for the construction of such bridge, wharves, chutes, or other shipping facilities, unless otherwise provided by law, in accordance with the plans and specifications so adopted. All bidders shall be afforded opportunity to examine such plans and specifications, and said board shall award the contract to the lowest responsible bidder, and the plans and specifications so adopted shall be attached to and become a part of the contract; and the person or corporation to whom the contract is awarded shall be required to execute a bond, to be approved by said board, for the faithful performance of such contract; *provided*, that after the submission of the bids as herein provided, the board of supervisors being advised by the county surveyor that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done or structure built by day's work, under the supervision and control of the said surveyor; *provided further*, that the surveyor in such cases shall be held personally responsible, under his official bond, to construct said bridge or structure, according to his plans and specifications, at a cost not to exceed the amount of the lowest responsible bid received; *provided*, that the road commissioners or road overseers in their respective districts shall employ all labor required and direct the conduct of work of any kind upon any and all public roads; *provided further*, that in cases of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without notice.

5. To construct or lease, officer and maintain, hospitals and almshouses, or otherwise, in their discretion, provide for the care and maintenance of the indigent sick or dependent poor of the county; and for such purposes to levy the necessary property or poll taxes, or both. The board of supervisors shall appoint some suitable person to take care of and maintain such hospitals and almshouses, and shall also appoint some suitable graduate or graduates in medicine to attend to such indigent sick or dependent poor, and to the patients in such hospitals and almshouses. The board shall not let the care, maintenance, or attendance of such indigent sick or dependent poor by contract to the lowest bidder.

6. To provide a farm, in connection with the county hospital, or almshouse, and make regulations for working the same.

7. To purchase, receive by donation, or lease any real or personal property or water rights necessary for use of the county, and to purchase or otherwise acquire necessary real estate upon which to sink wells to obtain water for sprinkling roads, and other county purposes, and to erect thereon tanks and reservoirs for the storage

of water for such purposes, and to erect pumping apparatus for obtaining the same, to preserve, take care of, and manage and control the same; but no purchase of real property shall be made unless a notice of the intention of the board to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the board will meet to consummate such purchase, has been published for at least three weeks in some newspaper of general circulation, published in the county; or if none be published in the county, then has been posted at least three weeks prior to the time when the board meets to consummate such purchase, in at least three public places in each supervisor district.

8. To cause to be erected, or rebuilt, or furnished, a courthouse, jail, hospital, and such other public buildings as may be necessary, or to provide suitable buildings for such purposes. None of the aforesaid buildings shall be erected or constructed until the plans and specifications have been made therefor and adopted by the board. All such buildings must be erected by contract, let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation published in such county, for at least thirty days. In case there is no newspaper published in such county, then such notice shall be given by posting in three public places.

9. To sell at public auction, at the courthouse door, or at such other place within the county as the board may, by a four-fifths vote, order, after thirty days' notice, given either by publication in a newspaper published in the county, or by posting in five public places in the county, and convey to the highest bidder for cash, any property belonging to the county not required for public use, paying the proceeds into the county treasury for the use of the county; *provided*, if in the unanimous judgment of the board, the property does not exceed in value the sum of seventy-five dollars, or if it be the product of the county farm, the same may be sold at private sale, without advertising, by any member of the board empowered for that purpose by a majority of the board.

10. To examine and audit, at least every twelve months, the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or moneys received or disbursed by them under authority of law.

11. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and such demands as are authorized by law to be allowed by some other person or tribunal, and order warrants to be drawn on the county treasurer therefor.

12. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repair of roads and highways and other district purposes; *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district, and received a majority of all the legal votes cast upon such proposition.

13. To acquire and take by purchase, condemnation, or otherwise, land for the uses and purposes of public boulevards; to lay out, establish and improve public boulevards and to incur a bonded indebtedness for any of such purposes; *provided*, that no such indebtedness shall be incurred for any of such purposes until after the question of the issue of bonds therefor shall have been submitted to the qualified electors of the county, at a special election called for that purpose and two thirds of the electors of the county voting at such election shall have voted in favor of issuing such bonds; said election to be called and held, and said bonds, if authorized, to be issued, sold and made payable in the manner and form prescribed by section four thousand and eighty-eight. Said boards shall also have power to maintain public boulevards, established and laid out under the provisions of this title, and to make and enforce rules and regulations for the protection, management, control and use of such boulevards.

14. To maintain, regulate, and govern public pounds, fix the limits within which animals shall not run at large, and appoint poundkeepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

15. To equalize assessments.

16. To direct and control the prosecution and defense of all suits to which the county is a party, and, by a two-thirds vote of all the members, may employ counsel to assist the district attorney in conducting the same.

17. To insure the county buildings and other property in the name of and for the benefit of the county.

18. To establish a salary fund, and such other county funds as they may deem necessary for the proper transaction of the business of the county, and to transfer moneys from one fund to another, as the public interest may require.

19. To fill, by appointment, all vacancies that may occur in any office filled by the appointment of the board of supervisors and elective county or township officers, except in these of judge of the superior court and supervisor, the appointee to hold office for the unexpired term or until the next general election.

19a. To employ the copyists necessary to reproduce any of the county records that may be in danger of destruction by age, obliteration, or constant use in any of the county offices.

20. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary.
21. To adopt a seal for the board, a description and impression of which must be filed in the office of the county clerk and of the secretary of state.
22. To license, in the exercise of their police powers, and for the purpose of regulation, as herein provided, and not otherwise, all and every kind of business not prohibited by law, and transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions, and lawful games carried on therein, to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise: *provided*, that every honorably discharged soldier, sailor, or marine of the United States, who is unable to obtain a livelihood by manual labor, shall have the right to hawk, peddle and vend any goods, wares or merchandise, except spirituous, malt, vinous or other intoxicating liquor, without payment of any license, tax or fee whatsoever, whether municipal, county or state, and the board of supervisors or legislative body shall issue to such soldier, sailor or marine, without cost, a license therefor: *provided, however*, no license can be collected, or any penalty for the non-payment thereof enforced against any commercial traveler whose business is limited to the goods, wares, and merchandise sold or dealt in in this state at wholesale.
23. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.
24. To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax.
25. To provide, by ordinances not in conflict with the general laws of the state, for the protection of fish and game, and may shorten the season for the taking or killing of fish and game, within the dates fixed by the general state laws, but shall not lengthen the same.
26. To provide for the working of prisoners confined in the county jail, under judgment of conviction of misdemeanor, under the direction of some responsible person, to be appointed by the sheriff, whose compensation shall not exceed one hundred dollars per month, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable, for the benefit of the county.
27. To provide for the burying of the indigent dead.
28. To make and enforce, within the limits of their county, all such local police, sanitary, and other regulations as are not in conflict with general laws.
29. To adopt such rules and regulations, within their respective counties, with regard to keeping and storing of every description of gunpowder, Hercules powder, giant powder, or other explosive or combustible material, as the safety and protection of the lives and property of individuals may require.
30. To appropriate from the general fund of the county, unless otherwise in this title provided, not to exceed, in counties of the first and second class, the sum of three thousand dollars, and in all other counties the sum of two thousand dollars in any one year, to aid in or carry on the work of inducing immigration thereto, or for the purpose of exhibiting or advertising the agricultural, mineral, manufacturing, or other resources of the county.
31. To enforce, by ordinance, within the limits of their counties, all such regulations concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as are not in conflict with general laws.
32. To grant licenses and franchises for constructing, keeping, and taking tolls on roads, bridges, ferries, wharves, chutes, booms, and piers, and to grant franchises along and over the public roads and highways for all lawful purposes upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to present the least possible obstruction and inconvenience to the traveling public.
33. To grant, on such terms, conditions, and restrictions as in their judgment may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, whenever in their judgment the expenses necessary to operate or maintain such public roads or highways as free public highways is too great to justify the county in so operating or maintaining them. It shall always be a condition attached to the granting of such licenses and franchises, that such roads or highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted.
34. To enact ordinances and regulations for the construction, alteration, repair, and control of all public roads and highways in the county, unless otherwise provided by law.
35. To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads or county highways in the several road districts, in proportion to the amount collected from such districts.

36. To encourage, under such regulations as they may adopt, the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, a sum not exceeding one dollar.

37. To provide by ordinance for the organization and government of districts, to protect and preserve the banks of rivers and streams and lands lying contiguous thereto from injury by overflow or the washing thereof, and to provide for the improvements of said rivers and streams, and prevent the obstruction thereof, and to provide for the assessment, levy, and collections within such districts of a tax therefor.

38. To appropriate a sum not exceeding two cents per one hundred dollars of the assessed valuation of their county in any one year, in addition to any sum which may be chargeable to the county for the repayment of money expended by the state for protection against fire in such county, for the purpose of protecting forest, brush and grass lands therein, against fire or other injury, and of aiding the state and federal authorities in forestry work.

39. To do and perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government.

ARTICLE V.

ADDITIONAL POWERS AND DUTIES.

- Section 4042. May improve streams not navigable.
 4043. May protect highways from damage by floods.
 4044. Office, etc., to be supplied to county surveyor.
 4045. Collection of illegal fees by officer forfeits office.
 4046. Badges of sheriffs.
 4047. Franchises for bicycles and other horseless vehicles.
 4048. Must annually advertise for bids to furnish county supplies, etc.
 4049. Must publish fair statement of proceedings.
 4049a. Must publish annual statistical report.
 4050. Must require assessor to report.
 4051. Must have prepared annual statement of finances, etc.
 4052. Lands and other property granted.
 4052a. May accept or reject gifts.
 4053. May transfer money from certain funds.
 4054. Must repay same.
 4055. May take census, when.
 4056. To furnish data to secretary of state agricultural society.
 4056a. To preserve health of domestic live stock.

4042. The board may provide for widening, deepening, straightening, removing obstructions from, and otherwise improving all streams and washes within the county and also protecting the banks and adjacent lands from overflow of such streams or washes, when the same are not declared by law to be, and in fact are not, navigable for commercial purposes, the overflow of which interferes with highways; and provide regulations for the use, repair, and control thereof; but no regulations of the board, nor improvements directed, must in any manner interfere with the private rights or privileges of riparian owners, miners, or others. Whenever, in the opinion of the board of supervisors, the general fund is insufficient to defray the cost of the improvements provided for under this section, they may levy a tax or contract a bonded indebtedness therefor in the manner provided by this title.

4043. Whenever it appears to the board that any public road, in any road district of the county, is in danger of being damaged by storm waters or floods, or whenever any public highway has already been damaged by storm waters or floods, it is hereby made the duty of the board to adopt such measures as may be necessary to prevent such damage, or to repair the same; and the board is hereby authorized to construct flumes, ditches, or canals, for the purpose of carrying off such storm waters or floods to a place of safety, and may condemn the right of way for such flumes, ditches or canals for such purpose; *provided, however*, that no more than the sum of one thousand dollars shall be used for such purpose in any one road district of the county in any one year. All moneys used for the purposes of this section may be taken from the general or road fund of the county.

4044. The board shall provide, for the use of the surveyor, a suitable office, office furniture, heat, light, and care for the same, office and record books, and other necessary material, also all necessary expenses and transportation on work performed in the field. In lieu of fees, as now provided by law, the surveyor shall receive such compensation as the board of supervisors may allow, not to exceed ten dollars per day for all work performed for the county, and in addition thereto, all necessary expenses and transportation on work performed in the field.

4045. The board, upon receiving a certified copy of the record of conviction of any officer for receiving illegal fees, must declare his office vacant.

4046. The board must furnish the sheriff and deputy sheriffs with a suitable badge of office upon which shall be inscribed on that for the sheriff the word "Sheriff" and on those for the deputy sheriffs the words "Deputy Sheriff."

4047. The board of supervisors may under such regulations, restrictions and limitations as it may provide subject to existing laws, grant franchises for the construction of paths and roads, either on the surface, elevated or depressed, on, over, across, or under the streets and public highways of their respective counties for the use of bicycles, tricycles, motor-cycles, and other like horseless vehicles propelled by the rider, and for a term not exceeding fifty years.

4048. The board of supervisors of the several counties shall annually advertise, for at least ten days in a newspaper of general circulation in the county (if there be a newspaper published in the county, otherwise by posting notices in three public places), for sealed bids for furnishing the county with stationery, clothing, bedding, groceries, provisions, drugs, medicines, and all other supplies. All bids shall be on a schedule, showing all articles needed in the several offices and departments, prepared by the clerk of the board, shall state separately the price of each article to be furnished, and any person may bid upon any article separately. In considering such bids, the board may accept or reject all or any of them, or may accept or reject a part of any such bid, preference being given, however, to the lowest responsible bidder. All supplies furnished the county, or any officer thereof, shall be furnished at a price no greater than is specified in the bid which may be accepted by the board.

The board shall annually fix the price at which the county shall be supplied with job printing and blank books, from a schedule prepared by the clerk of the board, showing all blanks and blank books used in the several offices and departments, and also the price of all county advertising, and each county officer shall procure such blank books, job printing, and advertising required for the proper discharge of his official duties, such printing and advertising to be done by such person or newspaper as such county officer may designate, at a price no greater than is so fixed, and certify the bill therefor to the board of supervisors. A square of advertising shall be two hundred and thirty-four ems compared.

4049. Within ten days after each session of the board, it shall cause to be published a fair statement of all its proceedings.

4049a. The board of supervisors shall cause to be prepared, and shall publish each year a statistical report showing in compendious form all the financial transactions of the county for the last fiscal year, exhibiting separately the receipts and expenditures by or on account of each office, board, commission, institution, court, and road district and school district, and classifying the principal items of income and expenditure, so as to show the financial transactions and the financial condition of the county.

4050. The board must require the assessor to report to the state board of equalization, annually, a true statement of the agricultural and industrial pursuits and products of the county, with such other statistical information as they may direct.

4051. The board must have prepared by the clerk, and when he is not also auditor, then by that officer, and under their direction, prior to their annual meeting for levying taxes, a statement showing:

1. The indebtedness of the county, funded and floating, stating the amount of each class, and the rate of interest borne by such indebtedness, or any part thereof.

2. A concise description of all property owned by the county, with an approximate estimate of the value thereof, and the amount of cash in the county treasury and its several funds.

4052. The board must receive from the United States, or other sources, lands and other property granted or donated to the county for the purpose of aiding in the erection of county buildings, roads, bridges, or other specific purposes, and may use the same therefor, and may provide for the sale of the same, and the application of the proceeds thereof.

4052a. The board of supervisors are hereby authorized to accept or reject, as they may deem advisable, any gift, bequest, or devise heretofore, or that hereafter may be made to or in favor of the county represented by such board in their official capacity, or to or in their favor in trust for any public purpose, and to hold and dispose of the same, and the income and increase thereof to and for such lawful uses and purposes as have been or may hereafter be prescribed in the terms of such gift, bequest or devise.

In the event of any such gift, bequest or devise having been, or being hereafter made unaccompanied by any provision prescribing or limiting the uses or purposes to which the property received thereunder, or the income or increase thereof, may be put, it shall be put to such uses and purposes as such board may prescribe, and the proceeds or income therefrom shall be paid into the school fund of the county.

4053. The boards of supervisors in the several counties, when expedient and necessary, are hereby authorized and empowered to transfer moneys remaining in the swamp-land fund and such moneys as may remain in any of the sinking funds of their county, to the general fund of such county, which transfer or transfers shall be deemed a loan from the swamp-land fund or sinking fund to such general fund.

4054. Whenever it shall be necessary to repay the amount so transferred or borrowed to the swamp-land or sinking fund from which the same has been transferred, or any part thereof the board of supervisors shall cause a warrant to be drawn upon said general fund for the amount so transferred or borrowed, or any part thereof; and such warrant shall be a preferred claim upon such general fund

over and above all warrants outstanding against said fund, and shall be paid out of the first money received in such general fund.

4055. The board of supervisors in years other than those in which a census is taken by the United States, may cause by ordinance, when necessary, a census of their respective counties, or any township or district therein to be taken. The persons taking such census shall enumerate all the inhabitants thereof, plainly writing the full name of each person and arranging the names alphabetically and numbering the same consecutively in one complete series. When completed the same shall be verified before any officer authorized to administer oaths, and filed with the county clerk. A certified copy thereof shall be prepared by the clerk and filed by him in the office of the secretary of state, and thereupon shall be known and be the official census of the political division described therein. The expenses of taking such census shall be a county charge.

4056. It shall be the duty of the board of supervisors of each county, on or before the first day of November of each year, to supply the secretary of the State Agricultural Society upon blanks to be furnished by him for that purpose, statistics showing the products grown, produced or manufactured in said county, for the year preceding, and the expense thereof shall be a county charge, to be paid as other county charges against the county.

4056a. The board shall adopt orders and enact ordinances not in conflict with state or federal laws necessary for the preservation of the health of domestic live stock, and shall provide for the payment of all expenses incurred in enforcing the same, which expenses shall be a county charge and payable in the same manner and out of the same funds as other county charges are paid.

ARTICLE VI.

ORDINANCES.

Section 4057. How enacted.

4057. The enacting clause of all ordinances of the board shall be as follows: "The Board of Supervisors of the County of _____ do ordain as follows." Every ordinance shall be signed by the chairman of the board and attested by the clerk. On the passage of all ordinances the votes of the several members of the board shall be entered on the minutes, and all ordinances shall be entered at length in the "Ordinance Book." No ordinance passed by the board shall take effect within less than fifteen days after its passage, and before the expiration of the said fifteen days the same shall be published, with the names of the members voting for and against the same, for at least one week, in some newspaper published in the county, if there be one, and if there be none published in the county, then such ordinance shall be posted at the court-house door at least one week. An order entered in the minutes of the board that such ordinance has been duly published or posted shall be prima facie proof of such publication or posting.

ARTICLE VII.

THE EXAMINATION OF PERSONS, BOOKS AND PAPERS.

Section 4065. Chairman may issue subpoenas.

4066. Sheriff shall serve subpoenas.

4067. Committee of the board.

4068. Disobedience of subpoena.

4069. Proceedings on attachment.

4070. Witnesses not to be prepaid.

4065. Whenever the board of supervisors of any county shall deem it necessary or important to examine any person as a witness upon any subject or matter within the jurisdiction of such board, or to examine any officer of the county in relation to the discharge of his official duties, as to the receipt or disposition by him of any moneys, or concerning the possession or disbursement by him of any property belonging to the county, or to use, inspect, or examine any books, account, voucher, or document in the possession of such officer or other person, or under his control, relating to the affairs or interests of such county, the chairman of such board shall issue a subpoena, in proper form, commanding such person or officer to appear before such board, at a time and place therein specified, to be examined as a witness; and such subpoena may require such person or officer to produce on such examination all books, papers, and documents in his possession or under his control, relating to the affairs or interests of the county.

4066. It shall be the duty of the sheriff of the county to whom the subpoena is delivered, to serve the same by reading it to the person named therein, and at the same time to deliver to him a copy thereof, and his official return thereon, of the time and place of such service, shall be prima facie evidence thereof.

4067. Whenever the board of supervisors shall appoint any members of their body a committee upon any subject or matter of which the board has jurisdiction, and has conferred upon such committee power to send for persons and papers, the chairman of such committee shall possess all the powers and be liable to all the duties herein given to and imposed upon the chairman of the board of supervisors.

4068. Whenever any person duly subpoenaed to appear and give evidence, or to produce any books and papers, as herein provided, shall neglect or refuse to appear, or to produce such books and papers, as required by such subpoena, or shall refuse to testify before such board or committee, or to answer any questions which a majority thereof shall decide to be proper and pertinent, he shall be deemed in contempt, and it shall be the duty of the chairman of the board, or of the committee, as the case may be, to report the fact to the judge of the superior court of the county, or of the city and county, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding the said sheriff to attach such person, and forthwith bring him before the judge by whose order such attachment was issued.

4069. On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

4070. The witnesses summoned to testify on behalf of the county in matters of public concern before the board of supervisors are not entitled to have their fees prepaid; but the board must allow them the reasonable expenses of their attendance.

ARTICLE VIII.

LIABILITIES.

Section 4071. Liabilities not to exceed revenue.

4071. The board must not, for any purpose contract debts or liabilities, in any manner or for any purpose, which exceed in any fiscal year the income and revenue provided for such year, except as permitted by the constitution. It shall be the duty of the auditor, at the commencement of each regular session of the board, to lay before it a statement prepared by him of the aggregate amount of allowance against each fund and of salaries and liabilities fixed by law, paid or payable therefrom, since the beginning of the fiscal year, together with a statement of receipts of each fund for that portion of the year already elapsed, and an exact estimate of the revenue for the remainder of the year apportioned to the different funds, based upon the receipts for the corresponding portion of the preceding year. Whenever the board shall have levied the state and county tax for the fiscal year, the auditor's estimates for the remainder of the year shall, as to receipts from property tax, be based upon the assessment roll and tax levy, deducting ten per cent for the anticipated delinquencies. Up to and including the 1st day of January in each fiscal year the board shall have no power for any purpose to contract debts or liabilities in any manner or for any purpose nor to make any allowances against any funds, which with all the debts and liabilities previously incurred and with all allowances previously made, and salaries and liabilities fixed by law payable therefrom, shall exceed seventy per cent of the auditor's estimate of revenue for the year, except to build or repair roads and bridges which have been destroyed or made impassable by flood or fire. Any debts or liabilities contracted in any manner or for any purpose and any allowances made contrary to the provisions of this section shall be null and void and the auditor shall not draw his warrant therefor nor the treasurer pay the same. When several allowances are made on the same day, they shall be deemed to have been made in the order in which they are entered in the "allowance book," and shall be certified in that order by the auditor.

ARTICLE IX.

BUILDINGS.

Section 4072. Plans, etc., not to be altered.

4073. Contracts not to be altered, etc.

4072. Whenever the board of supervisors shall adopt plans and specifications for the erection, alteration, construction or repair of any public building, bridge, or other public structure, such plans and specifications shall not be altered or changed in any manner whereby the cost of such building, bridge, or structure shall be increased, except by a vote of two thirds of their number.

4073. Whenever the board of supervisors shall enter into a contract for the erection, construction, alteration, or repair of any public building, bridge, or other structure, such contract shall not be altered or changed in any manner, unless they shall, by a vote of two thirds of their number, and with the consent of the contractor, first so order. And whenever any such change or alteration is so ordered, the particular change or alteration shall be specified, in writing, and the cost thereof agreed upon between the board and the contractor. In no case shall the board pay or become liable for any extra work done on, or extra material furnished for, such building or structure.

ARTICLE X.

CLAIMS AGAINST COUNTY.

Section 4074. Presenting of claims by officers.

4075. Claims to be itemized.

4076. Form for claims.

4077. Improper claims to be rejected.

4078. When claimant may sue.

4079. Claims of members.

4074. No county officer shall, except for his own service, present any claim, account, or demand for allowance against the county, or in any way except in the discharge of his official duty advocate the relief asked in the claim or demand made by any other. Any person may appear before the board and oppose the allowance of any claim or demand made against the county.

4075. The board of supervisors must not hear or consider any claim in favor of any public officer, person, corporation, company, or association against the county, nor shall the board credit or allow any claim or bill against the county or district fund, unless the same be itemized, giving names, dates and particular services rendered, character of process served, upon whom, distance traveled, where and when, character of work done, number of days engaged, supplies or materials furnished, to whom, and quantity and price paid therefor, duly verified to be correct, and that the amount claimed is justly due, and is presented and filed with the clerk of the board within a year after the last item of the account or claim accrued. If, in case of any claim which requires itemizing, the board do not hear or consider the same because it is not itemized, they shall cause notice to be given to the claimant or his attorney of that fact, and give time to have the claim itemized and reverified.

4076. No account shall be passed upon by the board, unless made out as prescribed in this and the preceding section and filed with the clerk three days prior to the time of the meeting of the board at which it is asked to be allowed.

Such demand shall be made out in form substantially as follows:

Clerk's memoranda, No. _____ Fund.

Demand of _____, dated _____, in sum of \$_____, for _____. Allowed by
the Board of Supervisors _____, 19____, in sum of \$_____.

Attest: _____, Clerk of Board.

Demand of

No. _____, Fund _____. Demand on the treasury of the County
of _____, State of California, for the sum of _____ dollars, being for _____.

Date.	Items.	Dollars.	Cents.
		\$	

Expenditures authorized and approved by me.

State of California,)

County of ———.

The undersigned, being duly sworn, says: That the above claim and the items as therein set out are true and correct; that no part thereof has been heretofore paid, and that the amount therein is justly due this claimant, and that the same is presented within one year after the last item thereof has accrued. _____

Subscribed and sworn to before me this _____ day of _____.

_____, County Clerk.

Allowed by Board of Supervisors, _____, 19____, in sum of \$_____, payable out of _____ fund.

Attest: _____, Clerk of Board of Supervisors.

Countersigned: _____, Chairman Board of Supervisors.

Warrant No. ———.

Warrant No. _____.
 Allowed _____, 19____, for the sum of \$_____, payable out of _____ fund.
 _____ County Auditor.

Allowed _____, 19—, for the sum of \$_____, payable out of _____ fund.
_____, County Auditor.

No. ———. Registered ———, 19—. ——— ———, County Treasurer.

Said demand shall be approved before filing by the officer who directed such expenditure. If said demand be allowed by the board, the clerk of the board shall detach and file the memorandum, and shall indorse on such demand "allowed by the board of supervisors," together with the date of such allowance, the amount of such allowance, and from what fund; shall attest the same with his signature, and, when countersigned by the chairman, shall transmit the same to the auditor, who shall, in case he allows said demand, indorse upon it "allowed," together with the amount for which it is allowed, from what fund, date, and number of the warrant, and shall, in attestation thereof, affix his signature thereto and deliver the same to the claimant; and said demand, when so allowed and signed by the auditor, shall constitute the warrant on the treasury, within the meaning of this chapter.

4077. When the board finds that any claim presented is not payable by the county, or is not a proper county charge, it must be rejected, and said rejection shall be plainly indorsed on said claim; if they find it to be a proper county charge, but greater in amount than is justly due, the board may allow the claim in part, and draw a warrant for the portion allowed, on the claimant filing a receipt in full for his amount. If the claimant is unwilling to receive such amount in full payment, the claim may again be considered at the next regular session of the board, but not afterward.

4078. If the board refuse or neglect to allow or reject a claim or demand for ninety days after the same has been filed with the clerk, such refusal or neglect may, at the option of the claimant, be deemed a consent to a final action and rejection on the matter filed, and a claimant dissatisfied with the rejection of his claim or demand, or with the amount allowed him on his demand, may sue the county therefor at any time within six months after the time action of the board, but not afterward, and if, in such action, judgment is rendered in favor of the claimant, the board, on presentation of a certified copy of the judgment, the board must allow and pay the same, together with the costs adjudged, but if no money is recovered then the board allowed, the board must pay the amount no more than was originally allowed.

4079. All claims against the county, presented by members of the board of supervisors for pay, diet, and mileage, or other service rendered by them, must be itemized and verified as other claims, and must state that the service has been actually rendered, and before allowance such claims must be presented to the district attorney, who must indorse thereon, in writing, his opinion as to the legality thereof. If the district attorney declare the claim or any part thereof, illegal, he must state specifically wherein it is illegal, and the claim, or such part, must then be rejected by said board.

ARTICLE XI.

WARRANTS ON COUNTY TREASURY.

Section 4081. What warrants must specify.

4081. Warrants drawn in order of the supervisors on the county treasury for the current expenses during each year must specify the liability for which they are drawn, and when they are issued, and must be paid in the order of presentation to the treasurer. If the clerk is instructed to pay any warrant, it must be registered, and thereafter paid in the order of registration.

ARTICLE XII.

THE SEVERAL FUNDS.

Section 4085. Public revenues must be kept in separate funds.

4086. Moneys in fund, how used.

4087. General fund, what constitutes.

4085. The income and revenues paid into the county treasury shall be at once appropriated to and kept in separate funds.

4086. The moneys in the treasury authorized by law at the time this title takes effect, or provided for by any other law, or otherwise received so long as there shall be moneys in the fund, and the moneys received, or which may hereafter be received, shall not be used for any purpose other than that for which the same were raised, except as otherwise provided in this title.

4087. The general fund shall consist of moneys received into the treasury and not specially appropriated to any other fund.

ARTICLE XIII.

ISSUANCE OF BONDS.

Section 4088. Issuance of bonds for certain purposes; proceedings on.

4088. Any county having an existing indebtedness, evidenced by bonds or warrants thereof, may reduce such indebtedness and issue bonds of the county therefor, and any county may incur or incur a bonded indebtedness for any purposes for which the board of supervisors are herein authorized to expend the funds of said county, or for the purpose of borrowing or constructing roads, bridges or highways. Such indebtedness shall be reduced or incurred in the following manner, to-wit: The board of supervisors thereof shall by order specify the purpose for which the

indebtedness is to be incurred, the amount of bonds which they propose to issue, the rate of interest, and the number of years, not exceeding forty, the whole or any part of said bonds are to run, and shall further provide for submitting the question of the issuance of said bonds to the qualified electors of the county at the next general election, or at a special election to be called by the board for that purpose, and the words to appear upon the ballot shall be "Bonds—Yes," and "Bonds—No," or words of similar import, together with a general statement of the amount and purpose of the bonds to be issued. Several separate propositions may be submitted at the same election. If a special election is called, none but qualified voters of the county shall be permitted to vote thereat, and it shall be held as nearly as practicable in conformity with the general election law of the state; *provided, however*, that for the holding of such special election the board may form bond election precincts by adopting the precincts established for general election purposes, or by consolidating such precincts inside of incorporated cities and towns, to a number not exceeding six in each bond election precinct, and shall appoint only one inspector, two judges and one clerk for each bond election precinct. Notice shall be given of such election by publication in one or more newspapers published in the county, once a week for at least four weeks, or daily for not less than thirty days, prior to said election. If there be no such newspaper, then by posting the same conspicuously in five public places in said county at least thirty days before said election. Such notice must contain the time and place or places of holding such election, the names of election officers to conduct the same, the amount and denomination of the bonds, the rate of interest to be paid, and the number of years, not exceeding forty, the whole or any part of such bonds are to run. If any election officers so named in such notice are not present at the opening of the polls, the electors present may appoint election officers to take the place of such election officers so absent. If two thirds of the electors of the county voting at such an election shall vote in favor of issuing such bonds, the board must proceed to issue the amount of bonds specified; *provided*, that the total amount of bonded indebtedness shall at no time exceed five per cent of the taxable property of the county, as shown by the last equalized assessment book thereof. This limitation shall not apply to bonds which may be issued to refund an indebtedness existing January first, eighteen hundred and eighty. The board of supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof; and said board may also, at their option, by a provision in such bonds, make such principal payable on or before a specified date, at the pleasure of the county. Said bonds may be issued in denominations not to exceed one thousand dollars and not less than one hundred dollars; principal and interest payable in gold coin of the United States, either at the treasury of said county, or at such place within the United States as such board may designate, or both at such treasury or such designated place, at the option of the bondholder. Interest on said bonds shall not exceed six per cent per annum, payable annually or semi-annually, as said board may designate. Said bonds shall be signed by the chairman of the board of supervisors, and attested by the auditor of said county, and have the seal of the board of supervisors attached, and said coupons shall be signed by said auditor by original or lithographed fac simile signature; and said bonds shall be sold at the times, in the amounts and in the manner prescribed by said board of supervisors, but for not less than par. The board of supervisors, at the time of making the next general tax levy after incurring the indebtedness of any bonds issued under the provisions of this title, and annually thereafter until all of said bonds are paid, or until there shall be a sum in the treasury of the county set apart for that purpose sufficient to meet all sums coming due for principal and interest on such bonds, must levy a tax for that year upon the taxable property of said county for the interest and redemption of said bonds, which shall be in addition to all other taxes, and such tax must not be less than sufficient to pay the interest on said bonds, and such portion of the principal, if any, as is to become due before the time for making the next general tax levy, and in any event must be sufficient to raise annually for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term sufficient to pay such annual interest, and to provide annually a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run. And the board of supervisors, before or at the time of issuing said bonds by ordinance shall provide for the levy of an annual tax sufficient to effect the objects of this provision. Such tax, when collected, shall be paid into the treasury of the county, and used solely to pay the interest and principal of said bonds as they respectively become due.

The revenue derived from the sale of said bonds shall be applied to the purpose specified in the order of the board, and no other. Should there be any surplus, it shall be applied toward the payment of said bonds. The board of supervisors of any county can contract a bonded indebtedness for county purposes only as in this title provided.

In issuing bonds under this title, the board of supervisors may, at its option, use the following form of bond and coupon:

UNITED STATES OF AMERICA.

No. _____,

County of _____,

\$_____.

State of California.

The county of _____, State of California, hereby acknowledges itself indebted and promises to pay the bearer hereof, on the _____ day of _____, one thousand _____ (herein insert, if the board of supervisors elect to make the bond payable on a certain date, or before that date, at the pleasure of the county, the words "or at any time before that date, at the pleasure of the county") the sum of _____ dollars in gold coin of the United States, with interest thereon, in like gold coin, at the rate of _____ per centum per annum, payable at _____ semi-annually (or annually) on the first day of _____ and _____ (or on the first day of _____, if interest payable annually), on presentation and surrender of the interest coupon hereto attached.

This bond is issued by the board of supervisors of the county of _____, State of California, in strict compliance with the provisions of Title II of Part IV of the Political Code of the State of California, and in pursuance of an order of said board duly made on the _____ day of _____, 19____, and with the assent of two thirds of the qualified electors of said county voting at an election legally called and duly held for that purpose on the _____ day of _____, 19____.

And it is hereby certified and recited that the bonded indebtedness of said county, including this bond, does not exceed five per cent of the taxable property thereof, as shown by the last equalized assessment of said county, and that provision has been made for the collection of an annual tax sufficient to pay the interest on this indebtedness as it falls due, and also sufficient to constitute a sinking fund for the payment of said indebtedness at or before maturity.

In witness whereof, the said county, by its board of supervisors, has caused this bond to be signed by the chairman of said board, and attested by the auditor thereof, and the seal of the board of supervisors to be hereto attached, this _____ day of _____, one thousand _____.

Chairman Board of Supervisors.

Attest: _____, County Auditor.

And the interest coupon may be in the following form:

"The county of _____, State of California, hereby promises to pay the holder hereof, on the _____ day of _____, one thousand _____, at _____ in _____, \$_____, United States gold coin, for interest on its county bond, No. _____.

County Auditor."

If the board of supervisors of any county which has issued bonds under the provisions of this title shall fail to make the levy necessary to pay such bond or interest coupons at maturity, and the same shall have been presented to the county treasurer and the payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the state controller, taking his receipt therefor, and the same shall be registered in the state controller's office; and the state board of equalization shall, at their next session, and at each annual equalization thereafter, add to the state tax to be levied in said county, a sufficient rate to realize the amount of principal or interest past due and to become due prior to the next levy, and the same shall be levied and collected as a part of the state tax and paid into the state treasury and passed to the special credit of such county as bond tax, and shall be paid by warrants, as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the state controller, until the same shall be fully satisfied and discharged, any balance then remaining being passed to the general account and credit of said county.

CHAPTER V.

EXECUTIVE DEPARTMENT.

ARTICLE I. The Chairman of the Board of Supervisors.

- II. The Auditor.
- III. The Treasurer.
- IV. The Assessor.
- V. The Tax Collector.
- VI. The License Collector.
- VII. The Recorder.
- VIII. The Coroner.
- IX. The Live Stock Inspector.
- X. Fish and Game Warden.

ARTICLE I.

THE CHAIRMAN OF THE BOARD OF SUPERVISORS.

Section 4090. Duties of.

4090. The chairman of the board of supervisors shall preside at all meetings thereof and perform such duties as are prescribed by law or by said board.

When the board is not in session in any emergency affecting the interest of the county, or when any defalcation or official misconduct shall come to his knowledge, he shall forthwith call a special meeting of the board of supervisors to consider the same.

ARTICLE II.

THE AUDITOR.

Section 4091. Duties of.

- 4092. Warrants to specify what.
- 4093. To settle with debtors of county.
- 4094. Accounts and receipts.
- 4095. Warrants to be numbered.
- 4096. Must examine treasurer's books.
- 4097. Count of money in treasury.
- 4098. Same. Filing statements of.
- 4099. Joint statements of auditor and treasurer.
- 4099a. Duty of auditor with respect to minor orphans or half orphans.
- 4100. Other duties of.

4091. The auditor must issue warrants as provided in section four thousand and seventy-six, on the treasurer, in favor of all persons entitled thereto, in payment of all claims and demands chargeable against the county, which have been legally examined, allowed, and ordered paid by the board of supervisors. The auditor must also issue warrants on the treasurer for all debts and demands against the county, when the amounts are fixed by law, or are authorized by law to be allowed by some person or tribunal other than the board of supervisors.

4092. All warrants must distinctly specify the liability for which they are drawn, and when it accrued.

4093. The auditor must examine and settle the accounts of all persons or officers indebted to the county, or holding moneys payable into the county treasury, and must certify the amount to the treasurer, and upon the presentation and filing of the treasurer's receipt therefor, give to such persons a discharge, and charge the treasurer with the amount received by him.

4094. The auditor must keep accounts current with the treasurer, and when any person deposits with the auditor any receipt given by the treasurer for any money paid into the treasury, the auditor must file such receipt, and charge the treasurer with the amount thereof.

4095. All warrants issued by the auditor during each year, commencing with the first Monday after the first day of January, must be numbered consecutively, and the number, date, and amount of each, and the name of the person to whom payable, and the purpose for which drawn, must be stated thereon; and they must, at the time they are issued, be registered by him, and after such warrants have remained uncalled for for two years they shall be canceled.

4096. The auditor must, between the first and tenth day of each month, examine the books of the treasurer, and see that the same have been correctly kept.

4097. The chairman of the board of supervisors, district attorney, and auditor, must, at least once in each month, count the money in the county treasury, and make and verify, in duplicate, statements showing:

1. The amount of money that ought to be in the treasury.
2. The amount and kind of money actually therein.

4098. They must file one of the statements in the office of the county clerk, and the auditor must post and maintain the other in his office for at least one month thereafter.

4099. The auditor and treasurer of each county must, on the first Monday in February, May, August and November, and at such other times as the board of supervisors may require, make a joint statement to the board of supervisors, showing the whole amount of collections (stating particularly the source of each portion of the revenue) from all sources paid into the county treasury; the funds among which the same are distributed, and the amount to each; the total amount of warrants drawn and paid, and on what fund; the total amount of warrants drawn and unpaid, and accounts or claims audited or allowed and unpaid, and the fund out of which they are to be paid, and, generally, make a full and specific showing of the financial condition of the county.

4099a. It shall be and is hereby made the duty of every county auditor in the State of California to keep all the books and necessary accounts with ref-

erence to payments made by the county of which he is auditor for minor orphans and half-orphans and abandoned children and to prepare the necessary data and make out all claims against the state for such payments, and the board of supervisors may allow the auditor a reasonable compensation for performing the extra duty herein provided.

4100. The auditor must discharge such other duties as are required by law.

ARTICLE III.

THE TREASURER.

- Section 4101. Specific duties of treasurer.
 4102. Auditor's certificate required.
 4103. Must give receipts.
 4104. Must pay warrants, when.
 4105. To endorse warrants, when on funds on hand.
 4106. Warrants drawing interest.
 4107. Advertising warrants.
 4108. Preference of warrants.
 4109. Unpaid warrants.
 4110. Must note interest paid.
 4111. Monthly and annual statements.
 4112. Detailed report each session of the board.
 4113. Penalty for not reporting.
 4114. Must sue district attorney, when.
 4115. Property received from coroner.
 4116. Money of decedents.
 4117. Possession of public moneys.
 4118. Suspended from office, when.
 4119. Death of treasurer.
 4120. Examination of books and accounts of.
 4121. Same.
 4122. Treasurer to receive and pay out moneys arising from gifts, etc.

4101. The treasurer must:

1. Receive all moneys belonging to the county, and all other moneys by law directed to be paid to him, safely keep the same, and apply and pay them out, rendering the account thereof as required by law.

2. File and keep the certificates of the auditor delivered to him when moneys are paid into the treasury.

3. Keep an account of the receipt and expenditure of all such moneys, in books provided for the purpose, in which must be entered the amount, the time when, from whom, and on what account all moneys were received by him; the amount, time when, to whom, and on what account all disbursements were made by him.

4. So keep his books that the amount received and paid out on account of separate funds or specific appropriations are exhibited in separate and distinct accounts, and the whole receipts and expenditures shown in one general or cash account.

5. Enter no moneys received for the current year on his account with the county for the past fiscal year, until after his annual settlement for the past year has been made with the county auditor.

6. Disburse the county moneys only on county warrants issued by the county auditor, except on settlement with the state.

7. Disburse the moneys in the treasury on such warrants only when they are based on orders of the board of supervisors, or upon order of the superior court, or as otherwise provided by law.

4102. He must receive no money into the treasury unless accompanied by the certificate of the auditor, provided for in section four thousand and ninety-three.

4103. When any money is paid to the county treasurer he must give to the person paying the same a receipt therefor, which must forthwith be deposited with the county auditor, who must charge the treasurer therewith, and give the person paying the same a receipt.

4104. When a warrant is presented for payment, if there is money in the treasury for that purpose, he must pay the same and write on the face thereof "paid," the date of payment, and sign his name thereto.

4105. When any warrant is presented to the treasurer for payment, and the same is not paid for want of funds, the treasurer must endorse thereon "Not paid for want of funds," with the date of presentation, and sign his name thereto, and from that time until paid the warrant bears five per cent interest per annum.

4106. When there are sufficient moneys in the treasury to pay the warrants drawing interest, the treasurer must give notice in some newspaper published in the county, or if none is published therein, then by written notice posted upon the courthouse door, stating therein that he is ready to pay such warrants. From the first publication or posting of such notice, such warrants cease to draw interest.

4107. In advertising warrants under the provisions of the preceding section in any newspaper, the treasurer must not publish the warrants in detail, but give

notice only that county warrants presented for payment prior to such a date, stated in the notice, are payable. When a part only of the warrants presented for payment on the same day are payable, the treasurer must designate such payable warrants in the advertisement.

4108. Warrants drawn on the treasury, and properly attested, are entitled to preference as to payment out of moneys in the treasury properly applicable to such warrants, according to the order in which they were presented. The time of presenting such warrants must be noted by the treasurer, and upon receipt of moneys into the treasury not appropriated, he must set apart the same, or so much thereof as is necessary for the payment of such warrants.

4109. Should such warrants not be again presented for payment within sixty days from the time the notice hereinbefore provided for is given, the fund set aside for the payment of the same must be by the treasurer applied to the payment of unpaid warrants next in order of registry. The board of supervisors may, on application and presentation of warrants properly indorsed, which have been advertised, pass an order directing the treasurer to pay them out of any money in the treasury not otherwise appropriated.

4110. When the treasurer pays any warrant upon which any interest is due, he must note on the warrant the amount of interest paid thereon and enter on his account the amount of such interest distinct from the principal.

4111. The treasurer must settle his accounts relating to the collection, care, and disbursement of public revenue, of whatsoever nature and kind, with the auditor, on the first Monday of each month. For the purpose of making such settlement, he must make a statement, under oath, of the amount of money or other property received prior to the period of such settlement, the sources whence the same was derived, the amount of payments or disbursements, and to whom, with the amount remaining on hand. He must, in such settlements, deposit all warrants redeemed by him, and take the auditor's receipt therefor. He must also make a full settlement of all accounts with the auditor, annually, on the first Monday of January, in the presence of the supervisors.

4112. Each county treasurer must make a detailed report, at every regular meeting of the board of supervisors of his county, of all money received by him, and the disbursement thereof, and of all debts due to and from the county, and of all other proceedings in his office, so that the receipts into the treasury and the amounts of disbursements, together with the debts due to and from the county, may distinctly appear.

4113. If any county treasurer neglect or refuse to settle or report, as required in sections forty-one hundred and eleven and forty-one hundred and twelve, he forfeits and must pay to the county the sum of five hundred dollars for every such neglect or refusal, and the board of supervisors must institute suits for the recovery thereof.

4114. If the district attorney refuse or neglect to account for and pay over money received by him, as required by the fifth subdivision of section forty-one hundred and fifty-three, he shall be liable for such refusal or neglect upon his official bond, and the county treasurer must bring an action against him for the recovery thereof, in the name of the county, and may recover in such action, in addition to the amount so received, fifty per cent thereon by way of damages. And no order of the board of supervisors shall be necessary to bring such action. His reasonable expenses, including attorney's fees, shall be a county charge.

4115. The treasurer, upon receiving from the coroner, or justice of the peace acting as coroner, money found on a dead body, must place it to the credit of the county; on receiving other property in like manner, he must, within thirty days, sell it at public auction, upon reasonable public notice, and must, in like manner, place the proceeds to the credit of the county. All said moneys must be kept in a separate fund.

4116. If the money in the treasury is demanded within six years, by the legal representatives of the decedent, the treasurer must pay it to them, after deducting the fees and expenses of the coroner, and of the county, in relation to the matter, or the same may be so paid at any time thereafter, upon the order of the board of supervisors.

4117. The treasurer must keep all moneys belonging to this state, or to any county of this state, in his own possession, until disbursed according to law. He must not place the same in the possession of any person, to be used for any purpose; nor must he loan, or in any manner use, or permit any person to use the same, except as provided by law; but nothing in this section prohibits him from making special deposits for the safe-keeping of the public moneys; but he shall be liable therefor on his official bond.

4118. Whenever an action, based upon official misconduct, is commenced against any county treasurer, the supervisors may, in their discretion, suspend him from office until such suit is determined, and may appoint some person to fill the vacancy, who shall qualify and give such bond as may be required by the board of supervisors.

4119. In case of the death of any county treasurer, his legal representatives must deliver up to the person appointed to fill the vacancy occasioned by such death, all official moneys, books, accounts, papers, and documents which are or may come into their possession.

4120. The books, accounts, and vouchers of the treasurer are at all times subject to the inspection and examination of the board of supervisors and grand jury.

4121. The treasurer must permit the chairman of the board of supervisors, district attorney, and auditor, to examine his books and count the money in the treasury, whenever they may wish to make an examination or counting.

4122. The treasurer is hereby authorized to receive any money constituting a gift or bequest, or the money resulting or accruing from any gift, bequest or devise and pay the same out in accordance with the terms thereof, or when none are fixed, then according to law.

ARTICLE IV.

THE ASSESSOR.

Section 4125. Duties of.

4125. The assessor must perform such duties as are prescribed in title nine, part three, of this code, and such other duties as are required by law: *provided*, that where any salary is allowed to the assessor, by law, then where such officer is charged, or to be charged, with the making of maps or block books, he shall be allowed the actual cost of making the same, and must file with the county auditor a sworn statement, monthly, showing in detail the names of persons, and amounts paid to each for such expense, and the assessor must thereupon pay over and account to the county, or city and county, for the difference between any amount allowed for such purpose, and the amount actually expended by him therefor.

ARTICLE V.

THE TAX COLLECTOR.

Section 4126. Duties of.

4126. The tax collector must perform such duties as are prescribed in title nine, part three, of this code, and as license collector shall collect all county licenses, and shall perform such other duties as are required by law. He shall, at least once a month and oftener, in his discretion, pay the public money in his hands into the county treasury, taking the receipt of the treasurer therefor.

ARTICLE VI.

THE LICENSE COLLECTOR.

Section 4127. Duties of.

4127. The tax collector shall be ex officio license collector, and as license collector shall perform the duties prescribed by law, and by the ordinances of the board of supervisors.

ARTICLE VII.

THE RECORDER.

Section 4130. Duties of.

4131. What to be recorded.

4132. What indexes to be kept.

4133. Certificates of sale.

4134. Final judgments.

4135. Decrees in partition.

4136. Two or more indices.

4137. Endorse documents.

4138. Time book, etc.

4139. To take acknowledgments.

4140. Penalty for neglect or misconduct.

4141. Not to render service without fees.

4142. Records open to inspection.

4142a. When contracts, plans and specifications may be returned or destroyed.

4142b. Recording of instruments when records lost, injured or destroyed by conflagration.

4142c. Duties with reference to registration of deaths, issuance and registration of burial and disinterment permits, and the establishment of registration districts.

4130. The recorder must procure such books for records as the business of his office requires, but orders for the same must first be obtained from the board of supervisors. The books used may contain printed forms of deeds, mortgages, or other instruments of general use. He has the custody of, and must keep all books, records, maps, and papers deposited in his office.

4131. He must, upon the payment of his fees for the same, record, separately, in a fair hand, or typewriting, in large and well-bound separate books, either sewed books or an insertable leaf, which when placed in the book cannot be removed.

1. Deeds, grants, transfers, and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged or proved.

2. Mortgages of personal property.

3. Certificates of marriage and marriage contracts.

4. Wills admitted to probate.
5. Official bonds.
6. Notices of mechanics' liens.
7. Transcripts of judgments, which by law are made liens upon real estate in this state.
8. Notices of attachments upon real estate.
9. Notices of the pendency of an action affecting real estate, the title thereto, or the possession thereof.
10. Instruments describing or relating to the separate property of married women.
11. Notices of pre-emption claims.
12. Births and deaths; and.
13. Such other writings as are required or permitted by law to be recorded.
4132. Every recorder must keep:
 1. An index of deeds, grants, and transfers, labeled "Grantors," each page divided into four columns, headed, respectively: "Names of Grantors," "Names of Grantees," "Date of Deeds, Grants, or Transfers," and "Where Recorded."
 2. An index of deeds, labeled "Grantees," each page divided into four columns, headed, respectively: "Names of Grantees," "Names of Grantors," "Date of Deeds, Grants, or Transfers," and "Where Recorded."
 3. Two indices of mortgages, labeled, respectively: "Mortgagors of Real Property," "Mortgagors of Personal Property," with the pages thereof divided into five columns, headed, respectively: "Names of Mortgagors," "Names of Mortgagees," "Date of Mortgages," "Where Recorded," "When Discharged."
 4. Two indices of mortgages, labeled, respectively: "Mortgagees of Real Property," "Mortgagees of Personal Property," with the pages thereof divided into five columns, headed, respectively: "Names of Mortgagees," "Names of Mortgagors," "Date of Mortgages," "Where Recorded," "When Discharged."
 5. Two indices of releases of mortgages, labeled, respectively: "Releases of Mortgages of Real Property—Mortgagors," "Releases of Mortgages of Personal Property—Mortgagors," with pages thereof divided into six columns, headed, respectively: "Parties Releasing," "To Whom Releases are Given," "Date of Releases," "Where Releases are Recorded," "Date of Mortgages Released," "Where Mortgages Released are Recorded."
 6. Two indices of releases of mortgages, labeled, respectively: "Releases of Mortgages of Real Property—Mortgagees," "Releases of Mortgages of Personal Property—Mortgagees," with pages thereof divided into four columns, headed, respectively: "Parties Whose Mortgages are Released," "Parties Releasing," "Date of Releases," "Where Recorded."
 7. An index of powers of attorney, labeled: "Powers of Attorney," each page divided into five columns, headed, respectively: "Names of Parties Executing the Powers," "To Whom Powers are Executed," "Date of Powers," "Date of Recording," "Where Powers are Recorded."
 8. An index of leases, labeled: "Leases—Lessors," each page divided into four columns, headed, respectively: "Names of Lessors," "Names of Lessees," "Date of Leases," "When and Where Recorded."
 9. An index of leases, labeled: "Leases—Lessees," each page divided into four columns, headed, respectively: "Names of Lessees," "Names of Lessors," "Date of Leases," "When and Where Recorded."
 10. An index of marriage certificates, labeled: "Marriage Certificates—Men," each page divided into six columns, headed, respectively: "Men Married," "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."
 11. An index of marriage certificates, labeled: "Marriage Certificates—Women," each page divided into six columns, headed, respectively: "Women Married" (and under this head placing the family names of the women), "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."
 12. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignors," each page divided into five columns, headed, respectively: "Assignors," "Assignees," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."
 13. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignees," each page divided into five columns, headed, respectively: "Assignees," "Assignors," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."
 14. An index of wills, labeled: "Wills," each page divided into four columns, headed, respectively: "Names of Testators," "Date of Wills," "Date of Probate," "When and Where Recorded."
 15. An index of official bonds, labeled: "Official Bonds," each page divided into five columns, headed, respectively: "Names of Officers," "Names of Offices," "Date of Bonds," "Amount of Bonds," "When and Where Recorded."
 16. An index of notices of mechanics' liens, labeled: "Mechanics' Liens," each page divided into three columns, headed, respectively: "Parties Against Whom Claimed," "Parties Claiming Liens," "Notices—When and Where Recorded."

17. An index to transcripts of judgments, labeled: "Transcripts of Judgments," each page divided into seven columns, headed, respectively: "Judgment Debtors," "Judgment Creditors," "Amount of Judgments," "Where Recovered," "When Recovered," "When Transcript Filed," "When Judgment Satisfied."

18. An index of attachments, labeled: "Attachments," each page divided into six columns, headed, respectively: "Parties Against Whom Attachments are Issued," "Parties Issuing Attachments," "Notices of Attachments," "When Recorded," "Where Recorded," "When Attachments Discharged."

19. An index of notices of the pendency of actions, labeled: "Notices of Actions," each page divided into three columns, headed, respectively: "Parties to the Action," "Notices—When Recorded," "Where Recorded."

20. An index of the separate property of married women, labeled: "Separate Property," each page divided into five columns, headed, respectively: "Names of Married Women," "Names of their Husbands," "Nature of Instruments Recorded," "When Recorded," "Where Recorded."

21. An index to the register of births and deaths.

22. An "Index to Certificates of Residence."

23. An index of mining locations and of documents affecting same, labeled: "Mining Locations," divided into suitable columns showing the name of locator, date of location, date of recording and place where claim is located.

24. An index suitable for the provisions of "An act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897.

25. Such other indices and books of record as may be required in the performance of his official duties.

4133. The recorder must keep in his office a book, to be called "Certificates of Sales," and record therein all certificates of sales of real estate sold under execution, or under order made in any judicial proceeding. He must also prepare an index thereto, in which, in separate columns, he must enter the names of the plaintiff in the execution, the defendant in the execution, the purchaser at the sale, and the date of the sale.

4134. The recorder must file and record in the record of deeds, grants, and transfers, certified copies of final judgments or decrees partitioning or affecting the title or possession of real property, any part of which is situate in the county of which he is recorder.

4135. Every such certified copy of a judgment or decree mentioned in the preceding section, partition, from the time of filing the same with the recorder for record, inprints notice to all persons of the contents thereof; and subsequent purchasers, mortgagees, and lienholders purchase and take with like notice and effect as if such copy of decree was a duly recorded deed, grant, or transfer.

4136. The recorder may keep in the same volume any two or more of the indices mentioned in section forty-one hundred and thirty-two; but the several indices must be kept distinct from each other, and the volume distinctly marked on the outside in such a way as to show all the indices kept therein. The names of the parties in the first column in the several indices must be arranged in alphabetical order, and when a conveyance is executed by a sheriff, the name of the sheriff and the party charged in the execution must both be inserted in the index; and when an instrument is recorded to which an executor, administrator, or trustee is a party, the name of such executor, administrator, or trustee, together with the name of the testator, or intestate, or party for whom the trust is held, must be inserted in the index.

4137. When any instrument, paper, or notice, authorized by law to be recorded, is deposited in the recorder's office for record, the recorder must indorse upon the same the time when it was received, noting the year, month, day, hour and minute of its reception, the amount of fees for recording, and must record the same without delay, together with the acknowledgments, proofs, and certificates, written upon or annexed to the same, with the plats, surveys, schedule, and other papers thereto annexed, in the order in which the same were received for record, and must note at the foot of the record the exact time of its reception, and the name of the person at whose request it was recorded.

4138. He must also indorse upon each instrument, paper, or notice the time when, the book, and pages in which it is recorded, and must thereafter deliver it to the party leaving the same for record, or upon his order.

4139. It shall be the duty of the recorder, upon the payment or tender of the fees therefor, to take and certify the acknowledgment of all instruments authorized by law to be acknowledged.

4140. If any recorder to whom an instrument, proved or acknowledged according to law, or any paper or notice which may by law be recorded, is delivered for record: 1. Neglects or refuses to record such instrument, paper, or notice within a reasonable time after receiving the same;

2. Records any instrument, paper, or notice, fully or negligently, untruly, or in any other manner than is hereinbefore directed;

3. Neglects or refuses to keep in his office such indices as are required by this article, or to make the proper entries therein; or,

4. Alters, changes, or obliterates any records deposited in his office, or inserts any new matter therein, he is liable to the party aggrieved for three times the amount of the damages which may be occasioned thereby.

4141. He shall not record any instrument, or file any paper or notice, or furnish any copy, or render any service connected with his office, until the fees for the same, as prescribed by law, are, if demanded, paid or tendered.

4142. All books of record, maps, charts, surveys, and other papers on file in the recorder's office, must, during office hours, be open for inspection by any person, without charge; and the recorder must arrange the books of record and indices in his office in such suitable places as to facilitate their inspection.

4142a. After the expiration of two years from the date of filing in the recorder's office of notice of completion of any building or improvement, the contract, plans and specifications under which the work or improvement was performed may be returned by the recorder to the person filing the same unless the recorder has been notified in writing to retain the same by some one claiming some interest under such contract or in the property affected thereby. If no such notice be given the recorder may, after the expiration of said two years, destroy such contract, plans and specifications.

4142b. 1. Whenever any record of any instrument has been, or shall hereafter be, lost, injured or destroyed by conflagration or other public calamity, the recorder of such county, or city and county is hereby authorized and directed to record any instrument of writing entitled to record under the provisions of Article VII, Chapter V, Title II, Part IV, of this code, which instrument of writing had been previously recorded in his office. In recording the same, the recorder shall record all certificates attached thereto and all endorsements thereon, and if any of such certificates or endorsements show the previous recording of the same in the county, or city and county, where said instrument is presented for record, the date appearing in such certificate or instrument of such record shall be deemed and taken as the date of the recording thereof in said county or city and county, where said instrument is presented for record. Such record and certified copies thereof, duly certified by the recorder of any such county, or city and county, under his seal of office, may be introduced in evidence, with the same force and effect as the original record or certified copies of the original record.

2. Whenever any record of any instrument has been, or shall hereafter be, lost, injured or destroyed by conflagration or other public calamity, the recorder of such county, or city and county is hereby authorized and directed, when presented to him for record, to record any instrument of writing entitled to record under the provisions of Article VII, Chapter V, Title II, Part IV, of this code, which said instrument of writing shall have been or shall be duly certified by the recorder of any other county, or city and county, of this State as being of record in his office. In recording the same, the recorder shall record all certificates attached thereto, or endorsements thereon, and if any of such certificates or endorsements show the previous recording of the same in the county, or city and county, where the said certified copy of the said instrument is presented for record, the date appearing in such certificate or endorsement of such record shall be deemed and taken as the date of the recording thereof in said county, or city and county recorder's office, where the said certified copy is so presented for record. Said record and certified copies of any such record, duly certified by the recorder of any such county, or city and county, under his seal of office, may be introduced in evidence with the same force and effect as the original record or certified copies of the original record.

3. Such county, or city and county recorder shall be entitled, for his services hereunder, to receive the same amount of fees as he is entitled to receive for the recording of instruments of like character.

4142c. Each county recorder shall have the powers and shall perform the duties within the county of which he is the recorder, which are prescribed and required by the provisions of an act entitled "An act for the registrations of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the state bureau of vital statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for violation of this act," approved March 18, 1905. He shall also have powers, and shall perform the duties within the county of which he is such officer which are prescribed and required by the provisions of Chapter III, Title VII, of Part III, of this code, relating to the registry of births, marriages and deaths.

ARTICLE VIII.

THE CORONER.

Section 4143. Duties of.

- 4144. Must cause bodies to be buried.
- 4145. Must keep official register.
- 4146. Duties as to property of deceased persons.
- 4147. Justices of the peace to act as coroner, when.
- 4148. Coroner to act as sheriff, when.

4142a. After the expiration of two years from the date of filing in the recorder's twelve, part two, of the Penal Code. The coroner, or other officer holding the inquest upon the body of a deceased person, may subpoena a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or a physician or surgeon to inspect the body, or hold a post mortem examination of the deceased, and give a professional opinion as to the cause of death, and shall cause the testimony given by any witness to be reduced to writing, under his direction, and may, upon the written order of the district attorney, employ a clerk or stenographer for such purpose, at the same compensation allowed to stenographers in the superior court of the county, and when such testimony is taken down by a stenographer, his transcription thereof, duly certified to, shall constitute the deposition of such witness.

4141. When an inquest is held by the coroner, and no other person takes charge of the body of deceased, he must cause it to be decently interred; and if there is not sufficient property belonging to the estate of the deceased to pay the necessary expenses of the burial, the expenses are a legal charge against the county.

4145. It shall be the duty of the coroner of each county to keep an official register, to be labeled "Coroner's Register," in which he shall enter the date of holding all inquests, the name of the deceased, when known, and when not, such description of the deceased as may be sufficient for identification; property found on the person of deceased, if any, what disposition was made of the same by the coroner; the cause of death, when known, and such other information as may pertain to the identity of the deceased.

4146. The coroner must, within thirty days after an inquest upon a dead body, deliver to the treasurer, or the legal representatives of the deceased, any money or other property found upon the body, and at the same time file an affidavit with the treasurer, showing:

1. The amount of money or other property belonging to the estate of the deceased person which has come into his possession since his last statement.

2. The disposition made of such property.

3. If the coroner, or any justice of the peace acting as coroner, fail to deliver to the treasurer, within thirty days after any inquest upon a dead body, all money and property found upon such body, unless claimed in the meantime by the public administrator, or other legal representative of the decedent, as required by this section, the district attorney must proceed against the coroner, or justice of the peace acting as coroner, to recover the same, by civil action, in the name of the county.

4147. If the office of coroner is vacant, or he is absent, or unable to attend, the duties of his office may be discharged by any justice of the peace of the county, with the like authority, and subject to the same obligations and penalties, as the coroner.

4148. In the cases specified in section forty-one hundred and seventy-two, the coroner must discharge the duties of sheriff.

ARTICLE IX.

THE LIVE STOCK INSPECTOR.

Section 4149. Appointed by supervisors, when.

4149a. Duties of

4149. The live stock inspector shall be appointed by the board of supervisors whenever in the discretion of such board the interest of the public welfare demands the services of such an officer, and such officer shall hold his office at the pleasure of the appointing power. He shall receive a salary in the sum of one hundred and twenty-five dollars per month, which salary shall be paid at the same time and in the same manner and out of the same funds that other county officers are paid.

4149a. It shall be the duty of the live stock inspector, acting under the supervision of the state veterinarian, to enforce all laws of the State of California, and all orders and ordinances of the board of supervisors of his county pertaining to the health and sanitary surroundings of all live stock in his county, and for that purpose he is hereby authorized and empowered, by and with the approval of the board of supervisors, to establish, maintain, and enforce such quarantine, sanitary and other regulations as he may deem proper and neces-

sary. He shall give to the duties of his office such time and attention as may be necessary to secure the general protection and advancement of all matters pertaining to the health and sanitary condition of the domestic live stock of his county.

ARTICLE X.

THE FISH AND GAME WARDEN.

Section 4149b. Appointment, removal, and bond.

4149c. Duties of.

4149d. Salary.

4149b. The board of supervisors of each county may, in the discretion of the board, at the first meeting thereof held in January, nineteen hundred and nine, and in January every two years thereafter, appoint a suitable person to serve for the period of two years from the date of his appointment as fish and game warden of the county. Such fish and game warden may be removed by the board of supervisors for intemperance, neglect of duty, or other good and sufficient reasons. Said fish and game warden shall, before entering upon the discharge of his duties, execute a bond with sureties in such sum as may be required by the board of supervisors, for the faithful and proper discharge of his duties as such fish and game warden.

4149c. Said fish and game warden shall enforce the state laws, and all county and municipal ordinances relating to the protection of fish and game, and he shall be vested with all the powers of a peace officer to make arrests for the violation of such laws and ordinances. He shall report quarterly to the board of supervisors giving a detailed statement of all arrests made, convictions had and fines collected, and a general statement in regard to the management of his office.

4149d. The salary and compensation of the fish and game warden shall be as follows: For counties of the second class, one hundred and twenty-five dollars per month; for counties of the first and third classes, one hundred dollars per month; for counties of the fourth, fifth and sixth classes, the sum of seventy-five dollars per month; for counties of the seventh, eighth, ninth and tenth classes the sum of sixty dollars per month; and for all other classes from eleventh to the fifty-seventh, inclusive, the sum of fifty dollars per month. In addition thereto said warden shall be allowed a sum not to exceed twenty-five dollars per month for expenses incurred by him in the performance of his duties. Said salary and expenses incurred must be paid monthly from the county treasury.

CHAPTER VI.

JUDICIAL DEPARTMENT.

ARTICLE I. The superior court.

II. The clerk of the superior court.

III. The district attorney.

IV. The sheriff.

V. The county clerk.

VI. The official reporter.

VII. The public administrator.

VIII. The justice's court.

IX. Constables.

X. The law library.

ARTICLE I.

THE SUPERIOR COURT.

Section 4150. Duties of judge of superior court.

4151. Same, when grand jury is in session.

4150. Each judge of the superior court must:

Perform such duties as are prescribed by the laws of the state and in this title.

4151. It shall be the duty of the judge of the superior court of each and every county whenever a grand jury is empaneled, in addition to other matters requiring action, to call their attention to the provisions of Chapter I of this title, and to instruct them to ascertain by a careful and diligent investigation whether the provisions thereof have been complied with, and to note the result of such investigation in their report.

ARTICLE II.

THE CLERK OF THE SUPERIOR COURT.

Section 4152. Duties of.

4152. The county clerk is an ex-officio clerk of the superior court, and shall perform the duties required of him by law, and such as may be prescribed by this title.

ARTICLE III.

THE DISTRICT ATTORNEY.

Section 4153. Duties of.

4154. Legal adviser of the board of supervisors.

4155. Must not favor claims.

4156. Must abate public nuisances, when.

4156a. Other duties.

4153. The district attorney is the public prosecutor, and must:

1. Attend the courts, and conduct, on behalf of the people, all prosecutions for public offenses.

2. Institute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed; and for that purpose, when not engaged in criminal proceedings in the superior court, or in civil cases on behalf of the people, must attend upon the magistrates in cases of arrest, when required by them, and attend before and give advice to the grand jury, whenever cases are presented to them for their consideration.

3. Draw all indictments and informations, defend all suits brought in his county against the state or his county whenever brought, prosecute all recognizances forfeited in the courts of record, and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or his county.

4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the county treasurer.

5. On the first Monday of each month file with the auditor an account, verified by his oath, of all moneys received by him in his official capacity during the preceding month, and at the same time pay them over to the county treasurer.

6. Give, when required, and without fee, his opinion in writing, to county, district, and township officers, on matters relating to the duties of their respective offices.

4154. The district attorney is the legal adviser of the board of supervisors. He must attend their meetings, when required, and must attend and oppose all claims and accounts against the county, when he deems them unjust and illegal.

4155. The district attorney, except for his own services, must not present any claim, account, or demand for allowance against the county, nor in any way advocate the relief asked on any claim or demand made by another.

4156. The district attorney may, and when directed by the board of supervisors must, bring a civil action in the name of the people of the State of California, to abate a public nuisance in his county.

4156a. The district attorney must perform such other duties as are required by law.

ARTICLE IV.

THE SHERIFF.

Section 4157. Duties of.

4158. Process and notices.

4159. Return of, on process.

4160. Liability of.

4161. Neglect, or refusal to execute writ, penalty of.

4162. Neglect or refusal to pay over money, penalty of.

4163. Liable for escape of prisoners.

4164. Same.

4165. When not liable.

4166. Authority to execute a process, must be in writing.

4167. When office of, vacant.

4168. Must execute order.

4169. Officer to exhibit process.

4170. Must act as court crier.

4171. Service of process upon.

4172. Coroner to execute process, when.

4173. Elisors to serve process, when.

4174. Other duties of.

4175. Compensation of sheriffs for transporting prisoners.

4176. Compensation of sheriffs for transporting insane persons.

4157. The sheriff must:

1. Preserve the peace.

2. Arrest and take before the nearest magistrate for examination all persons who attempt to commit, or who have committed, a public offense.

3. Prevent and suppress any affrays, breaches of the peace, riots, and insurrections which may come to his knowledge.

4. Attend all superior courts held within his county, and obey all lawful orders and directions of all courts held within his county.

5. Command the aid of as many male inhabitants of his county as he may think necessary in the execution of these duties.

6. Take charge of and keep the county jail, and the prisoners therein.

7. Release on the record all attachments of real property, when the attachment placed in his hand has been released or discharged.

8. Indorse upon all process and notices the year, month, day, hour, and minute of reception, and issue therefor to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper, and time when received.

9. Serve all process and notices in the manner prescribed by law.

10. Certify, under his hand, upon process or notices, the manner and time of service, or if he fails to make service, the reason of his failure, and return the same without delay.

4158. When process or notices are returnable to another county, he may inclose such process or notice in an envelope, addressed to the officer from whom the same emanated, and deposit it in the post office, prepaying postage.

4159. The return of the sheriff upon process or notices is prima facie evidence of the facts in such return stated.

4160. If a sheriff does not return a process or notice in his possession, with the necessary indorsement thereon, without delay, he is liable to the party aggrieved for the sum of two hundred dollars, and for all damages sustained by him.

4161. If the sheriff to whom a writ of execution is delivered neglects or refuses, after being required by the creditor or his attorney, the fees having first been paid or tendered, to levy upon or sell any property of the party charged in the writ, which is liable to be levied upon and sold, he is liable to the creditor for the value of such property.

4162. If he neglects or refuses to pay over, on demand, to the person entitled thereto, any money which may come into his hands by virtue of his office (after deducting all legal fees), the amount thereof, with twenty-five per cent damages, and interest at the rate of ten per cent per month from the time of demand, may be recovered by such person.

4163. A sheriff who suffers the escape of a person arrested in a civil action, without the consent or connivance of the party in whose behalf the arrest or imprisonment is made, is liable as follows:

1. When the arrest is upon an order to hold to bail, or upon a surrender in exoneration of bail before judgment, he is liable to the plaintiff as bail.

2. When the arrest is on an execution or commitment to enforce the payment of money, he is liable for the amount expressed in the execution or commitment.

3. When the arrest is on an execution or commitment other than to enforce the payment of money, he is liable for the actual damages sustained.

4. Upon being sued for damages for an escape or rescue, he may introduce evidence in mitigation and exoneration.

4164. He is liable for the rescue of a person arrested in a civil action, equally as for an escape.

4165. An action cannot be maintained against the sheriff for a rescue, or for an escape of a person arrested upon an execution or commitment, if, after his rescue or escape, and before the commencement of the action, the prisoner returns to the jail, or is retaken by the sheriff.

4166. No direction or authority by a party or his attorney to a sheriff, in respect to the execution of process or return thereof, or to any act or omission relating thereto, is available to discharge or excuse the sheriff from a liability for neglect or misconduct, unless it is contained in a writing, signed by the attorney of the party, or by the party, if he has no attorney.

4167. When the sheriff is committed, under an execution or commitment, for not paying over money received by him by virtue of his office, and remains committed for sixty days, his office is vacant.

4168. A sheriff or other ministerial officer is justified in the execution of, and must execute, all process and orders regular on their face and issued by competent authority, whatever may be the defect in the proceedings upon which they were issued.

4169. The officer executing process must then, and at all times subsequent, so long as he retains it, upon request, show the same, with all papers attached, to any person interested therein.

4170. The sheriff in attendance upon court must act as the crier thereof, call the parties and witnesses, and all other persons bound to appear at the court, and make proclamation of the opening and adjournment of the court, and of any other matter under its direction.

4171. Service of a paper, other than process, upon the sheriff may be made by delivering it to him or to one of his deputies, or to a person in charge of the office during office hours; or, if no such person be there, by leaving it in a conspicuous place in the office. When any process remains with the sheriff unexecuted, in whole or in part, at the time of his death, resignation of office, or at the expiration of his term of office, said process shall be executed by his successor or successors in office; and when the sheriff sells real estate, under and by virtue of an execution or order of court, he or his successors in office shall execute and deliver to the purchaser or purchasers all such deeds and conveyances as are required by law and necessary for the purpose, and such deeds and conveyances shall be as valid in law as if they had been executed by the sheriff who made the sale.

4172. When the sheriff is a party to an action or proceeding, the process and orders therein, which it would otherwise be the duty of the sheriff to execute, must be executed by the coroner of the county: *provided*, when any action is begun against the sheriff, all process and orders may be served by any person, a citizen of the United States over the age of eighteen years, in the manner provided in the Code of Civil Procedure.

4173. Process or orders in an action or proceeding may be executed by a person residing in the county, designated by the court, or the judge thereof, and denominated an elisor, in the following cases:

1. When the sheriff and coroner are both parties;
2. When either of these officers is a party, and the process is against the other; and
3. When either of these officers is a party, and there is a vacancy in the office of the other, or where it appears, by affidavit, to the satisfaction of the court in which the proceeding is pending, or the judge thereof, that both of these officers are disqualified, or by reason of any bias, prejudice, or other cause, would not act promptly or impartially.

When process is delivered to an elisor, he must execute and return it in the same manner as the sheriff is required to execute similar process. Whenever process is executed, or any act performed by a coroner or elisor, in the cases provided by law in that behalf, such coroner or elisor shall be entitled to receive a reasonable compensation, to be fixed by the court, to be paid by the plaintiff in case of the summoning of jurors to complete the panel, and by the person or party requiring the service in all other cases in private action. If rendered at the instance of the people, it shall be audited and paid as a county charge.

4174. The sheriff must perform such other duties as are required by law.

4175. There shall be allowed by the state board of examiners, to the sheriff, to be retained by him for his own use, for delivering a prisoner to either of the state prisons, actual expenses and five dollars per diem for the time necessarily consumed in delivering such prisoner.

4176. There shall be allowed by the state board of examiners to the sheriff, to be retained by him for his own use, unless otherwise provided in this title, for delivering any insane person to either of the state hospitals for the care and treatment of the insane, his actual expenses and the same per diem as is allowed in the preceding section.

ARTICLE V.

THE COUNTY CLERK.

Section 4178. Duties of.

4179. Other duties of.

4178. The county clerk must:

1. Take charge of and safely keep, or dispose of according to law, all books, papers, and records which may be filed or deposited in his office.

2. Act as clerk of the board of supervisors and as clerk of the superior court, and attend each session thereof, and upon the judge at chambers, when required.

3. Issue all process and notices required to be issued; enter a synopsis of all orders, judgments, and decrees proper to be entered, unless the court shall order them to be entered at length; keep in the superior court a docket, in which must be entered the title of each cause, with the date of its commencement; a memorandum of every subsequent proceeding therein, with date thereof and a list of all the fees charged.

4. Keep for the superior court an index of all suits, labeled "General Index—Plaintiffs," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Plaintiffs," "Defendants," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment Book," "Page of Minute Book"; also an index, labeled "General Index—Defendants," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Defendants," "Plaintiffs," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment Book," "Page in Order Book"; keep an index of the names of persons naturalized.

5. Keep as one of the records of his office a volume labeled "Bond and Surety Companies," each page of which must be divided into six columns appropriate to enter therein:

(1) The name of corporations engaged in this state in the business of making, guaranteeing, or becoming a surety upon bonds or undertakings required or authorized by law;

(2) The name of the state, territory, or country under whose laws such corporation is organized;

(3) The date of certificate of authorization to such corporation to do business in this state;

(4) The date of surrender, revocation, cancellation, annulment, or suspension of such certificate;

(5) The date of the new authority to do business in this state;

(6) And one blank column;

And must enter in said volume the names of such corporations alphabetically arranged and any facts concerning such corporations certified to such county clerk by the insurance commissioner of this state.

6. Keep such other indices as may be required in the performance of the duties of his office.

4179. He must keep such other records and perform such other duties as are prescribed by law.

ARTICLE VI.

THE OFFICIAL REPORTER.

Section 4180. Duties of.

4180. The official reporter shall perform the duties required of him by law, and such as may be prescribed in this title.

ARTICLE VII.

THE PUBLIC ADMINISTRATOR.

Section 4181. Duties of.

4182. Must keep register.

4183. Coroner must act as, when.

4181. The public administrator must perform such duties as are prescribed in chapter thirteen, title eleven, part three of the Code of Civil Procedure, and shall perform such other duties as are required by law.

4182. It shall be the duty of the public administrator to keep a book, to be labeled "Register of Public Administrator," in which he shall enter the name of every deceased person on whose estate he shall administer, the date of granting letters, money received, the property appraised and its value, proceeds of all sales of property, the amount of his fees, the expenses of administration, the amount of estate after all charges and expenses have been paid, the disposition of property on distribution, the date of discharge of administrator, and such other matters as may be necessary to give a full and complete history of each estate administered by him. The publication of the semi-annual report required to be made by the public administrator shall be a county charge.

4183. If the public administrator of any county fails to qualify or in person fails to perform the duties of his office the coroner of such county shall be ex officio public administrator, and in case both the public administrator and the coroner fail to qualify or to perform the duties appertaining thereto the board of supervisors shall appoint a suitable person as public administrator; and all laws applicable to the qualification, powers, duties and compensation of public administrators shall apply to the coroner or appointee of such board.

ARTICLE VIII.

THE JUSTICE'S COURT.

Section 4185. Duties of justice of the peace.

4186. Same—Must post statement of fees in his office.

4185. Justices of the peace must perform such duties as are prescribed in title eleven, part two, of the Code of Civil Procedure, and such other duties as are prescribed by law.

4186. It shall be the duty of each justice of the peace to prepare, and keep posted in a conspicuous place in his office, a plain and legible statement of the fees allowed by law to justices of the peace and constables, upon pain of forfeiting, for failure so to do, fifty dollars, to be recovered, with costs, by any person, before any other justice of the peace of the county.

ARTICLE IX.

CONSTABLES.

Section 4187. Duties of.

4188. Certain sections applicable to constables.

4187. Constables must attend the courts of justices of the peace within their townships whenever so required, and within their counties execute, serve and return all writs, processes and notices directed or delivered to them by justices of the peace of such county, or by any competent authority; *provided, however,* that no constable shall have jurisdiction or authority to serve any writ, notice, or other process issued by any justice or justice's court of any township other than the justice or justice's court of the township in and for which he may be constable, without the boundaries of the township in and for which he is constable, and any service by a constable of any writ, notice, or other process issued by any justice or justice's court of any township other than the township in and for which he is duly elected and qualified constable, outside of the boundaries of the township in and for which he is such constable, shall be void. Constables shall charge and collect for their services such fees as are now or may hereafter be allowed.

4188. All provisions of sections forty-three hundred and nineteen, forty-one hundred and fifty-seven, forty-one hundred and fifty-eight, forty-one hundred and fifty-

nine, forty-one hundred and sixty, forty-one hundred and sixty-one, forty-one hundred and sixty-two, forty-one hundred and sixty-three, forty-one hundred and sixty-four, forty-one hundred and sixty-five, forty-one hundred and sixty-six, forty-one hundred and sixty-seven, forty-one hundred and sixty-eight, forty-one hundred and sixty-nine, forty-one hundred and seventy, forty-one hundred and seventy-one, except the fourth and sixth subdivisions of section forty-one hundred and fifty-seven, apply to constables, and govern their powers, duties and liabilities.

ARTICLE X.

THE LAW LIBRARY.

Section 4190. How established and governed; fund for, created.

4191. For what purposes fund may be used.

4192. Trustees of, managers of board of.

4193. Trustees of, how constituted.

4194. Trustees to serve without compensation.

4195. Trustees, duties and powers of.

4196. Duties of auditor and treasurer on demand of trustees.

4197. Trustees of, annual report of.

4198. Supervisors to furnish room for.

4199. Trustees, meeting and officers of.

4200. When entitled to privileges of.

4201. Secretary of state to furnish publications to.

4202. Librarian of supreme court library to furnish duplicates of books to.

4203. Repeal of certain laws. Limitations on effect of this article.

4204. May be discontinued, how.

4190. On the commencement in, or removal to, the superior court of any county in this state of any civil action, proceeding, or appeal, on filing the first papers therein, the party instituting such proceeding, or filing the said first papers, and thereafter any defendant or respondent or adverse party, or intervening party, on his first appearance therein (or any number of such defendants or respondents or adverse parties appearing jointly therein), shall pay to the clerk of said court (in addition to fees fixed by law), the sum of one dollar as costs, for a fund which shall be designated as the "Law Library Fund," to be expended in the purchase of law books and periodicals, and in the establishment and maintenance of a law library at the county seat of said county, which law library shall be governed and controlled, and said fund be expended by the board of trustees hereinafter provided.

4191. All moneys collected as provided in the preceding section shall be paid by said clerk into the hands of the treasurer of his county, who shall keep the same separate and apart in the "Law Library Fund," and shall be drawn therefrom as in this article provided, but only to be used and applied to the purposes herein authorized.

4192. Any law library established under the provisions of this act shall be governed and managed by the "Board of Law Library Trustees" in this article provided.

4193. There shall be in every county of this state a board of law library trustees, consisting of five members, to be constituted as follows: In every county where there are only three superior court judges, the said judges shall be ex-officio such library trustees; the chairman of the board of supervisors shall be ex-officio such a trustee; and the board of supervisors shall appoint a member of the bar of the county to act as such trustee; such appointment shall be made at the first meeting of the board of supervisors after the establishment of a law library in such county, and the appointee shall serve until the first meeting of the board of supervisors in the succeeding January; and the said board shall, at any such meeting in each succeeding January, appoint such a trustee to serve for the term of one year. In every county where there are more than three judges of the superior court, the judges of such county shall elect three of their number to serve as such trustees, and otherwise said board shall be as provided in this section. In all counties where there are less than three judges of the superior court, the board shall be constituted as provided in this section, save that the board of supervisors shall appoint sufficient members of the bar to make up the requisite number of trustees.

4194. The office of trustee shall be honorary, and without salary or other compensation.

4195. Such board of trustees, by a majority vote of all their members, to be recorded in the minutes, with the ayes and noes at length, shall have power:

First—To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of such library, and all property belonging thereto, or that may be loaned, devised, bequeathed, or donated to the same.

Second—To remove any trustee except an ex-officio trustee who may neglect to attend the meetings of the board of trustees, or who may absent himself from such meetings, and fill all vacancies that may from any cause occur in the board.

Third—To define the powers and prescribe the duties of any and all officers, determine the number, and elect all necessary subordinate officers and assistants, and at their pleasure remove any officer or assistant.

Fourth—To purchase books, journals, publications, and other personal property.

Fifth—To order the drawing and payment, upon properly authenticated vouchers, duly certified by the president and secretary, of money from out of the law library fund, for any liability or expenditure herein authorized, and generally to do all that may be necessary to carry into effect the provisions of this article.

Sixth—To fix the salaries of the librarian, secretary and other subordinate officers and assistants.

Seventh—To contract with any existing law library association to make use of its library for the purposes of a public law library, under proper rules and regulations to be prescribed by the board of trustees, either by lease or such other contract as may best carry the purposes of this article into effect.

4196. The orders and demands of the trustees of any such public law library, when duly made and authenticated as above provided, shall be verified and audited by the auditing officer, and paid by the treasurer of such county out of the library fund properly belonging thereto, of which full entry and record shall be kept as in other cases.

4197. The said board of trustees, on or before the first Monday in December of each year, shall make an annual report to the board of supervisors of their county, giving the condition of their trust, with full statements of all their property and money received, whence derived, how used and expended, the number of books, periodicals, and other publications on hand; the number added by purchase, gift, or otherwise during the year; the number lost or missing, and such other information as might be of interest. A financial report, showing all receipts and disbursements of money, shall also at the same time be made by the secretary of the board of trustees, duly verified by his oath.

4198. The board of supervisors of any such county shall provide a library-room for the use of such library, whenever such room may be demanded by such board or trustees.

4199. The said board of trustees shall meet the first Tuesday of each month, and at such other times as they may appoint, at a place to be appointed for that purpose; and a majority of all their number shall constitute a quorum for business. They shall appoint one of their number as president of their board. They shall elect a secretary, who shall keep a full statement and account of all property, money, receipts and expenditures, and a record and full minutes, in writing, of all their proceedings. They may appoint a librarian. The secretary may certify to such proceedings, or any part or portion thereof, under his hand, verified by an official seal, adopted and provided by the trustees for that purpose.

4200. Said libraries shall be free to the judiciary, county officials, and members of the bar of said county, and to all inhabitants of said county; but the board of trustees may provide that no books shall be removed from said libraries, except by the judiciary, county officials, and members of the bar, without the payment of such dues as the board of trustees may ordain, and under such rules and regulations as may be by them provided.

4201. The secretary of state is hereby authorized and directed to transmit to the county clerk of each county of the state, for the use of said library, a copy of each and every publication which may hereafter be made by this state, and especially a copy of each report of the decisions of the supreme court, district courts of appeal, and of the statutes of this state; and also a copy of all such reports and statutes heretofore published.

4202. The librarian of the supreme court library is hereby authorized and directed to distribute among the law libraries herein provided for such duplicates of books as may be in state library, and not needed for its own purposes.

4203. Wherever a law library, and a board of trustees to govern the same, is in existence under the provisions of any law, in any county, or city and county, in this state, this article shall not be considered a repeal of any legislation under which such library is established and now governed, but shall be deemed to confer upon such library the benefits of section forty-one hundred and ninety; *provided, however*, that it shall be discretionary with the board of supervisors of any county to provide by ordinance for the application of the provisions of this article to such county.

4204. Whenever the board of supervisors in any county in this state which shall have adopted the provisions of this article and have established a law library, desire to discontinue such law library, they shall by ordinance declare their intention so to do, and shall provide in such ordinance that the books already in the library shall be transferred to and kept in the chambers of the judges of the superior court of such county; and all moneys on hand in the library fund of such county shall be by the same ordinance transferred to the school fund of such county, and the office of the board of trustees of such law library shall be abolished. After such an ordinance shall take effect, the county clerk of such county shall not collect the fees provided for in section four thousand one hundred and ninety.

CHAPTER VII.

DEPARTMENT OF EDUCATION.

- ARTICLE I. The superintendent of schools.
 II. The board of education.
 III. The schools.

ARTICLE I.

THE SUPERINTENDENT OF SCHOOLS.

Section 4208. Duties of.

4208. The superintendent of schools must perform such duties as are prescribed in Title III, Part III, of this code, and shall perform such other duties as are required by law.

ARTICLE II.

THE BOARD OF EDUCATION.

Section 4209. Duties of.

4209. The board of education shall have the powers and perform the duties prescribed by law.

ARTICLE III.

THE SCHOOLS.

Section 4210. School department, what constitutes.

4210. The school department shall comprise such public schools as are established and provided for in Chapter III, Title III, Part III, of this code.

CHAPTER VIII.

DEPARTMENT OF PUBLIC WORKS.

- ARTICLE I. The surveyor.
 II. Road commissioners.

ARTICLE I.

THE SURVEYOR.

Section 4214. Duties of.

4215. Same.
 4216. Other duties and fees of.
 4217. Must assist surveyor general, when.
 4218. Ex officio deputy recorder, when, and duties of.
 4219. Surveys of county roads by.
 4220. Other duties of.
 4221. Courses to be run by true meridian; variation to be noted.

4214. The surveyor must be a licensed land surveyor of the state, and must make every survey that may be required by order of court or of the board of supervisors, or upon application of any person; keep a correct and fair record of all surveys made by him, number them in the order made, and preserve a copy of the field notes and calculations of each survey, and endorse thereon its proper number; a copy of the same, and a fair and accurate plat, together with a certificate of survey, must, upon application, be furnished by him to any person, upon payment of the fees allowed by law.

4215. Any person owning or claiming lands which are divided by county lines, and wishing to have the same surveyed, may apply to the surveyor of any county in which any part of such land is situated, and on such application being made, the surveyor must make the survey, which is as valid as though the lands were situated entirely within the county.

4216. When land, the title to which is in dispute before any court, is divided by a county line, the court making an order of survey may direct the order to the surveyor of any county in which any part of the land is situated. In all surveys the courses must be expressed according to the true meridian, and the variation of the magnetic meridian from the true meridian must be expressed on the plat, with the date of the survey.

4217. The surveyor must, when required, aid and assist the surveyor general in making surveys within the county. When the surveyor is interested in any land, the title to which is in dispute, and a survey thereof is necessary, the court must direct the survey to be made by some disinterested person, and the person so appointed is for that purpose authorized to administer and certify oaths. He must return such survey, verified by his affidavit annexed thereto, and receive for his services the same fees as the surveyor would be entitled to for similar service.

4218. The surveyor shall copy, plat, or trace all maps filed for record in the office of the recorder of the county for which he shall be elected, and shall be ex officio deputy recorder for said county for such purposes, at the cost of the party filing the same for record; *provided, however,* that all maps and plats filed by a licensed land surveyor, and such other maps and plats as are filed and are thereby made a record, are exempt from the provisions of this section. The surveyor

shall plat, trace, blue-print, or otherwise make all county, township, road, district, and all other maps, and all assessors' block books, for the county of which he is surveyor; *provided*, that in counties where the office of assessor has not prior to the taking effect of this title been provided with such maps and block books and the surveyor neglects and refuses to make the same, the board of supervisors may contract with other competent person or persons for the making thereof, and may provide for the payment therefor from the funds of the county. All such maps which are platted, traced, blue-printed, or otherwise made as aforesaid, shall be filed in the surveyor's office, together with all data obtained by the surveyor from other sources, and the same thereafter shall become the property of the county.

4219. The surveyor shall make such surveys of county roads, and perform such other engineering work as the board of supervisors may direct. All such maps and field notes of surveys shall be filed in the office of the surveyor, and the same shall thereafter be and remain the property of the county. It shall be the duty of the surveyor to advise the board of supervisors regarding all engineering work, and to perform such engineering work for the county as may be required by the board of supervisors.

4220. Each surveyor, immediately after making any survey, except surveys of city or town lots, must make out a copy of the field-notes and plat, and transmit the same to the surveyor general, indicating plainly upon the plat at what point of any line any river or stream or county line is touched or crossed. He must communicate to the surveyor general such information concerning surveys made by him, and other matters connected with the duties of his office, as may be required.

4221. In all surveys the courses must be expressed according to the true meridian, and the variation of the magnetic meridian from the true meridian must be expressed on the plat, with the date of the survey.

ARTICLE II.

THE ROAD COMMISSIONERS.

Section 4222. Duties of.

4222. The road commissioners must perform the duties required of them by law and the ordinances or orders of the board of supervisors.

CHAPTER IX.

DEPARTMENT OF HEALTH.

ARTICLE I. The county hospital.

II. The almshouse and county farm.

III. Health officers.

IV. Matron of county jail.

ARTICLE I.

COUNTY HOSPITAL.

Section 4223. Duties of supervisors concerning.

4223. The board of supervisors in each county may establish and maintain a county hospital, prescribe the rules for the government and management thereof, and appoint a county physician and the necessary officers and employes thereof, who shall hold office during the pleasure of the board.

ARTICLE II.

THE ALMSHOUSE AND COUNTY FARM.

Section 4224. Supervisors may establish almshouses and county farm.

4224. The supervisors may establish almshouses and county farms, prescribe the rules and regulations of the government and management of the same, and appoint the necessary officers and employes thereof, who shall hold office during the pleasure of the board.

ARTICLE III.

HEALTH OFFICERS.

Section 4225. Supervisors may appoint health officers.

4225. They may appoint in each county, a health officer, who shall be deemed an employe and not a county officer, and whose duty it shall be to enforce all orders and ordinances of the board of supervisors, pertaining to sanitary matters, and all orders, quarantine regulations, and rules prescribed by the state board of health, and all statutes relating to vital statistics. He shall give to the duties of his office such time and attention as may be necessary to secure general supervision of all matters pertaining to the health and sanitary condition of the county.

He shall be a graduate of a medical college of good standing and repute, and shall hold office for a term of one year, and receive for his services, unless in this title otherwise provided, a compensation not to exceed six hundred dollars per annum.

The board of supervisors shall adopt orders and ordinances necessary for the preservation of the public health of the county, not in conflict with general laws, and provide for the payment of all expense incurred in enforcing the same.

For any unincorporated town, when public necessity requires such action, the board of supervisors may appoint a special health officer, who shall, in such town, under the supervision of the county health officer, exercise all necessary diligence in executing the ordinances, rules, and regulations of the board of supervisors, or the state board of health, relating to health and sanitary matters. His term of office and compensation shall be fixed by the board of supervisors, and he shall receive as his compensation for services, unless in this title otherwise provided, not to exceed one hundred dollars in any one year.

ARTICLE IV.

MATRON OF THE COUNTY JAIL.

Section 4226. Sheriff to appoint matron of county jails in certain counties.

4226. Public welfare and present necessity, in the counties of the classes named in this section, requiring that in counties of the first, second, third, and fourth classes in this state there should be an official matron of the several county jails therein, to have the powers and to discharge the duties specified in this section, the office of matron of the county jail, in and for each of the counties of the classes above named, is hereby created, and the duties and powers of the matron of such several county jails shall be as follows: She shall have free access at all reasonable times to the immediate presence of all female prisoners in the county jail of which she is the matron, including the right of personal visitation and conversation with them; and, in all cases of searching the person of female prisoners in such jail, the matron exclusively shall make such search; and the matron shall by example, advice, and admonition employ her best abilities to secure and promote the health, welfare, and reformation of all such prisoners. The term of office of such matron shall be two years from her appointment and qualification and until her successor is appointed and qualified. The sheriff of each county (of the classes above named) is hereby authorized and empowered to appoint, and the board of supervisors to provide for the payment of the compensation of, a matron of the county jail of the county of which they are such board, and to specify the conditions, and fix the amount of the matron's official bond, to be approved by such board. The monthly compensation of such matron in the several counties of the classes above mentioned (regulated hereby in proportion to the duties to be discharged) shall be as follows, payable monthly: In counties of the first class, seventy-five dollars; in counties of the second class, seventy-five dollars; in counties of the third class, seventy-five dollars; in counties of the fourth class, seventy-five dollars. No officer, deputy, jailer, keeper, guard, or person having charge or control of any such county jail shall refuse the duly appointed and qualified matron thereof free access at all reasonable times to the immediate presence of all female prisoners therein, including the right of visitation and conversation with them, or in such jail allow the searching of the person of a female prisoner to be made except by the matron of such jail, or obstruct the performance by the matron of her official duties in such jail.

Also:

Amend by striking out of the printed bill, as amended in the Senate, on pages 262 to 281, inclusive, the whole of Sections 4288 to 4325, inclusive, of the body of the bill, and inserting in lieu thereof the following:

4288. The salaries of such officers named in this title as are entitled to salaries shall be paid monthly out of the county treasury; and it shall be the duty of the auditor, on the first Monday of each and every month, to draw his warrant upon the treasurer in favor of each of said officers for the amount of salary due him under the provisions of this title for the preceding month; except that, unless in this title otherwise provided, one half of the annual salary of the assessor shall be paid to him in equal monthly installments for the months of March, April, May, and June, and one half in equal monthly installments for the remaining eight months of the year. The treasurer shall pay said warrants, on presentation, out of the salary fund of the county treasury.

4289. The auditor shall not draw his warrant for the salary of any such officer for any month until the latter shall first have presented him with the certificate of the treasurer, showing that he has made the statement and settlement for that month required in this title.

4290. The salaries and fees provided in this title shall be in full compensation for all services of every kind and description rendered by the officers named in this title either as officers or ex officio officers, their deputies and assistants, unless in this title otherwise provided, and all deputies employed shall be paid by their principals

out of the salaries provided in this title, unless in this title otherwise provided; *provided*, and except that the assessor shall be entitled to receive and retain for his own use, unless in this title otherwise provided, six per cent on personal property tax collected by him, as authorized by section thirty-eight hundred and twenty, and fifteen per cent of all amounts collected by him for poll taxes, and road poll taxes, and also five dollars per hundred names of persons returned by him as subject to military duty, as provided in section nineteen hundred and one, and the license collector shall be entitled to receive and retain for his own use ten per cent on all licenses collected by him, except where otherwise provided in this title; *provided*, *however*, that in counties and cities and counties of the first and second class, the assessor shall receive no commission for the collection of taxes on personal property, nor shall such assessor receive any compensation for making out military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one; nor shall the license collector in cities and counties of the first and counties of the second class receive any commission on licenses collected by him; *provided*, *further*, that the treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him, and *provided* *further*, that whenever the treasurer of any county shall employ a special attorney for the collection of such taxes said attorney shall be paid out of the commissions and fees allowed by law for the collection of such taxes; *provided* that in any county where the number of judges of the superior court shall have been increased since the first day of January, eighteen hundred and ninety-seven, or shall hereafter be increased, there must be and there hereby is allowed to the sheriff of such county, by reason of such increase, one additional deputy, to be appointed by the sheriff, at a salary not exceeding twelve hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid; and also there must be and is hereby allowed to the county clerk of such county, one additional deputy to act as courtroom clerk, for each judge so appointed or elected, at a salary not exceeding twelve hundred dollars per annum for each of said deputies, to be paid at the same time and in the same manner as county officers are paid. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business, and for boarding prisoners in the county jail; *provided* that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this title; *provided*, *further*, that the sheriff shall be entitled to receive and retain for his own use, five dollars per diem for conveying prisoners to and from the state prisons, and for conveying persons to and from the insane asylums, or other state institutions not otherwise provided for by law; also, all expenses necessarily incurred in conveying insane persons to and from the insane asylums, and in conveying persons to and from the state prisons, or other state institutions, which per diem and expenses shall be allowed by the board of examiners and collected from the state. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or executions, to be paid out of the fees collected in the action. The sheriff may retain for his own use the mileage for service of papers or process issued by any court of the state, *provided* *further* that the county treasurers of the several counties of this state, where their necessary expense incurred in the making of the state settlements provided for by section thirty-eight hundred and sixty-six, shall exceed the maximum amount of mileage allowed them by section thirty-eight hundred and seventy-six, shall be allowed out of the county treasury of their respective counties, the amount of such excess, which shall be paid as other demands against the county are paid.

4291. The salaries of officers must be paid monthly from the county salary fund of the treasury, on the warrant of the auditor.

ARTICLE LIX.

REGULATIONS CONCERNING FEES.

- Section 4292. Fees to be paid into county treasury.
 4293. Fee book.
 4294. Statement of fees.
 4295. Official services and fees.
 4296. Account and receipt for fees.
 4297. No fees on habeas corpus.

4292. All salaried officers of the several counties and townships of this state shall charge and collect for the use of their respective counties, and pay into the county treasury, on the first Monday in each month, the fees now or hereafter allowed by law in all cases, except where such fees, or a percentage thereof, is allowed such officers, and excepting also such fees as are a charge against the county.

4293. Each of the officers authorized to receive fees under the provisions of this title must keep a fee book, open to the public inspection during office hours, in which must be entered, at once and in detail, all fees or compensation, of whatever nature, kind, or description, collected or chargeable. On the first Monday of each and every month, the officer must add up each column in his book to the first day of the

month, and set down the totals. On the expiration of the term of such officer, he must deliver all fee books kept by him to the county auditor.

4294. The fees and compensation collected and chargeable for the county in each month shall be paid to the treasurer on the first Monday in the following month, and must be accompanied by a statement of the aggregate amount thereof, as shown by the fee book, duly verified by the officer making such payment. The affidavit shall be in the following form: "I, A. B., County Clerk (or other officer, as the case may be), do swear that the fee book in my office contains a true statement in detail of all fees and compensation of every kind and nature for official services rendered by me, my deputies and assistants, for the month of —, A. D. —, and that said fee book shows the full amount received or chargeable in said month, and since my last monthly payment; and neither myself, nor to my knowledge or belief, any of my deputies or assistants have rendered any official service, except for the county, which is not fully set out in said fee book, and that the foregoing statement thereof is true and correct."

The treasurer shall file and preserve in his office said statements and affidavit.

4295. The officers mentioned in this title are not in any case, except for the state or county, or a public board or body acting in behalf of the state, to perform any official services, unless upon the prepayment of fees prescribed for such services, except in proceedings upon habeas corpus, and on such payment the officer must perform the services required. For every failure or refusal to perform official duty when the fees are tendered, the officer is liable on his official bond.

4296. Every officer upon receiving any fees for official duty or service, may be required by the person paying the same to make out, in writing, and deliver to such person a particular account of such fees, specifying for what they, respectively, accrued, and shall receipt the same; and if he refuse or neglect to do so when required, he shall be liable to the party paying the same in treble the amount so paid.

4297. No fee or compensation of any kind must be charged or received by any officer for duties performed or services rendered in proceedings upon habeas corpus, nor for administering or certifying the oath of office, nor fees or other compensation shall be paid for service rendered in an affidavit or application relating to the securing of a pension or the payment of a pension voucher, or any matter relating thereto, nor filing nor swearing to any claim or demand against any county in this state.

ARTICLE LX.

FEEES OF OFFICERS.

Section 4300. Fees of county, township and other officers.

4300a. County clerk's fees.

4300b. Sheriff's fees.

4300c. Recorder's fees.

4300d. Constables' and marshals' fees.

4300e. Justices' of the peace fees.

4300f. Jurors' fees.

4300g. Witness' fees.

4300h. Coroner's fees.

4300i. Public administrator's fees.

4300j. Surveyor's fees.

4300k. Fees in civil cases, in advance.

4301. Fees not to be charged when.

4302. Same.

4300. The following county, township, and other officers shall charge and collect the following fees:

4300a. *County Clerk.*

On the commencement of any action or proceeding in the superior court, except probate proceedings, or on an appeal thereto, to be paid by the party commencing such action or proceeding, or taking such appeal, five dollars.

On the filing of a petition for letters of administration, testamentary, or guardianship, five dollars, to be paid by the petitioner.

On filing the petition to contest any will or codicil, three dollars.

On the appearance of any defendant, or any number of defendants answering jointly, to be paid upon filing the first paper in the action by him or them, two dollars.

On placing any action, excepting a probate proceeding or default case, on the calendar for trial or hearing, to be paid by the party at whose request such action or proceeding is so placed, two dollars.

For every additional defendant appearing separately, one dollar.

The foregoing fees shall be in full for all services rendered by such clerk in the cause, and including the making up of the judgment roll.

On the filing of any notice of motion to move for a new trial of any civil action or proceeding, the party filing same shall pay to the clerk, in full for all services to be rendered in connection with said motion, except as hereinafter in this section provided, two dollars.

For issuing an execution or order of sale in any action, one dollar.

In all proceedings begun or acts performed prior to this section becoming a law, such fees and charges as were provided by law at the time such proceedings were begun or acts performed.

The clerk shall also charge and collect the following fees and compensation not above provided for:

For any copy of any record, proceeding, or paper on file in the office of the clerk relating to any civil action pending in said court, when such copy is made by him, per folio, ten cents.

For each certificate of the clerk, under the seal of the court, twenty-five cents.

For filing each claim in probate or insolvency proceedings, fifteen cents.

No fees shall be allowed or charged by the clerk for services rendered in any criminal case.

For services rendered by the clerk, not in connection with civil actions or proceedings in court, he shall charge and collect, for the benefit of the county, the following fees:

For issuing marriage license, one half to be paid to the county recorder, two dollars.

For filing and indexing articles of incorporation, one dollar.

For filing and indexing certificates of co-partnership, one dollar.

For filing and indexing all papers to be kept by him, other than papers filed in actions or proceedings in court, and official bonds and certificates of appointment, each, twenty-five cents.

For issuing any license required by law, other than marriage licenses, one dollar.

For examining and certifying to a copy of any paper, record or proceedings prepared by another, and presented for his certificate, fifty cents, and one cent per folio for comparing the said copy with the original.

For making satisfaction of or credit on judgment, twenty-five cents.

For receiving and filing remittitur from supreme court, fifty cents.

For administering each oath, without certificate, except in a pending action or proceeding, ten cents.

For taking any affidavit, except in criminal cases, twenty-five cents.

For taking and approving each undertaking, and the justification thereof, except in criminal cases, fifty cents.

For searching records or files, for each year, fifty cents.

For taking acknowledgment of any deed or other instrument, including the certificate, fifty cents.

For filing notices of appeal and appeal bonds, each, twenty-five cents.

4300b. Sheriff.

For serving any process, writ, order, or paper, except as in this section provided, required by law to be served by the sheriff, fifty cents.

For serving a writ of attachment, execution, or order for the delivery of personal property, one dollar.

For taking any bond or undertaking, fifty cents.

For serving an attachment or execution on any ship, boat, or vessel, three dollars.

For keeping and caring for property under attachment or execution, such sum as the court may fix; *provided*, that no greater sum than three dollars per day shall be allowed to a keeper when necessarily employed.

For a copy of any writ, process, or paper actually made by him, when required or demanded according to law, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For advertising sale of property and posting notice, exclusive of cost of publication, or furnishing notice for publication, each, fifty cents.

For publication of notice in newspaper, the reasonable cost of publication, subject to the approval of the court.

For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupant, one dollar and fifty cents.

For subpoenaing witnesses, including copy of subpoena, each, twenty-five cents.

For summoning trial jury of twelve or less, two dollars; for each additional juror, ten cents.

For traveling in the service of any paper required by law to be served, for each mile actually and necessarily traveled, one way only, fifteen cents, when such travel can be made by rail; in other cases, twenty-five cents. No constructive mileage to be allowed.

For collecting money on execution, with or without levy, one per cent on the first thousand dollars or less, and one half of one per cent on all sums over one thousand dollars.

For executing and delivering sheriff's deed, one dollar and fifty cents.

For executing and delivering certificate of sale, fifty cents.

For transporting prisoners to the county jail, the actual cost of such transportation.

For executing and delivering any other instrument, ten cents per folio.

4300c. Recorder.

For recording every instrument, paper, or notice required by law to be recorded, per folio, ten cents.

For indexing every instrument, paper, or notice, for each name, ten cents.

For filing every instrument for record, and making the necessary entries thereon, twenty cents.

For each certificate under seal, twenty-five cents.

For every entry of discharge, credit, or release on the margin of record, and indexing same, twenty-five cents.

For searching the records of his office, for each year, fifty cents.

For abstract of title, for each conveyance or incumbrance, twenty-five cents.

For recording each map or plat where the same is copied in a book of record, for each course, ten cents.

For recording every map or plat where the same is not copied in a book of record, fifty cents.

For figures or letters on maps or plats, per folio, ten cents: *provided*, that the fees for recording any map shall not exceed fifty dollars.

For taking acknowledgment of any instrument, fifty cents.

For recording marriage license, and certificate, to be paid by the county clerk, one dollar.

For recording transcript and all services in estray cases, one dollar.

For recording each mark or brand, fifty cents.

For administering each oath and affirmation, and certifying the same, twenty-five cents.

For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents.

The clerk, sheriff and recorder shall account for all fees in this and the two preceding sections provided for, and the clerk, sheriff, and recorder, unless otherwise provided by law, shall pay the same to the treasurer on the first Monday of the month following their collection, as provided in article fifty-nine of this chapter.

4300d. Constables and Marshals, except as in this article otherwise provided.

For each copy of summons for service, when made by him, twenty five cents.

For levying writ of attachment or execution, or executing order of arrest or for the delivery of personal property, one dollar.

For serving writ of attachment or execution on any ship, boat, or vessel, three dollars.

For keeping personal property, such sum as the court may order; but no more than two dollars per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, fifty cents.

For copies of writs and other papers, except summons, complaint and subpoenas, per folio, ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for such copies.

For serving any writ, notice, or order, except summons, complaint, or subpoenas, for each person served, fifty cents.

For writing and posting each notice of sale of property, twenty-five cents.

For furnishing notice of publication, twenty-five cents.

For serving subpoenas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one half per cent.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering constable's deed, one dollar and fifty cents.

For each mile actually traveled within his township in the service of any writ, order or paper, except a warrant of arrest, in going only, per mile, twenty-five cents.

For traveling outside of his township to serve such writ, order, or paper, in going only, fifteen cents; *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage allowed.

For each mile necessarily traveled within his county in executing a warrant of arrest, both in going and returning from place of arrest, fifteen cents.

For each mile traveled out of his county, both going and returning from place of arrest, five cents; *provided*, that for traveling in the performance of two or more official services at the same time, including the service of civil process or criminal warrants, or transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged.

For executing a search warrant, such fees and mileage as may be allowed for executing warrant of arrest.

For arresting prisoner and bringing him into court or jail, one dollar.

For summoning a jury, two dollars, including mileage.

For transporting prisoners to and from the county jail, the actual cost of such transportation.

4300e. Justices of the Peace, except as in this title otherwise provided.

For all services to be performed by him before trial, in a civil action, two dollars; and for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution

thereon, three dollars; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, two dollars.

For all services in a criminal action or proceeding, whether on examination or trial, three dollars.

For taking bail after commitment by another magistrate, fifty cents.

For certificate and transmitting transcript and papers on appeal, one dollar.

For copies of papers on docket, per folio, ten cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For celebrating a marriage, and returning a certificate thereof to the county recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For administering an oath, and certifying the same, twenty-five cents.

For issuing a commission to take testimony, fifty cents.

For all services connected with the posting of estrays, one dollar.

In cases before a justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive one dollar; and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

For performing the duties of coroner, when the coroner fails to act, the same fees and mileage as are allowed the coroner in like cases.

For issuing each process, writ, order, or paper required by law to be issued not otherwise in this article provided for, twenty-five cents.

For administering oath or affirmation not otherwise in this article provided for, ten cents.

For each certificate or affidavit not otherwise in this article provided for, twenty-five cents.

For taking an approving bond or undertaking, including the justification of sureties, fifty cents.

4300f. Jurors' fees, except as in this title otherwise provided:

For attending as a grand juror or juror in the superior court, for each day's attendance, per day, two dollars.

For attending justice's court, for each juror sworn to try the cause, per day, in civil cases only, two dollars.

For each mile actually traveled in attending court as a juror, except in criminal cases in justice's court, for which no allowance shall be made, in going only, per mile, fifteen cents.

4300g. Witness' fees, except as in this title otherwise provided:

For each day's actual attendance, when legally required to attend upon the superior court, per day, two dollars in civil cases, and one dollar and fifty cents in criminal cases.

Mileage actually traveled, one way only, per mile, ten cents; *provided, however*, that in criminal cases, such per diem and mileage shall only be allowed upon a showing to the court, by the witness, that the same are necessary for the expenses of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

For each day's attendance upon a justice's court, in civil cases only, when legally required to attend, per day, one dollar.

For each mile actually traveled, in civil cases only, in a justice's court, in going only, ten cents.

Witnesses in civil cases may demand the payment of their mileage and fees for one day in advance, and when so demanded shall not be compelled to attend until the same shall have been paid.

4300h. Coroner.

Coroners may, for their own use, except as in this title otherwise provided, collect the following fees, and no others:

For general services in holding an inquest, ten dollars.

For each witness subpoenaed, twenty-five cents.

For each mile necessarily traveled in going to the place of the inquest, twenty-five cents.

For directing or attending the interment of each body upon which an inquest has been held, two dollars; which fees shall be all that he shall be entitled to charge.

When acting as or in the place of the sheriff, the same fees as are allowed the sheriff for like services.

4300i. Public Administrator.

Such fees as are now or may hereafter be allowed by law.

4300j. Surveyor.

Such fees as are now or may hereafter be allowed by law.

4300k. County officers must, and township officers may, demand the payment of all fees in civil cases, in advance.

4301. No fees or compensation shall be paid for filing the statement and affidavit of a committee or candidate voted for at any public election held within the state; nor for filing, or swearing to any claim or demand against the county.

4302. No fees or other compensation shall be charged by any county clerk for taking and certifying affidavits for pension claimants, or for the payment of a pension voucher, or any matters relating thereto under the laws of the United States.

ARTICLE LXI.

THE SALARY FUND.

Section 4305. Salary fund.

4305. For the purpose of paying the salaries provided for in this title, all fees directed to be paid into the county treasury shall be set apart therein as a separate fund, to be known as the salary fund, to be applied to the payment of said salaries. Should the amount received from such source be insufficient, it shall be the duty of the treasurer from time to time to transfer to said fund from the general fund of the county such sums as may be necessary to pay said salaries as they become due.

CHAPTER XI.

OTHER COUNTY CHARGES.

Section 4307. What constitute.

4308. Cost of criminal action on removal.

4309. Same, how certified and paid.

4307. The following are county charges:

1. Charges incurred against the county by virtue of any of the provisions of this title.

2. The traveling and other personal expenses of the district attorney, incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the detection of crime and prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested.

3. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail, and for other services in relation to criminal proceedings for which no specific compensation is prescribed by law.

4. The sums required by law to be paid to the grand and trial jurors and witnesses in criminal cases.

5. The accounts of the coroner of the county for such services as are not provided to be paid otherwise.

6. All charges and accounts for services rendered by any justice of the peace in the examination of trial of persons charged with crime, not otherwise provided for and allowed by law.

7. The necessary expenses incurred in the support of the county hospitals, almshouses, and the indigent sick and otherwise dependent poor, whose support is chargeable to the county.

8. The contingent expenses necessarily incurred for the use and benefit of the county.

9. Every other sum directed by law to be raised for any county purpose under the direction of the board of supervisors, or declared to be a county charge.

10. The fees of constables in criminal cases allowed by law.

4308. When a criminal action is removed before trial, the costs accruing upon such removal and trial shall be a charge against the county in which the indictment or information was found.

4309. The clerk of the county to which such action is removed shall certify the amount of costs allowed and certified by the court to the auditor of his county, and such auditor shall audit the same and draw his warrant therefor upon the treasury of the county from which such action was removed; and such auditor shall forward to said treasurer and auditor of the county from which said action was transferred, as aforesaid, a certified copy of the total amount of costs allowed by the court, giving each item as certified to him by the county clerk and the court; and the auditor receiving such certified copy of said costs allowed shall enter the same in his book as a charge against the treasury of his county; and the treasurer of the county from which said action was removed must, immediately upon presentation, pay said warrant out of the general fund of said county; or, if at the date of presentation there is not sufficient money in the said general fund to pay the same, he must indorse upon said warrant "Not paid for want of funds," and said warrant must be registered, and shall draw interest at the same rate, and be paid in the same manner, as though it had been drawn by the auditor of the county where the indictment was found.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

- Section 4312. Certain officers must have office at county seat.
 4313. Absence of county officers from State.
 4314. Who may administer oaths.
 4315. Principal includes deputy.
 4316. Officers not to practice law.
 4317. Liability of official bond.
 4318. Repayment of costs for publishing notices.
 4319. "Process" and "notice" defined.
 4320. Services performed by successor.
 4321. Inventories to be made annually by certain officers.
 4322. Supervisors must not be interested in purchases or contracts.
 4323. When majority of supervisors interested in application, same referred to superior court.
 4324. Posting of notices.
 4325. Official misconduct of supervisors, penalty for.

4312. Sheriffs, clerks, recorders, treasurers and auditors must have their offices at the county seat, in the court house, hall of records, jail or other buildings, provided by the county through the board of supervisors, and keep them open for the transaction of business continuously from nine o'clock A. M. until five o'clock P. M. every day in the year except Sundays and holidays. And the words "transaction of business" as used herein shall be construed to mean that during the said hours named there shall be present in each of said offices at least one person qualified and prepared to transact the business that may properly come into said office. The auditor shall not draw his warrant for the salary of any such officer for any month until the latter shall first have presented him with an affidavit setting forth that he has complied with the provisions of this section, and the making of a false affidavit by any of said officers shall subject the party making the same to prosecution for the crime of perjury and to be punished for the same. The affidavit required herein of the auditor shall be filed with the county clerk, and be and remain a record of the office of said clerk; and the affidavits of the other officers required herein, shall be filed with the county auditor and be and remain a record of his office; *provided*, that if any of the officers named herein are absent from their office on official business they shall be excused from attendance at their said respective offices during the time they are absent on such business; and *provided further*, that in all cases where any officer named herein has no regularly appointed deputy provided by this title and paid by the county at the same time and in the same manner that his principal is paid, he shall be permitted to close his office during the hour from twelve o'clock noon to and until one o'clock P. M. The judges of the superior court must have chambers at the county seat and must establish such rules and hours for official business as may be necessary for the dispatch thereof.

4313. A county or township officer shall in no case absent himself from the state for a period of more than sixty days in any one year, and for no period without the consent of the board of supervisors of the county, except when on business for the state; *provided*, that in case of illness or urgent necessity, the board of supervisors may, on a proper showing of such illness or urgent necessity, extend the time herein limited, for the absence of any such officer, not to exceed six months.

4314. Every officer mentioned in section four thousand and thirteen, and his deputies, and every justice of the peace, may administer and certify oaths.

4315. Whenever the official name of any principal officer is used in any law conferring power, or imposing duties or liabilities, it includes deputies.

4316. Sheriffs, clerks, and constables, and their deputies, are prohibited from practicing law, or acting as attorneys or counselors at law, in the counties where they reside and hold office, or from having as a partner a lawyer, or any one who acts as such, and no county officer, or his deputy, except district attorneys and treasurers, shall be eligible to the office of notary public, or perform the duties of the same.

4317. Whenever, except in criminal prosecutions, any special penalty, forfeiture, or liability is imposed on any officer for non-performance or mal-performance of official duties, the liability therefor attaches to the official bond of such officer, and to the principal and sureties thereon.

4318. Whenever notice is required by law to be published in a newspaper by any county or township officer, the person for whom the notice is to be given shall pay to such officer, if required, the fees for such publication, in advance. And failure to publish any notice required by law, pertaining to the duties of his office, shall be a misdemeanor.

4319. "Process," as used in this title, includes all writs, warrants, summons, and orders of courts of justice, or judicial officers. "Notice" includes all papers

and orders (except process) required to be served in any proceeding before any court, board, or officer, or when required by law to be served independently of such proceeding.

4320. It shall be the duty of all officers in this title named to complete the business of their respective offices to the time of the expiration of their respective terms; and in case any officer at the close of his term shall leave to his successor official labor to be performed, which it was his duty to perform, he shall be liable to pay to his successor the full value for such services.

4321. It shall be the duty of all county officers, including the supervisors, road commissioners, superintendents of hospitals, county farms, or almshouses to make, on or before the first day of July in each year, and file with the county clerk an inventory under oath, showing in detail all county property in their possession, or in their charge. Said inventory shall be kept of record by said county clerk. A true copy of said inventory shall be delivered by such officers to their successors in office, who must receipt therefor, which receipt shall be filed with said county clerk.

4322. No member of the board must be interested, directly or indirectly, in any property purchased for the use of the county, nor in any purchase or sale of property belonging to the county, nor in any contract made by the board, or other person, on behalf of the county, for the erection of public buildings, the opening or improvement of roads, or the building of bridges, or for any purpose or act as a member of a committee or board of reviewers.

4323. Whenever an application is made to the board for an order, franchise, or license relating to any toll road, bridge, ferry, wharf, chute, pier, or other subject over which the board has jurisdiction, in which a majority of the board are interested, the application, by order of the board, must be transferred to the superior court of the county. The clerk of the board must thereupon certify the application, and all orders and papers relating thereto, to said superior court, and thereafter the said superior court shall have full jurisdiction to hear and determine the application.

4324. All public notices of proceedings of or to be had before the board, not otherwise specially provided for, must be posted at the court-house door, and two other public places in the county.

4325. Any supervisor who refuses or neglects to perform any duty imposed on him, without just cause therefor, or who willfully violates any law provided for his government as such officer, or fraudulently or corruptly performs any duty imposed on him, or willfully, fraudulently or corruptly attempts to perform an act, as supervisor, unauthorized by law, in addition to the penalty provided in the Penal Code, forfeits to the county five hundred dollars for every such act, to be recovered on his official bond, and is further liable on his official bond, to any person injured thereby, for all damages sustained.

SEC. 2. The provisions of this Act, so far as they are substantially the same as existing statutes, must be construed as continuations thereof and not as new enactments; and nothing in this Act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

SEC. 3. This Act shall take effect immediately.

Also:

Amend by striking out of Section 1, page 89, line 96 of Section 4231 of the body of the printed amended bill, the word "eight," and inserting in lieu thereof the following: "seven."

Also:

Amend by striking out of Section 1, page 91, line 187 of Section 4231 of the body of the printed amended bill, the word "collectors," and inserting in lieu thereof the following: "collector."

Also:

Amend by striking out of Section 1, page 92, lines 212, 213, and 214 of Section 4231 of the body of the printed amended bill, the following: "provided, that nothing herein contained shall be construed as limiting the previous Sections 4307 and 4344 of the Political Code," and inserting in lieu thereof the following: "provided, however, that nothing contained in this subdivision shall be construed as limiting the provisions of section four thousand three hundred and seven."

Also:

Amend by striking out of Section 1, page 95, line 327 of Section 4231 of the body of the printed amended bill, the word "act," and inserting in lieu thereof the following: "title."

Also:

Amend by striking out of Section 1, page 95, line 333 of Section 4231 of the body of the printed amended bill, the word "other."

Also:

Amend by striking out of Section 1, page 99, lines 476 and 477 of Section 4231 of the body of the printed amended bill, the words "constable, two deputies," and inserting in lieu thereof the following: "of the four constables of each such township, one deputy."

Also:

Amend by striking out of Section 1, page 99, line 478 of Section 4231 of the body of the printed amended bill, the word "each."

Also:

Amend by inserting in Section 1 of the printed amended bill, in Section 4233 of the body thereof, on page 111, line 42, after the word "annum," the following: "one deputy recorder who shall receive a salary of twelve hundred dollars per annum."

Also, amend the printed amended bill on page 115, line 175, after the word "cases," by striking out the period and inserting the following: "provided, however, that in all such townships having a population of twenty thousand or more there shall be two township justices of the peace in and for such townships, and such justices shall be allowed a clerk to be appointed by the justices of the peace at a salary of one hundred dollars per month, payable monthly, in the same manner as salaries of county officers are paid, and shall be furnished with offices and necessary supplies by the board of supervisors."

Also:

Amend by striking out of Section 1, page 119, lines 328 and 329, of Section 4233 of the body of the bill, the words "subdivision twelve and one half of Section 25 of this Act," and inserting in lieu thereof the following: "Section four thousand and fifty-five."

Also:

Amend by striking out of Section 1, page 129, line 117 of Section 4235 of the body of the printed amended bill, the word "Act," and inserting in lieu thereof the following: "subdivision."

Also:

Amend by striking out of Section 1, page 129, line 146 of Section 4235 of the printed amended bill, the word "Act," and inserting in lieu thereof the following: "subdivision."

Also:

Amend by striking out the word "fifteen," on line 47, page 131, printed bill, and inserting in lieu thereof the following: "eighteen."

Also:

Amend by striking out of Section 1, pages 132, 133, and 134 of Section 4236 of the body of the printed amended bill, all of lines 65 to 141, inclusive, and inserting in lieu thereof the following:

13. The registered population of the several judicial townships of this county is hereby determined to be the registered vote as shown by the great register of the county in the office of the county clerk, January 1, 1907. The salaries of the constables in the several townships shall be determined by the registered voting population as shown by said register at the general election of the preceding even numbered year, and are as follows, to wit:

Judicial Township No. 1.....	356
Judicial Township No. 2.....	694
Judicial Township No. 3.....	5,796
Judicial Township No. 4.....	947
Judicial Township No. 5.....	1,043
Judicial Township No. 6.....	727
Judicial Township No. 7.....	919
Judicial Township No. 8.....	606
Judicial Township No. 9.....	353
Judicial Township No. 10.....	560
Judicial Township No. 11.....	93
Judicial Township No. 12.....	62
Judicial Township No. 13.....	437

The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid in the month of December biennially.

13a. For the purpose of regulating the compensation of the constables, townships of this class of counties are hereby classified according to the registered voting population as shown by the great register of the county. Townships having a registered voting population of five thousand and more shall belong to and be known as townships of the first class; townships having a like population of one thousand and less than five thousand shall belong to and be known as townships of the second class; townships having a like population of eight hundred and less than one thousand shall belong to and be known as townships of the third class; townships having a like population of five hundred and less than eight hundred shall belong to and be known as townships of the fourth class; townships having a like population of two hundred and fifty and less than five hundred shall belong to and be known as townships of the fifth class; townships having a like population of two hundred and fifty and less shall belong to and be known as townships of the sixth class.

13b. Justices of the peace and persons performing duties of justices of the peace shall receive the following monthly salaries to be paid each month as the county

officers are paid, and the same shall be in full compensation for all services rendered in criminal cases, and shall include their office rent, to wit:

- In townships of the first class, two hundred dollars.
- In townships of the second class, one hundred dollars.
- In townships of the third class, one hundred dollars.
- In townships of the fourth class, seventy-five dollars.
- In townships of the fifth class, sixty dollars.
- In townships of the sixth class, twenty dollars.

In addition to the monthly salaries herein allowed each justice of the peace may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions. Each justice of the peace must pay into the county treasury once a month, all fines collected by him.

14. Constables shall receive the following monthly salaries, to be paid each month as the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases, to wit:

- In townships of the first class, one hundred and twenty-five dollars.
- In townships of the second class, one hundred dollars.
- In townships of the third class, one hundred dollars.
- In townships of the fourth class, seventy-five dollars.
- In townships of the fifth class, sixty dollars.
- In townships of the sixth class, twenty dollars.

In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases; and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; *provided further*, that, where any constable is required to go out of his own county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage in going and returning outside of his own county at the rate of five cents per mile.

15. The supervisors shall receive each the sum of eighteen hundred dollars per annum, payable monthly in installments of one hundred and fifty dollars per month, in full compensation for all services rendered, either as supervisors or road overseers.

16. The salaries of all county and township officers and their deputies shall be payable in installments monthly on the first day of each month.

Also:

Amend Senate Bill No. 811 as follows, viz: Strike out the word "two," in line 6 of Section 4234 of Section 1 of the bill, on page 119 of the printed bill, and insert in lieu thereof the word "three."

Also:

Amend Senate Bill No. 811 as follows, viz: After the words "per annum," in line 7 of Section 4234 of Section 1 of the printed bill, on page 119, insert the words "one deputy to act as stenographer at a salary of twelve hundred dollars per annum."

Also:

Amend by striking out the word "two," Section 1, page 136, on line 94 of Section 4237 of the body of the printed bill, as amended in the Senate, and inserting in lieu thereof the following: "three."

Also:

Amend by inserting after the word "recording," on line 25, page 140, printed bill, the following: "and five cents for each name indexed."

Also:

Amend by striking out the word "five," in line 105, page 142, printed bill, and inserting in lieu thereof the following: "eight."

Also: Amend by inserting after the word "supervisors," on line 108, page 142, printed bill, the following: "There shall be allowed the surveyor, in addition, one draughtsman, to be appointed by the surveyor, which office of draughtsman is hereby created, who shall be paid a salary of twelve hundred dollars per annum; and there shall be allowed the surveyor, in addition, one clerk, to be appointed by the surveyor, which office of clerk to the surveyor is hereby created, who shall be paid a salary of nine hundred dollars per annum, said salaries to be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the surveyor is paid."

Also:

Amend by striking out of Section 1, page 149, line 5 of Section 4241 of the body of the printed amended bill, the word "ordered," and inserting in lieu thereof the following: "required by law to be made."

Also:

Amend by striking out of Section 1, page 151, line 73 of Section 4241 of the body of the printed amended bill, the word "act," and inserting in lieu thereof the following: "section."

Also:

Amend by striking out of Section 1, page 154, line 72 of Section 4242 of the body of the printed amended bill, the words "and the succeeding."

Also:

Amend by striking out of Section 1, page 156, lines 130, 131 and 132 of Section 4242 of the body of the printed amended bill, the following: "two hundred and fifteen of the County Government Act, approved eighteen hundred and ninety-seven, wherein it;" and by inserting in lieu thereof the following: "four thousand two hundred and ninety, which."

Also:

Amend by striking out the words and figures on lines 50 and 51, page 157, printed bill, as amended, and inserting in lieu thereof the following:

13. Justices of the peace, the following monthly salaries, to be paid each month, as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of five hundred and over, fifty dollars per month; in townships having a population of less than five hundred, twenty-five dollars per month. In addition to the above salaries, each justice of the peace may collect, for his own use, in civil cases, such fees as are now or may hereafter be allowed by law.

Also:

Amend by striking out the words and figures on lines 60 to 75, both inclusive, one hundred and fifty-seventh and one hundred and fifty-eighth pages, printed bill, as amended, and inserting in lieu thereof the following:

15. Constables, the following monthly salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases, except as in this subdivision provided: In townships where the population is five hundred or more, fifty dollars per month; in townships having a population of less than five hundred, twenty-five dollars per month. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law, for all services performed by him in civil actions. The constable shall also, in addition, receive three dollars per day for attending court when required to do so during the actual trial of the issues of fact of a case, or during the examination of a criminal charge before a magistrate, while the evidence is being taken, and not otherwise; *provided*, that no more than three dollars shall be charged or received for any one day; and *provided, further*, that when the constable is required to attend upon the trial of more than one civil case on the same day, his fees for attendance shall be equally apportioned to the several cases. Constables may also, by first obtaining an order of the district attorney of his county, or of a judge of the superior court of this State, employ a temporary guard for the safe keeping or protection of prisoners when necessary, and shall be entitled to collect the actual reasonable cost thereof as a county charge. Constables shall also be entitled to receive in addition to the fees and salary in this subdivision provided for, the moneys actually disbursed by them in conveying prisoners or insane persons to the county seat, and the same shall be a county charge. The population of townships shall, for the purpose of Subdivisions 13 and 15 of this section, be determined by multiplying the vote for governor cast in each township at the next preceding general State election by five.

Also:

Amend by striking out of Section 1, page 164, on line 25 of Section 4246 of the body of the printed bill, as amended in the Senate, the word "seventy-five" and inserting in lieu thereof the following: "twenty-five."

Also:

Amend by striking out of Section 1, page 173, line 154 of Section 4248 of the body of the printed amended bill, the word "three," and inserting in lieu thereof the following: "nine."

Also:

Amend by striking out of Section 1, page 174, line 6 of Section 4249 of the body of the printed amended bill, the word "ordered," and inserting in lieu thereof the following: "required by law to be made."

Also:

Amend by striking out of Section 1, page 177, line 131 of the body of Section 4249 of the printed amended bill, the word "general," and inserting in lieu thereof the following: "presidential."

Also:

Amend by inserting in Section 1, page 177, between lines 138 and 139 of Section 4249 of the printed bill, as amended in the Senate, a new paragraph, to read as follows:

The terms of office of supervisors of counties of this class elected from their respective supervisory districts at the general election held in the year 1906, are, and are hereby determined and declared to be, as follows: The term of office of supervisors elected from the first, fourth, and fifth supervisory districts expires in two years from the first Monday after the first day of January, 1907, and the term of office of the supervisors elected from the second and third supervisory districts expires in four years from the first Monday after the first day of January, 1907.

Also:

Amend by striking out of Section 1, page 178, line 5 of Section 4250 of the body of the printed amended bill, the word "ordered," and inserting in lieu thereof the following: "required by law to be made."

Also:

Amend by striking out of Section 1, page 181, line 6 of Section 4251 of the body of the printed amended bill, the word "ordered," and inserting in lieu thereof the following: "required by law to be made."

Also:

Amend by striking out of Section 1, page 186, line 7 of Section 4252 of the body of the printed amended bill, the words "is ordered," and inserting in lieu thereof the following: "of voters is required by law to be made."

Also:

Amend by striking out the words "one thousand," on line 36, one hundred and ninety-first page, printed bill, and inserting in lieu thereof the following: "eight hundred."

Also:

Amend by striking out the word "twenty-five," on line 38, one hundred and ninety-first page, printed bill, and inserting in lieu thereof the following: "ten."

Also:

Amend by striking out of Section 1, page 195, line 10 of Section 4256 of the body of the amended printed bill, the word "this," and inserting in lieu thereof the following: "his."

Also:

Amend by striking out of Section 1, page 196, line 31 of Section 4256 of the body of the printed amended bill, the word "counties," and inserting in lieu thereof the following: "in counties."

Also:

Amend by striking out of Section 1, page 201, line 7 of Section 4258 of the body of the printed amended bill, the word "ordered," and inserting in lieu thereof the following: "required by law to be made."

Also:

Amend by striking out of Section 1, page 206, line 5 of Section 4260 of the body of the printed amended bill, the word "ordered," and inserting in lieu thereof the following: "required by law to be made."

Also:

Amend by striking out of Section 1, pages 208 and 209, the whole of Subdivision 16 of Section 4260 of the body of the bill.

Also:

Amend by striking out of Section 1, page 213, line 48 of Section 4262 of the body of the printed amended bill, the word "one," and inserting in lieu thereof the following: "a."

Also:

Amend by striking out of Section 1, page 222, line 28 of Section 4265 of the body of the printed bill, as amended in the Senate, by striking out the word "twenty-five," and inserting in lieu thereof the following: "seventy-five."

Also:

Amend by striking out of Section 1, page 222, the whole of lines 40 to 47, inclusive, being the whole of Subdivisions 13, 14 and 15 of Section 4265 of the body of the bill, and inserting in lieu thereof the following:

13. Justices of the peace shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases such fees as are now or may hereafter be allowed by law.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases, such fees as are now or may hereafter be allowed by law.

Constables shall also be allowed by the board of supervisors, in criminal cases only, necessary traveling expenses, and necessary expenses of conveying criminals and persons charged with crime.

15. Each supervisor, twelve hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year. Said salary of twelve hundred dollars shall be payable monthly.

16. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by five the vote cast for governor on the sixth day of November, 1906, in each township.

Also:

Amend by striking out of Section 1, page 223, line 34 of Section 4266 of the body of the printed amended bill, the words "such general election," and inserting in lieu thereof the following: "the first Monday after the first day of January, 1907."

Also:

Amend by striking out of Section 1, page 223, lines 36 and 37 of Section 4266 of the body of the printed amended bill, the words "such general election," and inserting in lieu thereof the following: "the first Monday after the first day of January, 1907."

Also:

Amend by striking out of Section 1, page 230, line 73 of Section 4268 of the body of the printed amended bill, the word "act," and inserting in lieu thereof the following: "action."

Also:

Amend by striking out of Section 1, page 235, line 8 of Section 4270 of the body of the printed bill, as amended in the Senate, and inserting in lieu thereof the following:

3. The recorder, one thousand five hundred dollars per annum; and the said recorder may appoint one deputy recorder, which said office of deputy recorder is hereby created. The salary of such deputy recorder is hereby fixed at one thousand dollars per annum, such to be paid at the same time and in the same manner as the salary of county officers is paid.

Also:

Amend by inserting in Section 1, page 243, line 3 of Section 4275 of the body of the printed amended bill, after the word "following," the following: "compensation and."

Also:

Amend by striking out of Section 1, page 244, the whole of lines 9 to 14, inclusive, of Section 4275 of the body of the printed bill, as amended in the Senate, and inserting in lieu thereof the following:

3. The recorder, fifteen hundred dollars per annum.

4. The auditor, five hundred dollars per annum.

5. The treasurer, twelve hundred dollars per annum.

6. The tax collector, eight hundred dollars per annum, which shall be in full for all services as tax collector and license collector.

Also:

Amend by striking out of Section 1, pages 244 and 245 of Section 4275 of the body of the printed bill, as amended in the Senate, the whole of lines 26 to 48, inclusive, and inserting in lieu thereof the following:

13. Each supervisor fifty dollars per month, payable at the same time and in the same manner as other county officers are paid, and his necessary and actual expenses when attending to the business of the county by order of the board, and mileage at the rate of twenty cents per mile for traveling from his residence to the county seat to attend the sessions of the board, and mileage at the rate of twenty cents per mile one way for all actual distances traveled by him in the performance of his duties as road commissioner.

14. In counties of this class the township officers shall receive the following compensation:

In townships having a population of twenty-five hundred or more, justices of the peace and constables shall each receive a salary of thirty dollars per month.

In townships having a population of fifteen hundred and less than twenty-five hundred, the justices of the peace and constables shall each receive a salary of fifteen dollars per month.

In townships having a population of less than fifteen hundred the justices of the peace and constables shall each receive a salary of ten dollars per month.

The above named salaries shall be in full compensation for all services of the said justices of the peace and constables in criminal cases; *provided*, that in addition to the salary herein allowed each constable shall be paid out of the treasury of the county for traveling expenses outside of his township for service of a warrant of arrest or any other paper in a criminal case such fees as are now or may be hereafter allowed by law; for transporting prisoners to the county jail the actual expenses for such transportation, and his actual and necessary expenses in the keeping and caring for property seized by him under a writ of attachment or execution; *and provided further*, that justices of the peace and constables may retain for their own use, the fees which are now or may be hereafter allowed to them respectively in civil cases.

And provided further, that for the purpose of this section the population of the several townships, shall be ascertained by multiplying the number of registered voters in each township at the last general election by five.

Also:

Amend by striking out of Section 1, page 257, line 5 of Section 4283 of the body of the printed amended bill, the words "is ordered," and inserting in lieu thereof the following: "of voters is required by law to be made."

Also:

Amend by striking out of Section 1, page 258, the whole of lines 4 and 5 of Section 4284 of the body of the printed bill, as amended in the Senate, and inserting in lieu thereof the following:

1. The county clerk, nine hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the clerk a deputy, to act as clerk of the board of supervisors, who shall be appointed by the county clerk, and be paid a salary of twenty-five dollars per month; said salary to be paid by said county in monthly installments, and at the time and in the manner, and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, twelve hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed a jailor, who shall be appointed by the sheriff, and be paid a salary of twenty-five dollars per month; said salary to be paid by said county monthly, and at the time, and in the manner, and out of the same fund as the salary of the sheriff is paid.

Also:

Amend by striking out of Section 1, pages 258 and 259, the whole of lines 15 to 24, inclusive, of Section 4284 of the body of the printed bill, as amended in the Senate, and inserting in lieu thereof the following:

5. The treasurer, twelve hundred per annum.

6. The tax collector, twelve hundred dollars per annum.

7. The assessor, nine hundred per annum, and such fees as are now or may hereafter be paid to that officer.

8. The district attorney, twelve hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. Public administrator, such fees as are now or may hereafter be allowed by law.

11. Superintendent of schools, seven hundred and twenty dollars per annum.

Also:

Amend by striking out of Section 1, page 259, lines 31 to 35, inclusive, being the whole of Subdivision 15 of Section 4284 of the body of the bill, and inserting in lieu thereof the following:

15. Each member of the board of supervisors, four hundred and twenty dollars per annum, and twenty cents per mile in traveling from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the board.

Also:

Amend by striking out of Section 1, page 102, line 87 of Section 4232 of the body of the printed amended bill, the words "of the Act."

Also:

Amend by striking out of Section 1, page 103, line 147 of Section 4231 of the body of the printed amended bill, the word "twelve," and inserting in lieu thereof the following: "eighteen."

Also:

Amend by striking out of Section 1, page 107, of Section 4232 of the body of the printed amended bill, all of lines 272 to 295, inclusive, and inserting in lieu thereof the following:

9. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the following assistant, deputies and employes, who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: one assistant district attorney at a salary of three thousand dollars per annum; one chief deputy district attorney at a salary of two thousand dollars per annum; four deputy district attorneys at a salary of eighteen hundred dollars each per annum; one clerk at a salary of twelve hundred dollars per annum; two stenographers at a salary of nine hundred dollars each per annum; one detective at a salary of fifteen hundred dollars per annum, who shall assist the district attorney in the detection of crime and prosecution of criminal cases; *provided further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel when, in the judgment of said board, the interest of said county requires it. The salaries of the assistant, deputies, clerk, stenographers, detective and special counsel in this subdivision *provided* for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney.

Also:

Amend by striking out of Section 1, page 108 of Section 4232 of the body of the printed amended bill, all of lines 303 to 313 inclusive, and inserting in lieu thereof the following:

12. The superintendent of schools, four thousand dollars per annum; *provided* that in counties of this class there shall be and hereby is allowed to the superintendent of schools one assistant superintendent of schools, one chief deputy superintendent of schools, and one deputy superintendent of schools, all of whom shall be appointed by the superintendent of schools of said county, and whose salaries shall be as follows: The salary of the assistant superintendent of schools shall be one hundred and fifty dollars per month; the salary of the chief deputy superintendent of schools

shall be one hundred and twenty-five dollars per month, and that of the deputy superintendent of schools shall be one hundred and twenty-five dollars per month.

The salaries shall be paid out of the same fund and in the same manner as the salary of the superintendent of schools is paid.

Also:

Amend by striking out of Section 1, page 103, line 134 of Section 4232 of the body of the printed amended bill, the word "three," and inserting in lieu thereof the following: "two."

Also:

Amend by striking out of Section 1, page 104, line 175 of Section 4232 of the body of the printed amended bill, the word "eight," and inserting in lieu thereof the following: "six."

Also:

Amend by inserting in Section 1, page 108, after the end of line 338 of Section 4232 of the printed amended bill, the following: "at an expense of not to exceed twenty-five dollars per month."

Also:

Amend by striking out of Section 1, page 109, in line 343 of Section 4232 of the body of the printed amended bill, the words "one hundred," and inserting in lieu thereof the following: "seventy-five."

Also:

Amend by striking out of Section 1, page 109, in Section 4232 of the body of the printed amended bill, from and including the word "provided," on line 347 to and including the word "month," on line 351.

Also:

Amend by striking out of Section 1, page 109, line 367 of Section 4232 of the body of the amended printed bill, the words "one hundred," and inserting in lieu thereof the following: "ninety."

Also:

Amend by striking out of Section 1, page 109, line 370 of Section 4232 of the body of the printed amended bill, the words "one hundred," and inserting in lieu thereof the following: "eighty-five."

Also:

Amend by striking out of Section 1, pages 109 and 110, in Section 4232 of the body of the printed amended bill, from and including the word "provided," on line 376, to and including the word "month," on line 380.

Also:

Amend by striking out of Section 1, page 110, line 388 of Section 4232 of the body of the printed amended bill, the word "fifty," and inserting in lieu thereof the following: "twenty-five."

Also:

Strike out all of paragraph 14, on page 154 of the amended bill, and insert in lieu thereof the following:

14. For the purpose of regulating the compensation of justices of the peace and constables, judicial townships in this class of counties are hereby classified according to their population as follows: Townships containing a population of ten thousand or more shall belong to and be known as townships of the first class; townships containing a population of less than ten thousand and more than six thousand shall belong to and be known as townships of the second class; townships containing a population of less than six thousand and more than four thousand shall belong to and be known as townships of the third class; townships containing a population of less than four thousand and more than two thousand shall belong to and be known as townships of the fourth class; townships containing a population of less than two thousand shall belong to and be known as townships of the fifth class; the population of the several judicial townships shall be determined, for the purpose of this and the succeeding subdivision, by multiplying by five the total number of names registered as voters in such townships as shown by the complete index to great register as compiled and certified by the county clerk of said class of counties in October, A. D. 1906.

Also:

Strike out all of paragraph 15, on pages 154 and 155 of the amended bill, and insert in lieu thereof the following:

15. Justices of the peace shall receive the following salaries which shall be paid monthly in the same manner as the salaries of county officers are paid, out of the salary fund of the county, which shall be in full for all services rendered by them in criminal cases; *provided, however*, that if two justices of the peace shall be elected and qualify in any one township, then the said justices shall each receive one half of the salary therein provided for, to wit:

In townships of the first class, one hundred dollars per month; in townships of the second class, sixty-five dollars per month; in townships of the third class twenty-five dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class, five dollars per month;

In addition to the monthly salaries herein allowed, each justice may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases. Justices of the peace in the first and second classes shall be allowed their actual office rent, not to exceed the sum of fifteen dollars each for any one month;

Constables shall receive the following fees and salaries, which shall be paid monthly in the same manner as the salaries of the county officers are paid, out of the salary fund of the county, which shall be in full for all services rendered by them in criminal cases, to wit:

In townships of the first class, forty dollars per month; in townships of the second class, forty dollars per month; in townships of the third class, twenty-five dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class, five dollars per month; *provided*: that in addition to the salaries herein allowed, each constable shall be paid out of the general fund of the county, for traveling expenses outside of his own township, for the service of a warrant of arrest, or any other process in a criminal case, (where such service is in fact made), both going and returning, ten cents per mile; for each mile traveled outside of his county, both going to and returning from the place of arrest, or other service of process, five cents per mile; for transporting prisoners to the county jail, a constable shall be allowed his actual expenses each way. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases.

The roll was called, and the Assembly amendments to Senate Bill No. 811 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muentner, Price, Rambo, Reilly, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Senate Bill No. 811 ordered to enrollment.

PRESIDENT PORTER IN THE CHAIR.

At twelve o'clock and twenty-five minutes P. M., Lieutenant-Governor Warren R. Porter in the chair.

MOTION TO RECONSIDER POSTPONED AND SPECIAL ORDER SET.

In compliance with his notice given on previous day, Senator Sanford moved that the vote whereby Assembly Bill No. 794—An Act to regulate nominations of public officers in party conventions by instructing delegates thereto and limiting their powers—was refused passage, be now reconsidered.

The motion was duly seconded.

Senator Sanford moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 794 was refused passage be postponed until next legislative day, and made a special order for eleven o'clock A. M.

Motion carried.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the hour of recess was extended forty minutes.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator McKee:

WHEREAS, It has been the custom in the past for the members of the Legislature and the chief officers thereof to have their photographs taken in group, to be placed in the Blue Book; and

WHEREAS, Our beloved Chaplain, Rev. C. H. Darling, being and now is one of the honored officers of this Senate, and one who has done his duty as our Chaplain, and has faithfully cared for our spiritual welfare, and whose photograph has not been placed in the group containing photographs of the members and officers of this Senate; therefore, be it

Resolved, That we, the members of this Senate of the thirty-seventh session of the Legislature, do not consider the group of pictures complete without that of our Chaplain; and be it further

Resolved, That we, the members of this Senate of the thirty-seventh session of the Legislature of the State of California, refuse to purchase said group of pictures until the likeness of our Chaplain be placed thereon.

Resolution read.

Senator Wolfe moved, as a substitute, that the Secretary of State be requested to publish the photograph of Rev. C. H. Darling in the Blue Book as the Chaplain of the Senate.

Motion carried.

By Senator Wright:

Resolved, That 500 copies of Senate Concurrent Resolution No. 3—Relating to the harbors of the State of California—be printed for general distribution.

Resolution read and adopted.

By Senator Anthony:

Resolved, That 1000 each of the attached: "Circular letter for rifle clubs," "By-laws for government rifle clubs," and "Government rifle club application," be printed by the State Printer, and be paid for out of the Contingent Fund of the Senate.

WAR DEPARTMENT, NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, WASHINGTON.

Rifle Clubs.

The Secretary of War having approved of the plans of the National Board for the Promotion of Rifle Practice (appointed by Act of Congress) for the organization of Government Rifle Clubs throughout the country, the following information concerning same is published for the information and guidance of all concerned:

First—Twenty citizens between the ages of sixteen and forty-five in any locality may organize a club.

Second—The by-laws for such clubs as approved by the National Board and the Secretary of War are enclosed herewith.

Third—After organization the club affiliates with the National Rifle Association of America in conformity with a resolution of the National Board and approved by the Secretary of War March 23, 1904.

Fourth—The National Rifle Association presents annually to affiliated clubs a medal, mounted in a morocco case, suitably inscribed, for competition among its members, and the results of such competition are published in the annual report of the association.

Fifth—All members of affiliated clubs are eligible to compete for a National Marksman's Reserve qualification, and on qualification will be given a lapel button and listed in the War Department. Official score sheets are furnished to clubs, who may charge an entrance fee for entries to their members if they so desire.

Sixth—Under the provisions of an act of Congress approved March 3, 1905, the Secretary of War is authorized to sell, at the prices at which they are listed for the Army, upon the request of the governors of the several States and Territories, such magazine rifles belonging to the United States as are needed for the equipment of the Army and the organized militia, for the use of rifle clubs formed under regulations prepared by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War. The Secretary of War is also authorized by the same Act, in his discretion, to sell, for the use of such clubs, ammunition, ordnance stores, and equipments of the Government standard at the prices at which they are listed for the Army. Revolvers are included under ordnance stores.

Seventh—The National Board has passed regulations under which private manufacturers of rifles may make a rifle conforming to their specifications, which, when viewed and stamped by the National Rifle Association, may be used for qualifying as a National Marksman and in military matches where "ANY" military rifle is allowed. The Winchester Repeating Arms Company, New Haven, Conn., has put on the market such a rifle, which can be purchased through the National Rifle Association by affiliated clubs at a substantial reduction. The Dennison Manufacturing Company, 15 John Street, New York City, manufacturers of targets and pasters, and The Ideal Manufacturing Company, New Haven, Conn., makers of reloading tools, etc., will also give a special discount to clubs affiliated with the National Rifle Association. The Winchester Repeating Arms Manufacturing Company, New Haven, Conn., and the U. S. Cartridge Company, of Lowell, Mass., will allow to affiliated organizations of the National Rifle Association the same price for .30 caliber ammunition as is allowed to States.

The National Board for the Promotion of Rifle Practice refers for any further information to

LIEUT. ALBERT JONES,
Secretary National Rifle Association of America,
Passaic, N. J.

GOVERNMENT RIFLE CLUBS.

By-laws for Adoption by Rifle Clubs Affiliated with the National Rifle Association of America—Approved by the National Board for the Promotion of Rifle Practice and the Secretary of War.

Article I. The name of this organization shall be ——— Rifle Club (or Association).

Article II. The object of this organization shall be the encouragement of military, rifle, and pistol shooting.

Article III. Any citizen of the United States over sixteen years of age may become a member of the organization on vote of the Executive Committee, and on payment of the usual initiation fee and dues.

Article IV. The officers of the organization shall be a President, Vice-President, Secretary, Treasurer, and Executive Officer, who, acting together, shall constitute the Executive Committee. They shall be elected by a majority vote by ballot at the annual meeting of the organization, and hold office for one year or until their successors are elected.

Article V. The annual meeting of the organization shall be held on the first Saturday of January in each year. If the annual meeting shall not take place at the time fixed, it shall be held within a reasonable time thereafter, and the officers shall hold over until their successors shall have been elected. One-third of the members of the organization shall constitute a quorum for the transaction of business.

Article VI. The annual dues of the organization shall be \$——, and shall be payable on or before the first day of February in each year. No member of the organization in arrears shall be eligible to any of the benefits offered by the National Rifle Association. The initiation fee shall be \$——.

Article VII. The duties of the officers shall be such as the club members may agree upon, provided that a part of such duties shall consist of some duly authorized officer of the club making a certified list of the newly-elected officers of the organization, and a list of the members in good standing to the National Rifle Association on February first of each year.

Article VIII. The affairs of the organization shall be managed by the Executive Committee, who shall have general supervision of the affairs of the club. Meetings shall be held at any time on the call of the President, and three shall constitute a quorum.

The Secretary shall notify the members of the Executive Committee of all meetings, and shall send each member of the club notice of the annual meeting. He shall keep a true record of all meetings of the Executive Committee and of the annual meetings, have the custody of the books and papers of the club, and conduct all correspondence. All applications for membership shall be made direct to the Secretary. He shall be responsible for the collection of all fees and dues, and shall remit the same to the Treasurer, taking his proper receipt therefor.

The Treasurer shall have charge of all funds of the organization, and place the same in such bank or banks as may be approved by the Executive Committee. Such money shall only be withdrawn by check signed by the Treasurer, and for the payment of such bills as shall have been approved by the Executive Committee. He shall keep account of all his transactions and make a detailed report, with vouchers, at any meeting of the Executive Committee when requested, and an annual report to the association at its annual meeting.

The Executive Officer shall have charge of the ranges of the club, the printing of score cards, the arranging of competitions, etc., and shall turn over to the Treasurer such moneys as may be received for entrance fees, etc. No bill shall be contracted without the authorization of the Executive Committee.

Article IX. Any member whose conduct shall be decided, by a majority vote of the Executive Committee, to have been injurious to the interest or welfare of the club, shall forfeit his membership and rights, but such vote shall not be taken without giving the offender two weeks' notice of the charges against him, and affording him an opportunity of being heard in his defense. He may appeal from a decision of the committee to the club at a special meeting called for that purpose, but it shall require a two-thirds vote of those present to reverse the committee's decision.

Article X. All rifle and revolver competitions held by the club will be governed by the rules and regulations as laid down by the National Board for Promotion of Rifle Practice and approved by the Secretary of War.

Article XI. Any amendment to these by-laws must be submitted to the National Rifle Association for its approval and, if such is given, it may be presented at any meeting of the club after having been sent to each member at least ten days previously. A two-thirds vote of the members present will be necessary to pass it.

Any by-laws in addition to the above must be submitted to the National Rifle Association for approval.

By-laws of the ———

Application received ———

Approved ———

GOVERNMENT RIFLE CLUB APPLICATION.

The _____ herein makes application to the National Rifle Association of America to be enrolled as an Affiliated Organization of the Third Class Civilian.

Secretary's Certificate.

As the Secretary of the _____ Rifle Club I do hereby certify that the organization of the club was perfected at a meeting held at _____ on _____ and that the by-laws as furnished by the National Rifle Association of America, approved by the Secretary of War, March 23, 1904, were adopted; that the club has twenty members or more, a list of which is herewith appended. The officers elected are as follows:

	Address.
President
Vice-President
Secretary
Treasurer
Executive Officer

I enclose herewith fifteen dollars (\$15.00), for the membership fee and one year's dues in advance.

Date _____, Secretary.

NOTE: It is understood that there are no special obligations for war service entailed upon the members of Government Rifle Clubs.

Application for membership of _____

Class _____

Received _____

Acted on by Executive Committee _____

FIRST ENDORSEMENT—Office of Secretary Rifle Association of America, 299 Broadway, New York City.

Respectfully referred to the State Secretary for his approval.

Date _____, Secretary.

SECOND ENDORSEMENT—Office of the Secretary for the State of _____

*Respectfully referred to the Adjutant General, approved, disapproved.

Date _____

THIRD ENDORSEMENT—Office of the Adjutant General for the State of _____

*Returned to the General Secretary of the National Rifle Association of America, approved, disapproved.

Date _____, Adjutant General.

*NOTE: State Secretaries and Adjutant Generals will strike out either the word approved or disapproved as the case may be.

EXTRACTS FROM THE BY-LAWS OF THE NATIONAL ASSOCIATION OF AMERICA RELATING
TO AFFILIATED ORGANIZATIONS.

Article III

CLUB MEMBERSHIP—Any Rifle Club, or Association, Regiment, Battalion, Battery, Squadron, or separate Company, may affiliate with the Association, upon payment of the following membership fee and dues:

FIRST CLASS—*State Associations*, ten dollars membership fee and fifteen dollars annual dues; SECOND CLASS—*Regiments*, ten dollars membership fee and ten dollars annual dues; THIRD CLASS—*Rifle Clubs*, (other than state associations), *battalions, squadrons, batteries and separate military companies*, ten dollars membership fee and five dollars annual dues.

Affiliated association, club or military organization may receive the sanction, support and co-operation of the Association for any competition or meeting in which it may engage. A medal shall be given annually to each affiliated organization for competition among its members.

Application for membership shall be made to the Secretary, and by him referred to the Executive Committee, who shall vote on candidates in such way as it shall determine.

Article IV.

Relating to representation at the annual meeting for election of Directors.

Representation from affiliated organizations being as follows:

First class, or state associations, 6; second class, or regiments, 4; third class, or rifle clubs, (other than state associations), battalions, squadrons, batteries, and separate military companies, 2.

Delegates to be provided with proper credentials from the organization which they represent, and be authorized, if desired, to cast the total number of votes to which their organization is entitled.

Resolution read, and referred to Committee on Contingent Expenses.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as amended Senate Bill No. 416—An Act to repeal Sections 288, 289, 290, 291, 292, 293, 294, and 295 of the Political Code, all relating to the contesting of elections.

Also: Senate Bill No. 201—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110a, requiring notice to be given to the real parties in interest in certain proceedings.

Also: Senate Bill No. 205—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties.

Also: Senate Bill No. 319—An Act to amend Sections 539, 553, 554, and 555 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Also: Senate Bill No. 328—An Act to amend Sections 656, 658, 659, 660, 661, and to renumber and amend Sections 663½ of the Code of Civil Procedure, all relating to new trials.

Also: Senate Bill No. 924—An Act to add a new article to Chapter I, of Title III, of Part III of the Political Code, to be known as Article VII, relating to education.

Also: Senate Bill No. 357—An Act to amend Section 1239 of the Penal Code, relating to the time in which appeals may be taken in criminal actions.

Also: Senate Bill No. 219—An Act to amend Section 700 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 700a, both relating to execution sales.

Also: Senate Bill No. 303—An Act to repeal Sections 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, and 79 of the Code of Civil Procedure, all relating to courts of justice.

Also: Senate Bill No. 318—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Also: Senate Bill No. 214—An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property.

Also: Senate Bill No. 925—An Act to add a new chapter to Title V, of Part III of the Political Code, to be known as Chapter IIa, relating to the support and maintenance of orphans, half orphans, and abandoned children.

Also: Senate Bill No. 926—An Act to add a new chapter to Title V, of Part III of the Political Code, to be known as Chapter IVa, relating to the State Commissioner of Horticulture, prescribing the powers, duties, and compensation of the State Commissioner of Horticulture, and providing methods, means, and penalties for the enforcement of such powers and duties.

Also: Senate Bill No. 927—An Act to add a new chapter to Title V, of Part III of the Political Code, to be known as Chapter IVb, relating to the promotion of the horticultural interests of the State, by providing for county boards of horticulture.

Also: Senate Bill No. 212—An Act to amend Sections 832, 836, 845, 848, 855, 859, 866, 867, 887, 892, 893, 895, 905, and 906 of the Code of Civil Procedure, and to repeal Section 837 thereof, all relating to civil action in justices' courts.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 416?"

Amend by inserting after the figures "291," on line 1, Section 1, first page, printed bill, the following: the figures "292," followed by a comma.

The roll was called, and the Assembly amendment to Senate Bill No. 416 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McArthur, McKee, Miller, Munter, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

Senate Bill No. 416 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 201?"

Amend by striking out the word "Section," on line 4, Section 1, first page, printed bill

The roll was called, and the Assembly amendment to Senate Bill No. 201 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Senate Bill No. 201 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 205?"

Amend by striking out the words "one of such sureties," on line 18, Section 1, second page, printed bill, and inserting in lieu thereof the following: "sole surety on such bond."

The roll was called, and the Assembly amendment to Senate Bill No. 205 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

NOES—None.

Senate Bill No. 205 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 319?"

Amend by inserting after the word "judge," on line 21, Section 1, second page, printed bill, the following: "or county clerk."

Also: Amend by inserting after the word "judge," on line 24, Section 1, second page, printed bill, the following: "or clerk."

The roll was called, and the Assembly amendments to Senate Bill No. 319 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Senate Bill No. 319 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 328?"

Amend by striking out the word "reference," on line 46, Section 2, third page, printed bill, and inserting in lieu thereof the following: "referee."

Also: Amend by inserting after the word "shall," on line 69, Section 2, third page, printed bill, the following: "then."

Also: Amend by striking out the word "or," on line 6, Section 3, fourth page, printed bill, and inserting after the word "exceptions," on said line, the words "or statements."

The roll was called, and the Assembly amendments to Senate Bill No. 328 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Senate Bill No. 328 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 924?"

Amend by striking out the word "education," on line 4 of the title of the Act, first page, printed bill, and inserting in lieu thereof the following: "Hastings College of Law."

Also: Amend by inserting on line 5, Section 1478 of the body of the bill, second page, printed bill, before the word "directors," the following: "board of."

Also: Amend by inserting on line 3, Section 1483 of the body of the bill, second page, printed bill, after the word "justice," the following: "of the Supreme Court."

The roll was called, and the Assembly amendments to Senate Bill No. 924 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Senate Bill No. 924 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 357?"

Amend by striking out the word "Section," on line 3, Section 1, first page, printed bill

Also: Amend by striking out the word "thirty," on line 5, Section 1, first page, printed bill, and inserting in lieu thereof the following: "sixty."

The roll was called, and the Assembly amendments to Senate Bill No. 357 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Senate Bill No. 357 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 219?"

Amend by striking out the words "then on," on line 12, Section 1, first page, printed bill, and inserting in lieu thereof the following: "The purchaser is substituted to and acquires all the right, title, interest and claim of the judgment debtor on or at any time after."

The roll was called, and the Assembly amendment to Senate Bill No. 219 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Senate Bill No. 219 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 303?"

Amend by striking out the word "thirty-five," in line 1, Section 1, first page, printed bill.

Also: Amend by striking out the word "forty-one," at the end of line 2 and the beginning of line 3, Section 1, first page, printed bill.

Also: Amend by striking out the word "forty five," on line 3, Section 1, first page, printed bill.

Also: Amend by striking out the words "forty-seven, forty-eight," on line 4, Section 1, first page, printed bill.

Also: Amend by striking out the word "fifty-three," on line 5, Section 1, first page, printed bill.

Also: Amend by striking out the words "sixty-nine" and "seventy-two," on line 6, Section 1, first page, printed bill.

Also: Amend by striking out the word "thirty-five," in line 2; the words "forty-one" and "forty-five," in line 4; the words "forty-seven" and "forty-eight," in line 5; the word "fifty-three," in line 6; the word "sixty-nine," in line 7; and the word "seventy-two," in line 8, of the title to the printed bill.

The roll was called, and the Assembly amendments to Senate Bill No. 303 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.
 NOES—None.

Senate Bill No. 303 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 318?"

Amend by striking out all of Section 5, beginning with the figures "530," on line 3, third page, printed bill, down to and including the word "provided," in line 20 of Section 5, on page 4 of printed bill, and inserting in lieu thereof the following:

530. If the court or judge deem it proper that the person sought to be enjoined should be heard before granting the injunction, an order may be made requiring cause to be shown at a specified time and place why the injunction should not be granted, and the defendant may, in the meantime, be restrained. In all actions which may be hereafter brought when an injunction or restraining order may be applied for to prevent the diversion, diminution, or increase of the flow of water in its natural channels to the ordinary flow to which the plaintiff claims to be entitled, the court shall first require due notice of the application to be served upon the defendant, and, upon the hearing thereof, if it be made to appear to the court that plaintiff is entitled to the injunction, but that the issuance thereof pending the litigation will entail great damage upon defendant, and that plaintiff will not be greatly damaged by the acts complained of pending the litigation, and can be fully compensated for such damages as he may suffer, the court may refuse the injunction upon the defendant fixing a bond such as is provided.

The roll was called, and the Assembly amendment to Senate Bill No. 318 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.
 NOES—None.

Senate Bill No. 318 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 214?"

Amend by striking out the whole of Sections 1 and 4 of the bill, and renumbering the remaining sections accordingly.

Also: Amend by striking out of the title, in lines 3 and 4 of the title, the words "seven hundred and fifty-seven."

Also: Amend by striking out of the title, page 1, in line 2 of the title, the words "seven hundred and fifty-two."

The roll was called, and the Assembly amendments to Senate Bill No. 214 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.
 NOES—None.

Senate Bill No. 214 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 925?"

Amend by striking out of Section 1, pages 4 and 5, the whole of lines 1 to 18 inclusive, being the whole of Section 2290 of the body of the bill, and inserting in lieu thereof the following:

2290. The provisions herein made for the support of orphans, half orphans, and abandoned children, shall be held to include foundlings, and other dependent illegitimate infants who may have been or shall become dependent upon any regularly established foundling asylum, without regard to the time in which such infants have been dependent upon such institutions; and the relief herein provided shall be given for any fraction of a year, pro rata; *provided, also*, that the limitation of twenty inmates, mentioned in section twenty-two hundred and eighty-nine, shall, in relation to said foundling asylum, be construed to mean not less than twenty admissions in the course of each year; *and, provided further*, that for each abandoned or dependent illegitimate infant who now is or shall become dependent upon such foundling asylum, there shall be paid by the State the sum of twelve dollars and fifty cents per month from the time it becomes dependent upon such institution until such infant's decease, or until it become adopted, or reach the age of eighteen months, after which age such asylum shall receive the same sum for such infants as allowed for full orphans."

The roll was called, and the Assembly amendment to Senate Bill No. 925 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—32

NOES—None.

Senate Bill No. 925 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 926?"

Amend by striking out of Section 1, page 1, in the chapter heading, the word "clerk," and inserting in lieu thereof the following: "secretary."

Also: Amend by inserting in Section 1, page 3, Section 2319, line 39, after the word "dollars," the following: "per."

Also: Amend by striking out of Section 1, page 6, in Section 2319d, line 20, the words "no danger to the," and inserting in lieu thereof the following: "any danger to the interests."

Also: Amend by striking out of Section 1, page 7, in Section 2319f, line 12, the following: "after the passage of this Act."

Also: Amend by striking out of Section 1, page 8, in Section 2319j, line 5, the word "clerk," and inserting in lieu thereof the following: "secretary."

Also: Amend by striking out of Section 1, page 6 of the printed bill, in Section 2319e, lines 11 and 12, the words "to most effectively and speedily accomplish the purposes of this Act," and inserting in lieu thereof the following: "most effectively and speedily to accomplish the purposes of this chapter."

The roll was called, and the Assembly amendments to Senate Bill No. 926 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Senate Bill No. 926 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 927?"

Amend by inserting in Section 1, page 4 of the printed bill, in Section 2322a, line 64, after the word "vested," the following: "with."

Also: Amend by striking out Section 1, page 2, line 11, of Section 2322 of the body of the bill, the word "commissioner," and inserting in lieu thereof the following: "commission."

Also: Amend by striking out of Section 1, page 2, lines 8 and 9 of Section 2322 of the body of the bill, the word "salooli-kali," and inserting in lieu thereof the following: "salsoli-kali."

The roll was called, and the Assembly amendments to Senate Bill No. 927 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Senate Bill No. 927 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 212?"

Amend by striking out the words "He must issue a notice stating when and where the," on line 14, and all of lines 15 and 16, Section 2, third page, printed bill.

The roll was called, and the Assembly amendment to Senate Bill No. 212 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Senate Bill No. 212 ordered to enrollment.

SUSPENSION OF RULES.

Senator Bell moved that the rule, heretofore adopted this day, limiting the consideration of Senate bills to the period prior to five o'clock P. M. on March 9, 1907, be temporarily suspended in favor of Senator Caminetti, to enable him to call up for consideration Senate Constitutional Amendment No. 17.

Motion carried.

SENATE CONSTITUTIONAL AMENDMENT No. 17.

Amending section thirty-one (31) of Article four (IV) of the Constitution, relative to the granting of aid to certain counties.

The Legislature of the State of California, at its thirty-seventh session, commencing January seventh, nineteen hundred and seven, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby propose that section thirty-one (31) of article four (IV) of the Constitution of the State of California be amended so as to read as follows:

Section 31. The Legislature shall have no power to give or lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township, or other political corporation or subdivision of the State now existing, or that may hereafter be established, in aid of or to any person, association or corporation, whether municipal or otherwise, or to pledge the credit thereof in any manner whatever, for the payment of the liabilities of any individual, association, municipal, or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value, to any individual, municipal, or other corporation whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 22 of this article, or as may be prescribed by law to a county having a population of less than one thousand (1,000); and it shall not have power to authorize the State or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever.

Constitutional amendment read.

The question being on the adoption of the Senate Constitutional Amendment.

The roll was called, and Senate Constitutional Amendment No. 17 adopted by the following vote:

AYES—Senators Anderson, Anthony, Black, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Muentner, Price, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Constitutional amendment ordered transmitted to the Assembly.

RECESS.

At one o'clock and ten minutes P. M., on motion of Senator Leavitt, the President declared the Senate in recess until three o'clock P. M.

RECONVENED.

At three o'clock P. M. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 10, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That one thousand each of the attached: "Circular letter to rifle clubs," "By-laws for government rifle clubs," "Government rifle club application," be printed by the State Printer, and be paid for out of the Contingent Fund of the Senate.

Have had the same under consideration and respectfully report the same back, and recommend that it be amended by striking out the words: "and be paid for out of the Contingent Fund of the Senate," and be adopted as amended.

WOLFE, Chairman.

Report and resolution, as amended, adopted.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 907—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Section 34 of said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 907 finally passed by the following vote:

AYES—Senators Anderson, Bates, Black, Boynton, Curtin, Hartman, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Muentner, Rambo, Reilly, Rolley, Sanford, Savage, Weed, Welch, Willis, Wolfe, and Wright—23.

NOES—None.

Title read.

During the reading of the title, the following amendments were offered by Senator McCartney:

Amend by striking out of line 5 of title the words "By amending Section 34 of said Act." and inserting the following: "Relating to the expenses of making the assessment for work authorized by this Act."

Amendment adopted.

Also:

Amend title in line 2 by inserting the following after the word "amend": "Section thirty-four of."

Amendment adopted.

Title approved as amended.

Bill ordered to print and to the Assembly.

Assembly Bill No. 901—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended by amending Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 thereof, and by adding two new sections thereto, to be known as Sections 10a and 10b, relating to a license tax upon corporations, and making provision for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof, approved June 13, 1906.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 901 finally passed by the following vote:

AYES—Senators Anderson, Bates, Black, Boynton, Caminetti, Cartwright, Curtin, Keane, Leavitt, Lynch, McCartney, McKee, Muentner, Price, Rambo, Reily, Rolley, Sanford, Savage, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read.

During the reading of the title the following amendment was offered by Senator Curtin:

Amend the title by adding after the figures 1906, in the last line of the title, the following: "By providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights."

Amendment adopted.

Title approved as amended.

Bill ordered to print and to the Assembly.

Assembly Bill No. 904—An Act making it a misdemeanor for a contractor to employ any person to work more than eight hours any calendar day in the execution of any contract for work done for the State of California, or any political subdivision thereof, or under the direction of any public officer acting in his official capacity.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 904 finally passed by the following vote:

AYES—Senators Anderson, Bates, Black, Boynton, Broughton, Caminetti, Cartwright, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Price, Rambo, Reily, Rolley, Sanford, Savage, Welch, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 840—An Act to amend Section 3788 of the Political Code, and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817; and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818 of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes." approved February 25, 1895, all relating to the sale of State lands.

Read third time.

On motion of Senator McCartney, Assembly Bill No. 840 was temporarily passed on file, to retain its place.

Assembly Bill No. 650—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 650 finally passed by the following vote:

AYES—Senators Anderson, Bates, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muentner, Price, Reily, Rolley, Sanford, Savage, Weed, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 807—An Act to amend an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880, by adding a new section, No. 9, relating to furnishing the series of school text-books published by this State, to institutions in this State conducted for the support and maintenance of minor orphans, half orphans, and abandoned children, and to appropriate money for the purchase of said text-books.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 807 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Savage, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 913—An Act to repeal an Act entitled "An Act to further define the powers of the Board of Trustees of the City of Sacramento," approved March 22, 1886.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 913 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Broughton, Caminetti, Cartwright, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Savage, Weed, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1007—An Act to amend Section 1943 of the Civil Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1007 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Broughton, Caminetti, Curtin, Hartman, Keane, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Sanford, Savage, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 269—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relating to the settlement of the final accounts of guardians of insane persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 269 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Sanford, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 499—An Act making an appropriation to carry out the provisions of Section 2979a of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 499 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Broughton, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Savage, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 694—An Act to amend Section 867 of the Code of Civil Procedure, relating to undertaking on attachment, and the justification of sureties thereon, in justices' courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 694 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Broughton, Caminetti, Curtin, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Price, Rambo, Reily, Savage, Weed, Willis, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 598—An Act to amend Sections 3109 and 3110 of the Civil Code of the State of California, relating to public cemeteries and cemeteries owned by benevolent or charitable associations or societies, and the jurisdiction over and control of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 598 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Sanford, Savage, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 902—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of boards of school trustees and city boards of education.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 902 finally passed by the following vote:

AYES—Senators Anthony, Bates, Black, Boynton, Broughton, Curtin, Greenwell, Hartman, Keane, Kennedy, Lynch, Markey, McKee, Miller, Rambo, Reily, Sanford, Savage, Weed, Welch, Willis, Wolfe, and Wright—23.

NOES—Senators Anderson, Caminetti, Cartwright, Leavitt, Mattos, McCartney, and Muentner—7.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Anderson gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No 902 was this day passed.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Miller:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session, without the consent of two thirds of the members thereof, be complied with, and that Senator Miller be and he is hereby permitted to introduce a bill to be numbered 948; and that Senator Belshaw be and is hereby permitted to introduce a bill to be numbered 949.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Rambo, Reily, Savage, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bills were introduced:

By Senator Miller: Senate Bill No. 948—An Act to repeal Article IX, Chapter II of Title VI of Part III of the Political Code, and every section thereof, and to add to said Code a new article to said chapter, to be numbered Article IX, embracing Sections 2745 to 2772, both inclusive, relating to permanent road divisions.

Bill read first time, and ordered on file without reference to committee.

By Senator Belshaw: Senate Bill No. 949—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State for the fifty-seventh and fifty-eighth fiscal years.

Bill read first time, and ordered on file without reference to committee.

RUSH ORDER TO PRINTER.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for printing Senate Bills Nos. 948 and 949.

SPECIAL ORDER SET.

Senator Leavitt moved that the consideration of Senate Bills Nos. 948 and 949 be made a special order for the next legislative day, at ten o'clock and thirty minutes A. M.

Motion carried.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 250—An Act to amend Section 224 of the Civil Code of the State of California, relating to the adoption of minor children.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 250 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Broughton, Caminetti, Cartwright, Keane, Leavitt, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Savage, Weed, Welch, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 496—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California, with reference to the appointment of guardians of insane and other incompetent persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 496 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Broughton, Caminetti, Keane, Kennedy, Mattos, McCartney, McKee, Miller, Muentner, Rambo, Reily, Savage, Weed, Welch, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 753—An Act to amend an Act entitled "An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect or receive of any savings bank any deposit in any such bank when the same does not exceed the sum of \$300," approved February 18, 1874, and an Act amendatory thereof, approved March 8, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 753 refused final passage by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Caminetti, Keane, Kennedy, Leavitt, Mattos, McCartney, McKee, Miller, and Muentner—13.

NOES—Senators Boynton, Cartwright, Hartman, Price, Rambo, Savage, Weed, Willis, Wolfe, and Wright—10.

NOTICE OF MOTION TO RECONSIDER.

Senator McCartney gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 753 was this day refused final passage.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 914—An Act to repeal Section 2 of an Act entitled "An Act relating to streets and roads in the City and County of Sacramento," approved March 22, 1874.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 914 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Caminetti, Cartwright, Keane, Kennedy, McCartney, McKee, Miller, Muenter, Price, Rambo, Reilly, Savage, Weed, Welch, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 149—An Act to amend Section 3785 of the Political Code of the State of California, relating to the issuance of tax deeds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 149 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Curtin, Hartman, Keane, Leavitt, McCartney, McKee, Miller, Muenter, Price, Reilly, Sanford, Savage, Weed, Welch, Willis, Wolfe, and Wright—21.

NOES—Senators Boynton, Caminetti, Cartwright, and Kennedy—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM ASSEMBLY FOR FURTHER CONSIDERATION.

On motion of Senator Wolfe, Assembly Bill No. 598—An Act to amend Sections 3109 and 3110 of the Civil Code of California, relating to public cemeteries owned by benevolent or charitable associations or societies, and the jurisdiction over and control of the same—was recalled from the Assembly for further consideration.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 598 was this day finally passed.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 822—An Act to classify the roads in the State of California, and to define each class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 822 finally passed by the following vote:

AYES—Senators Anthony, Bates, Black, Boynton, Caminetti, Cartwright, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Muenter, Rambo, Reilly, Sanford, Weed, Welch, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 921—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 921 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Black, Boynton, Caminetti, Cartwright, Keane, Kennedy, Leavitt, Lynch, Mattos, McKee, Miller, Muentner, Rambo, Reily, Sanford, Savage, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 936—An Act to add a new section to the Political Code, to be numbered 2697, providing for a notice of petition to alter, discontinue or lay out a road, and the effect thereof.

Read third time.

On motion of Senator Price, Assembly Bill No. 936 was temporarily passed on file, to retain its place.

Assembly Bill No. 981—An Act to amend the Penal Code by adding thereto a new section, to be numbered 515, relating to embezzlement by a co-owner or co-partner.

Read third time.

On motion of Senator Willis, Assembly Bill No. 981 was temporarily passed on file, to retain its place.

SENATOR LEAVITT IN THE CHAIR.

At four o'clock and fifty-nine minutes P. M., Senator F. W. Leavitt, of the Sixteenth District, in the chair.

ADJOURNMENT.

At five o'clock P. M., on motion of Senator Wolfe, the Acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Monday, March 11, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

APPROVAL OF JOURNALS.

The Journals of Thursday, March 7, 1907, and Friday, March 8, 1907, having been corrected, were read and approved.

READING OF THE JOURNAL.

During the reading of the Journal of Sunday, March 10, 1907, the further reading was dispensed with, on motion of Senator Mattos.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Price asked for and was granted unanimous consent to have Assembly Bill No. 936 taken up for the purpose of amendment.

Assembly Bill No. 936—An Act to add a new section to the Political Code, to be numbered 2697, providing for a notice of petition to alter, discontinue or lay out a road, and the effect thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Price moved to refer to Senator Cartwright, as a special committee of one, to amend as follows:

Inserting after the enacting clause in printed bill the word and figure "Section 1."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 936, with instructions to amend, respectfully reports the same back, amended as per instructions.

CARTWRIGHT, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Price, the Secretary was directed to issue a rush order for printing Assembly Bill No. 936.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator McCartney asked for and was granted unanimous consent to have Assembly Bill No. 840 taken up for the purpose of amendment.

Assembly Bill No. 840—An Act to amend Section 3788 of the Political Code and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817; and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818 of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Read third time on a previous day.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator McCartney moved to refer to Senator Miller as a special committee of one, to amend as follows:

By inserting in Section 1, line 17, after the word "contest," the following: "if he has not entered or purchased any portion of any lands mentioned in Section 3494 of the Political Code, which, together with that now sought to be purchased, exceeds three hundred and twenty acres, and such fact is determined by such court, and."

Also: In Section 1, line 20, insert after the word "Filed," the following: "and such determination is made."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 840, with instructions to amend, respectfully reports the same back, amended as per instructions.

MILLER, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator McCartney, the Secretary was directed to issue a rush order for printing Assembly Bill No. 840.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day granted permission to your honorable body to introduce a Senate bill.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns to your honorable body, as per your request, Senate Bill No. 150—An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 1021—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

Also: Assembly Bill No. 350—An Act to add a new section to the Political Code of the State of California, to be designated Section 2181a, relating to unclaimed money and property of patients at State hospitals.

Also: Assembly Bill No. 1204—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State Laboratory of Plant Pathology, and the appointment of a State Plant Pathologist for this purpose, and for investigations in the field of viticulture, and making an appropriation therefor.

Also: Assembly Bill No. 353—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Also: Assembly Bill No. 438—An Act prohibiting the placing, painting, printing, sticking, posting, or otherwise affixing upon any fence, structure, pole, rock, or other object, which is the property of another, any word or words, device, trademark, advertisement, or notice, except such as required by law, without having first obtained the consent in writing of the owner or tenant of said property, and providing a penalty for the violation thereof, and providing for the obliteration of any word or words, device, trademark, or notice, placed, printed, painted, stuck, posted, or otherwise affixed upon any fence, structure, pole, rock, or other object, in violation thereof.

Also: Assembly Bill No. 704—An Act to regulate the building and occupancy of tenement houses in incorporated cities.

Also: Assembly Bill No. 522—An Act to amend an Act entitled "An Act to regulate the work and hours of employes engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof."

Also: Assembly Bill No. 150—An Act to add one section to the Code of Civil Procedure of the State of California, to be numbered 230½, relating to selecting and summoning jurors for courts not of record in incorporated cities having a population of more than fifteen thousand.

Also: Assembly Bill No. 589—An Act to add a new article to Chapter III of Part III of the Political Code, to be known as Article XIII, relating to the Board of Bank Commissioners, and prescribing their duties and powers.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 13—Relative to the construction of certain works intended to restrain mining debris, as provided by the Act of Congress entitled "An Act to create the California Débris Commission, and regulating hydraulic mining in the State of California," approved March 1, 1893, in sections, and requesting Congress to make appropriations for the purposes of said Act.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 940—An Act to authorize, empower, and direct the Governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting, and recovering the claims of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof.

Also: Senate Bill No. 557—An Act entitled "An Act to regulate the recordation of the subscriptions to the capital stock of the water users' association."

Also: Senate Bill No. 859—An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California.

Also: Senate Bill No. 195—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and as amended June 13, 1906, by amending Section 2 thereof, relating to a license tax upon corporations.

Also: Senate Bill No. 131—An Act to amend Section 1576a of the Political Code, relating to clerks of school boards in certain cases, and for payment of their salaries, herein providing for the adoption of a course of study, and the appointment of a superintendent of schools in certain cases, and for payment of his salary.

Also: Senate Bill No. 518—An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of said gardener.

Also: Senate Bill No. 633—An Act to add a new section to the Penal Code of the State of California, to be known as Section 810, authorizing and providing for the filing and substitution of a copy of the information or other pleading for the original in criminal actions when such original information or other pleading has heretofore been, or shall hereafter be, lost or destroyed.

Also: Senate No. Bill 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Also: Senate Bill No. 875—An Act to amend Section 73 of the Code of Civil Procedure, relative to sessions of the Superior Court.

Also: Senate Bill No. 459—An Act to amend Section 200 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the exemptions from jury duty.

Also: Senate Bill No. 942—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1906, by amending certain sections thereof, and adding two new sections thereto, and repealing Section 580 of the Civil Code.

Also: Senate Bill No. 614—An Act to amend Section 825 of the Penal Code of the State of California, relating to the rights of attorneys to visit prisoners, and providing a penalty for the refusal of officers to allow the same.

Also: Senate Bill No. 750—A new section is hereby added to the Political Code, to be known as Section 625a, relating to information to be furnished each county clerk by the Insurance Commissioner.

Also: Senate Bill No. 127—An Act to amend Section 335 of the Code of Civil Procedure of California, relating to adverse possession of land or interest, and the payment of taxes thereon.

Also: Senate Bill No. 545—An Act to provide for the acquisition, equipment and use of a railway car for the purpose of distributing live fish, and stocking the waters of this State with fish, and making an appropriation therefor.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bills Nos. 940, 557, 859, 195, 131, 518, 633, 440, 875, 459, 942, 614, 750, 127, and 545 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 935—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges—and request that your honorable body recede therefrom.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate recede from its amendments to Assembly Bill No. 935?"

Amend by striking out of Section 1, lines 4 and 5, the word "Alameda."

Also: After the words "San Francisco," on lines 4 and 5, strike out the words "and the county of Los Angeles," and inserting the following: "and the counties of Los Angeles and Alameda."

The roll was called, and the Senate receded from its amendments to Assembly Bill No. 935 by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Broughton, Caminetti, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, Matos, McCartney, McKee, Miller, Muenter, Price, Rambo, Sanford, Savage, Walker, Weed Willis, and Wolfe—28.

NOES—None.

Assembly Bill No. 935 ordered transmitted to the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as amended Senate Bill No. 793—An Act to authorize the United States of America to sue the State of California.

Also: Senate Bill No. 99—An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded, and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded.

Also: Senate Bill No. 103—An Act to add a new section to the Political Code, to be numbered Section 1888a, relating to the levy of taxes for the payment of school district bonds.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 793?"

Strike out all after the title and insert as follows:

WHEREAS, The Federal Government claims that certain mistakes have been made in the past wherein and whereby the State of California has received and there has been listed to the State 40,000 acres or thereabouts of the public domain in excess of the just amount of lands that the State of California was entitled to under the grant in lieu of

sixteenth and thirty-sixth sections, and that the State of California should restore to the United States an area equal to such excess listings to be taken from the sixteenth and thirty-sixth sections within forest reservations; and

WHEREAS, The State maintains that such claim is barred by the provisions of the Act of Congress of March 1, 1877, found in Volume 19 of the United States Statutes, page 287, confirming the title of the State to selections listed prior thereto, and also by the Act of Congress of March 3, 1891, found in Volume 26 of the United States Statutes, page 1095, limiting the time within which the United States can begin suits to vacate and annul patents; now, therefore,

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Surveyor-General of the State of California is hereby authorized, on or before July 1, 1907, to enter into a stipulation with the Secretary of the Interior of the United States of America, which shall provide that the question as to whether or not the United States is now entitled under the laws of the United States to claim anything of the State of California by virtue of such previous listings, shall be submitted to the Attorney-General of the United States for his opinion, and if the opinion of that official is rendered in favor of the contention of the State of California, that then, and in that event, such opinion shall be final, and shall be binding upon the United States of America.

SEC. 2. If, on the other hand, the opinion of the Attorney-General of the United States shall be adverse to the contention of the State of California, either in whole or in part, then, and in that event, the Surveyor-General of the State of California is hereby empowered to make a report of the facts concerning said controversy to the Governor of the State of California and to the Attorney-General of the State of California, and present with such report a copy of the opinion of the Attorney-General of the United States; thereafter the Surveyor-General of the State of California and the Governor of the State of California and the Attorney-General of the State of California are authorized and directed to make such examination of the law and the facts as will enable them to determine whether the opinion of the Attorney-General of the United States is well founded in whole or in part; if they find that the opinion of the Attorney-General of the United States is well founded in whole or in part, then the Surveyor-General, as Register of the State Land Office, shall prepare a patent in the name of the State of California in favor of the United States of America, to such portion of the sixteenth and thirty-sixth sections contained in the San Jacinto Forest Reserve as will equal in area the number of acres so ascertained and determined to have been unlawfully listed, and said patent shall be executed by the same officers and in the same manner as other patents are executed, and the Register of the State Land Office shall record said patent in his office, and thereafter shall cause the same to be delivered to the Secretary of the Interior at Washington, in the District of Columbia.

SEC. 3. Until such controversy is determined, in whole or in part, all of the provisions of Chapter I, Title VIII, Part III of the Political Code are hereby suspended as to all of the lands embraced in the San Jacinto Forest Reserve for which application to purchase has not been accepted and filed prior to February 14, 1907.

In the event that the said opinion of the Attorney-General of the United States is rendered in favor of the contention of the State of California, or if the Secretary of the Interior shall fail, on or before July 1, 1907, to enter into the stipulation mentioned in Section 1 of this Act, or if in the opinion of the Governor and Attorney-General and Surveyor-General of this State the claim of the United States is not well founded, either in whole or in part, then this section shall immediately cease to be operative. In the event that the opinion of the Attorney-General of the United States is unfavorable to the contention of the State of California, either in whole or in part, and said controversy is thereafter considered by the State officials as herein set forth, and any patent is thereafter executed conveying to the United States of America certain lands, then all the provisions of this section shall cease to be operative when said patent is recorded in the office of the Register of the State Land Office.

SEC. 4. Before the Surveyor General, as Register of the State Land Office, delivers to the United States of America any patent as herein provided, he shall enter into such stipulations with the Secretary of the Interior as may be necessary and proper to obtain a ruling from that officer upon all State selections, heretofore made and now pending in the office of the Commissioner of the General Land Office, for lands in lieu of the sixteenth and thirty-sixth sections.

SEC. 5. For the purpose of carrying out the provisions of this statute the sum of \$5,000.00 is hereby appropriated out of any money in the State treasury not otherwise appropriated, and the State Controller is hereby authorized to draw his warrant therefor, and the State Treasurer is hereby authorized and directed to pay said warrant.

SEC. 6. This Act shall take effect immediately.

The roll was called, and Assembly amendment to Senate Bill No. 793 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Broughton, Curtin, Greenwell, Hartman, Keane, Leavitt, Lynch, McCartney, McKee, Miller, Nelson, Price, Rambo, Rolley, Savage, Walker, Weed, Willis, and Wolfe—24.

NOES—None.

Senate Bill No. 793 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 99?"

After the word "thereof," in line 5, Section 1, page 1 of the printed bill, insert the words "on cloth."

Also: On line 1, Section 2, page 2 of the printed bill, after the word "be," insert the following: "on cloth and be."

The roll was called, and Assembly amendments to Senate Bill No. 99 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Curtin, Hartman, Kennedy, Lynch, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Senate Bill No. 99 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 103?"

Amend by striking out the word "thirty," on line 21, second page, printed bill, as amended, and insert in lieu thereof the following: "sixty."

Also: Amend by striking out the words "a just and equitable," on lines 21 and 22, second page, printed bill, as amended, and insert in lieu thereof the following: "what."

Also: Amend by striking out the words "for which the district to which it is annexed shall become liable, and in the absence of such order no such liability shall arise," in lines 23 and 24, second page, printed bill, as amended, and inserting in lieu thereof the following: "was incurred for the acquisition or improvement of school lots or buildings or fixtures therein situated in the territory so transferred, and the district to which such territory was annexed shall thereupon become liable for the proportion of such indebtedness so determined."

Also: Amend by striking out the word "thirty," on line 30, second page, printed bill as amended, and inserting in lieu thereof the following: "sixty."

Also: Amend by striking out the words "a just and equitable," on lines 31 and 32, second page, printed bill, as amended, and inserting in lieu thereof the following: "what."

Also: Amend by striking out the words "for which said new district shall be liable, and in the absence of such order no such liability shall arise," on lines 34, 35, and 36, second page, printed bill, as amended, and inserting in lieu thereof the following: "was incurred for the acquisition or improvement of school lots or buildings or fixtures therein situated in such new district, and the said new district shall thereupon become liable for the proportion of such indebtedness so determined."

The roll was called, and Assembly amendments to Senate Bill No. 103 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Curtin, Greenwell, Kennedy, Mattos, McCartney, Miller, Muentner, Price, Rambo, Rolley, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Senate Bill No. 103 ordered to enrollment.

BILL ORDERED TRANSMITTED TO THE ASSEMBLY.

On motion of Senator McCartney, Senate Bill No. 150—An Act to define trust, and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State—was ordered transmitted to the Assembly, a motion to reconsider vote on passage of same not having been made on previous legislative day, in accordance with notice heretofore given.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Willis:

Resolved, That Assembly Bills Nos. 201, 281, 297, 1000, 1001, 1002, and 285, and Senate Bills Nos. 948 and 949, present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Cartwright, Curtin, Greenwell, Irish, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At ten o'clock and fifty minutes A. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bill No. 949 and Senate Bill No. 948, the same were taken up for consideration.

Senate Bill No. 949—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State for the fifty-seventh and fifty-eighth fiscal years.

Section 15 of Article IV of the Constitution having been heretofore this day suspended.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 949 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Curtin, Greenwell, Kennedy, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rambo, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 948—An Act to repeal Article IX, Chapter II, of Title VI, of Part III of the Political Code, and every section thereof, and to add to said Code a new article to said chapter, to be numbered Article IX, embracing sections twenty-seven hundred and forty-five to twenty-seven hundred and seventy-two, both inclusive, relating to road divisions.

Section 15 of Article IV of the Constitution having been heretofore this day suspended.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 948 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Cartwright, Curtin, Kennedy, Mattos, Miller, Muentner, Nelson, Price, Rambo, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF CODE BILL—(OUT OF ORDER).

Senator Willis asked for and was granted unanimous consent to have Assembly Bill No. 473 taken up for consideration.

Assembly Bill No. 473—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 473 passed by the following vote:

AYES—Messrs. Anderson, Anthony, Bates, Bell, Belshaw, Black, Curtin, Greenwell, Hartman, Kennedy, Mattos, Muentner, Nelson, Price, Rambo, Reily, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CASES OF URGENCY.

Assembly Bill No. 201—An Act to repeal Article II, of Chapter V, of Title XI, of Part III, of the Code of Civil Procedure, and to substitute a new Article II to take the place thereof in said Code, relating to proceedings to set aside homesteads.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 201 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Curtin, Greenwell, Hartman, Kennedy, Lynch, McCartney, Muentner, Nelson, Price, Reily, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 281—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 281 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Greenwell, Hartman, Kennedy, Lynch, McCartney, Muentner, Nelson, Price, Reily, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1000—An Act to repeal Article V, of Title VI, of Part III, of the Political Code, and to substitute therefor a new Article V, relating to public waters.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1000 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Curtin, Greenwell, Hartman, Kennedy, Lynch, McCartney, Miller, Muentner, Nelson, Price, Reily, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1001—An Act to repeal Article VI, of Title VI, of Part III, of the Political Code, and to substitute therefor a new Article VI, relating to pilot regulations.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1001 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Curtin, Greenwell, Hartman, Kennedy, Lynch, McCartney, Miller, Muentner, Nelson, Price, Reily, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1002—An Act to add a new chapter to Title V, of Part III, of the Political Code, to be known as Chapter 1c, relating to the Woman's Relief Corps Home of California.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1002 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Curtin, Greenwell, Hartman, Kennedy, Lynch, McCartney, Miller, Muentner, Price, Reily, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 285—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1918, 1921, 1922, 1925, 1935, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1963, and 1982 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1947a, all relating to evidence.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 285 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Curtin, Greenwell, Hartman, Kennedy, Lynch, McCartney, Miller, Muentner, Price, Reily, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 923—An Act to provide for the payment of attorney fees in justices' courts and other inferior courts.

Also: Assembly Bill No. 207—An Act to amend Section 226 of the Civil Code of the State of California, relating to the procedure of adopting minor children, and the manner of procuring consent thereto.

Also: Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to Section 16, of Article IV of the Constitution, in relation to the approval and return of bills by the Governor and the exercise of the veto power.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 1009—An Act to amend Section 827 of the Civil Code of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

WOLFE, Chairman pro tem.

Assembly Bills Nos. 923, 207, and 1009 ordered on Assembly special file for second reading.

Assembly Constitutional Amendment No. 28 ordered on Assembly special file.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 207—An Act to amend Section 226 of the Civil Code of the State of California, relating to the procedure of adopting minor children, and the manner of procuring consent thereto.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 207 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Curtin, Greenwell, Hartman, Kennedy, Lynch, Mattos, McCartney, Miller, Muentner, Price, Rely, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONCURRENT RESOLUTION—(OUT OF ORDER).

The following concurrent resolution was offered:

By Senator Leavitt:

SENATE CONCURRENT RESOLUTION No. 23.

Resolved, by the Senate, the Assembly concurring, That no bills shall be considered in either house after six P. M. this 11th day of March except upon concurrence of Senate or Assembly in amendments of the other body and reports of conference and free conference committees.

Concurrent resolution read and adopted.

Resolution ordered transmitted to the Assembly.

SENATOR ROLLEY IN THE CHAIR.

At eleven o'clock and fifteen minutes A. M., Senator Rolley, of the First District, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Price asked for and was granted unanimous consent to have Assembly Bill No. 936 taken up for consideration.

Assembly Bill No. 936—An Act to add a new section to the Political Code, to be numbered 2697, providing for a notice of petition to alter, discontinue or lay out a road, and the effect thereof.

Read third time heretofore this day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 936 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Cartwright, Curtin, Greenwell, Hartman, Kennedy, Lynch, Mattos, McCartney, Muentzer, Price, Rolley, Savage, Walker, Willis, and Wright—22.

NOES—Senator Weed—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM COMMITTEE AND ORDERED ON FILE.

On motion of Senator Anderson, Assembly Bill No. 900—An Act to amend Section 53 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the county and township officers and their terms of office—was recalled from Committee on County Government and ordered on file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Lynch:

Resolved, That Assembly Bill No. 756 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Muentzer, Price, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—30.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 756—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 756 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Kennedy, Leavitt, Mattos, McCartney, Miller, Muentzer, Nelson, Reily, Savage, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and twenty minutes A. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Cartwright:

WHEREAS, Many of the laws passed by this session of the Legislature will take effect and be in force before their publication in the usual book form; therefore, be it
Resolved, That the Secretary of the State be and he is hereby requested to transmit by mail to each of the county clerks of this State a copy of all laws as soon as the same have been approved by the Governor, said copies to be kept on file by the several clerks for public inspection.

Resolution read and adopted.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to have Assembly Bill No. 826 taken up for consideration.

Assembly Bill No. 826—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 826 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Cartwright, Hartman, Keane, Kennedy, Leavitt, Mattos, McCartney, McKee, Miller, Nelson, Price, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Mattos asked for and was granted unanimous consent to have Assembly Bill No. 351 taken up for consideration.

Assembly Bill No. 351—An Act to amend Section 2146 of the Political Code of the State of California, relating to the acquisition and tenure of property by State hospitals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 351 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Mattos, McCartney, Miller, Muentner, Nelson, Price, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Leavitt asked for and was granted unanimous consent to have Assembly Bill No. 699 taken up for consideration.

Assembly Bill No. 699—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement or utility.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 699 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Anthony asked for and was granted unanimous consent to have Assembly Bill No. 898 taken up for consideration.

Assembly Bill No. 898—An Act creating a public relief commission, and defining its powers and purposes: providing for the appointment of commissioners in whom its administration shall be vested, and prescribing their duties, powers, and compensation: providing for the rental of offices for the use of the commissioners, and for traveling and office expenses: providing for the appointment of other officers, agents, and servants, and for their compensation: providing a course of procedure where any person, firm, or corporation, or society has received, held, distributed, or disposed of, or is receiving, holding, distributing, or disposing of trust funds or trust property in an unsafe or unauthorized manner, where the trust funds or other trust property has been donated, granted, given, or bequeathed for the relief of any sufferers from any earthquake, conflagration, or other disaster: providing for succession in the office of the commissioner, and repealing all Acts and parts of Acts in conflict herewith.

SPECIAL ORDER SET.

Senator Anthony moved that the further consideration of Assembly Bill No. 898 be made a special order for this day at four o'clock P. M. Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 10, 1907.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 906—An Act to provide for the survey, location, plans and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Finance.

MATTOS, Chairman.

Assembly Bill No. 906 referred to Committee on Finance.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Rolley asked for and was granted unanimous consent to have Assembly Constitutional Amendment No. 24 taken up for consideration.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 24.

A resolution to propose to the people of the State of California, an amendment to the Constitution of the State, by amending Section 7 of Article 9 thereof, relating to boards of education.

The Legislature of the State of California, at its regular session, commencing on the tenth day of January, one thousand nine hundred and seven, and two thirds of

all the members elected to each of the houses of Legislature voting in favor thereof, hereby proposes that Section 7 of Article 9 of the Constitution of the State of California be amended so as to read as follows:

Section 7. The State Board of Education shall consist of the following members:

1. The Governor.
2. The Superintendent of Public Instruction.
3. A representative of the State University, selected by the president thereof.
4. A representative of the Leland Stanford Jr. University, selected by the president thereof.
5. A representative of the State normal schools, selected by the presidents thereof.
6. A practical business man, not directly connected with any school, selected by the Governor.
7. A representative of the rural schools, selected by the county superintendents at the superintendents' biennial convention.
8. A representative of the city schools, selected by the city superintendents at the superintendents' biennial convention.
9. A representative of the polytechnic schools, selected by the principals of the polytechnic high schools receiving State aid.

The State Board of Education shall compile or adopt a uniform system of text-books for use in the day and evening elementary schools throughout the State; and shall perform such other duties as may be prescribed by law. The Legislature shall provide for the printing and publishing of such text-books, when adopted, by the Superintendent of State Printing at the State Printing Office, and, when so printed and published, to be distributed and sold at the cost price of printing, publishing and distributing the same. The text-books so adopted shall continue in use not less than four years. The Legislature shall provide for a board of education in each county in the State. The county superintendents and the county boards of education shall have exclusive control of the examination of teachers, and the granting of teachers' certificates within their respective jurisdiction.

Constitutional amendment read.

The question being on the adoption of the Assembly Constitutional Amendment.

The roll was called, and Assembly Constitutional Amendment No. 24 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Greenwell, Hartman, Keane, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Rambo, Reily, Rolley, Rush, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—Senators Bell, Caminetti, Cartwright, Curtin, and Kennedy—5.

Constitutional amendment ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Willis:

Resolved, That the Senate hereby gives its consent that the rule heretofore adopted that no Senate bill shall be put upon final passage in the Senate, and no Assembly bill be put on final passage in the Assembly, after five o'clock p. m. of March 9, 1907, be dispensed with as to Assembly Bill No. 286, now in the Assembly, and that said bill may be put upon its final passage in the Assembly.

Resolution read and adopted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

OF FINANCE.

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 1—An Act to encourage the introduction into the State of California of automatic, or self-loading, rifles, and appropriating \$5,000 therefor.

Also: Senate Bill No. 2—An Act to provide for training high school boys of the State of California in marksmanship with automatic, or self-loading, rifles, and appropriating the sum of \$5,000 therefor.

Also: Senate Bill No. 15—An Act appropriating money to pay expenses of erecting and maintaining, collecting, forwarding, installing, and returning a collective exhibit of the products of the State of California, either in a building erected by the commis-

sion, or in the State's building at the Jamestown Exposition, to be held in Norfolk, Virginia, in 1907, also preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expenses of commission and attachés.

Also: Senate Bill No. 41—An Act to encourage enlistment of Californians in the regular army, navy, and marine corps of the United States, and appropriating the sum of \$5,000 therefor.

Also: Senate Bill No. 70—An Act making an appropriation for the support of ex army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably during the civil war, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California, for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 79—An Act to provide for the erection of an aseptic and sanitary dairy barn, and to purchase and install necessary furnishings and machinery therein at the Southern California State Hospital, and to make appropriation for the same.

Also: Senate Bill No. 83—An Act to provide for the purchase of the building and site of the old Mission Dolores, at San Francisco, California, constituting a board of trustees to maintain the same as a California landmark, and appropriating the sum of \$50,000 therefor.

Also: Senate Bill No. 178—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Also: Senate Bill No. 269—An Act to amend Section 268 of the Political Code of the State of California, relating to the compensation of the officers and employes of the Legislature.

Also: Senate Bill No. 283—An Act making an appropriation of \$7,500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting a hospital building, and furnishing and equipping the same, at said school.

Also: Senate Bill No. 353—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California, and to appropriate money therefor.

Also: Senate Bill No. 354—An Act entitled an Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of and making an appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Supreme Court.

Also: Senate Bill No. 363—An Act to provide for the purchase of additional land for the uses of the State Normal School at San Francisco, and making appropriation therefor.

Also: Senate Bill No. 448—An Act to pay the claim of Ada Tharp, as administratrix of the estate of Edward Herbut Cruson, deceased, against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 474—An Act to appropriate money for the purpose of constructing object lesson oiled roads in different sections of the State.

Also: Senate Bill No. 498—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor.

Also: Senate Bill No. 529—An Act to amend Section 737 of the Political Code, relating to salaries of judges of the Superior Court.

Also: Senate Bill No. 577—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain street in the City of Sacramento, to wit, Twenty-sixth Street from the south line of K Street to the north line of L Street, and to make an appropriation therefor.

Also: Senate Bill No. 579—An Act instructing the Commissioner of Public Works to purchase the north fifty-eight acres of Wood Island, situated in the County of Sacramento, State of California, and making an appropriation to pay for the same.

Also: Senate Bill No. 616—An Act to amend Sections 10 and 11 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of parties to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such parties; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

Also: Senate Bill No. 623—An Act to amend Section 3 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the State Mineralogist of the State Mining Bureau.

Also: Senate Bill No. 635—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for independent and unattached companies of the National Guard of Cali-

fornia, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Also: Senate Bill No. 781—An Act providing compensation for judges pro tempore appointed under the provisions of Section 8 of Article VI of the Constitution.

Also: Senate Bill No. 847—An Act to amend Section 416 of the Political Code, so as to increase the amount of fees received by the Secretary of State which are payable into the State Library Fund.

Also: Senate Bill No. 865—An Act to make an appropriation for the repair and maintenance under the supervision, management, and control of the Department of Highways of the State of California, or such other department as may by law succeed to the duties and authority thereof, of that certain State highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road; to place such highway under the supervision, management, and control of such Department of Highways, or such other department as may by law succeed to the duties and authority thereof, and to designate and name such State highway as the Alpine State Highway.

Also: Senate Bill No. 874—An Act to provide for the purchase of a portrait of ex-Governor George C. Pardee by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 877—An Act making an appropriation of \$50,000 to increase the salaries of the members of the teaching staff of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.

Also: Senate Bill No. 891—An Act making an appropriation for the State Conference of Charities and Corrections.

Also: Senate Bill No. 892—An Act to authorize the State Board of Charities and Corrections to send its secretary and any of its members as delegates to the National Conference of Charities and Corrections and to the National Prison Congress of the United States, and to visit the charitable and correctional institutions of other states, and to pay the necessary expenses thereof.

Also: Senate Bill No. 893—An Act appropriating \$40,000 for carrying out and appropriation of an Act approved March 18, 1905, entitled "An Act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests, and branch agricultural experiment stations, and making an appropriation therefor."

Also: Senate Constitutional Amendment No. 35—Relative to duties of Lieutenant-Governor.

Also: Assembly Bill No. 89—An Act to amend an Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries, approved March 18, 1905.

Also: Assembly Bill No. 96—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 737 thereof, relating to the salaries of judges of the Superior Court.

Also: Assembly Bill No. 175—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Also: Assembly Bill No. 631—An Act providing compensation for judges pro tempore appointed under provisions of Section 8 of Article VI of the Constitution.

Also: Assembly Bill No. 957—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of California, 1850-1907, inclusive.

Also: Assembly Bill No. 526—An Act to provide for the establishment and maintenance of a fish hatchery at or near Shaver Lake in the Sierra Nevada Mountains, and making an appropriation therefor.

Also: Assembly Bill No. 563—An Act to repeal an Act entitled "An Act to increase the number of clerks for the limited period of six (6) months, commencing in the month of January of each year, in the office of the Treasurer of State, and for the appointment of such additional clerk," approved March 16, 1889, and authorizing the Treasurer of State to appoint one clerk, at an annual salary of \$1,600," approved March 26, 1895.

Also: Assembly Bill No. 906—An Act to provide for the survey, location, plans, and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making appropriation therefor.

Have had the same under consideration, and respectfully report the same back without recommendation.

BELSHAW, Chairman.

Senate Bills Nos. 1, 2, 15, 41, 70, 79, 83, 178, 269, 283, 353, 354, 365, 448, 474, 488, 529, 577, 579, 616, 623, 635, 781, 847, 865, 874, 877, 891, 892, and 893 ordered on file for second reading.

Senate Constitutional Amendment No. 35 ordered on file.

Assembly Bills Nos. 89, 96, 175, 526, 563, 631, 957, and 906 ordered on Assembly special file for second reading.

ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Assembly Bill No. 653—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BOYNTON, Chairman.

Assembly Bill No. 653 ordered on Assembly special file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 389—An Act to prevent the adulteration of paints, oils, varnishes, and pigments.

Also: Senate Bill No. 478—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 298, relating to the cremation of the dead bodies of human beings.

Also: Senate Bill No. 912—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Also: Senate Bill No. 938—An Act declaring the emission of noxious gases or of poisonous vapors from manufactories a public nuisance and providing a penalty therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors withdraw the same.

McKEE, Chairman.

Senate Bills Nos. 389, 478, 912, and 938 ordered on file for second reading.

RESOLUTIONS.

The following resolutions were offered:

By Senator Willis:

Resolved, That the Controller of the State is hereby directed to draw his warrant, and the Treasurer of the State to pay the same out of the Contingent Fund of the Senate, for the sum of one hundred and fifty dollars in favor of W. J. Ford, clerk of the Judiciary Committee during this thirty-seventh session, for extraordinary services rendered as clerk of the Sub-Committee on Code Revision during the same session.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Leavitt:

Resolved, That Assembly Bill No. 947 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Bates, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

SENATOR LEAVITT IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M., Senator F. W. Leavitt, of the Sixteenth District, in the chair.

CASES OF URGENCY.

Assembly Bill No. 1039—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Section 15 of Article IV of the Constitution having been suspended on the previous day.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1039 finally passed by the following vote:

AYES—Senators Anderson, Bates, Belshaw, Black, Boynton, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 947—An Act to amend Section 469 of the Code of Civil Procedure of the State of California, relating to material variances.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 947 finally passed by the following vote:

AYES—Senators Anderson, Bates, Belshaw, Black, Boynton, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, Muentner, Nelson, Rambo, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 900—An Act to amend Section 53 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the county and township officers and their terms of office.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 900 finally passed by the following vote:

AYES—Senators Anderson, Bates, Boynton, Greenwell, Hartman, Irish, Keane, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Willis, and Wright—23.

NOES—None.

SPECIAL ORDER SET.

Senator Willis moved that the further consideration of Assembly Bill No. 900 be made a special order for this day, at two o'clock and thirty minutes P. M.

Motion carried.

Assembly Bill No. 313—An Act providing for courses of study in agriculture and domestic science in high schools, and making an appropriation in aid thereof.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 313 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Black, Boynton, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

The hour of recess having arrived, the Acting President declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 365—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.

During second reading of bill, the following amendments were submitted by committee:

On page 2, Section 1, line 36, strike out the words "twenty-five," and insert the word "fifteen."

Amendment adopted.

Also:

On page 2, Section 1, line 38, strike out the words "two thousand," and insert in lieu thereof the words "one thousand."

Amendment adopted.

Also:

On page 2, Section 1, line 40, strike out the words "two thousand," and insert in lieu thereof the words "one thousand."

Amendment adopted.

Also:

On page 2, Section 1, line 44, strike out the words "twenty-five hundred," and insert in lieu thereof the words "two thousand."

Amendment adopted.

Also:

On page 2, Section 1, line 46, strike out the word "one."

Amendment adopted.

Also:

On page 2, Section 1, line 47, strike out the words "five hundred."

Amendment adopted.

Also:

On page 2, Section 1, line 49, strike out the word "two," and insert in lieu thereof the word "one."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 971—An Act to amend an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, amended March 20, 1905, by amending Section 6 thereof.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 971 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Boynton, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Mattos, McCartney, McKee, Miller, Price, Rambo, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1018—An Act entitled an Act to amend Section 1670 of the Political Code, relating to establishing and maintaining high schools.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1018 finally passed by the following vote:

AYES—Senators Bates, Belshaw, Boynton, Cartwright, Greenwell, Hartman, Keane, Kennedy, Lynch, McCartney, McKee, Price, Rambo, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 841—An Act providing for the laying out, constructing, straightening, improvement, and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds, and the acceptance of donations to pay for such work and improvements; providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 841 finally passed by the following vote:

AYES—Senators Anderson, Belshaw, Boynton, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Lynch, Mattos, McCartney, McKee, Price, Rambo, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION.

The following resolution was offered:

By Senator Belshaw:

Resolved, That the Controller be and he hereby is instructed to draw his warrant for \$100 in favor of the Secretary of State, payable out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same, for the purpose of printing and distributing 30,000 copies of the graduated license tax of corporations by the Secretary of State.

Resolution read, and referred to Committee on Contingent Expenses.

CONSIDERATION OF MEMBERS' URGENCY FILE—THIRD READING OF BILLS.

On motion of Senator Boynton, the members' urgency file was taken up for consideration.

Assembly Bill No. 452—An Act to amend Sections 626, 626a, 626d, 626g, 626j, 627b, and 637a of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637b, all relating to the protection and preservation of game and fish.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 452 refused final passage by the following vote:

AYES—Senators Keane, McCartney, Rolley, Savage, and Weed—5.

NOES—Senators Anderson, Bates, Belshaw, Broughton, Cartwright, Greenwell, Hartman, Irish, Kennedy, Mattos, Miller, Price, Rambo, Welch, Willis, and Wolfe—16.

Bill ordered transmitted to the Assembly.

ASSEMBLY CONCURRENT RESOLUTION No. 22.

Relative to consent of the Legislature to the absence of the State Controller, A. B. Nye, from the State for a period not to exceed three months.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California has consented, and does hereby consent, that the State Controller of the State of California, A. B. Nye, may depart from the State of California at any time during the remainder of his official term, and may remain absent for a period not to exceed three months from and immediately succeeding the time of his departure.

Concurrent resolution read.

The question being on the adoption of Assembly Concurrent Resolution.

The roll was called, and Assembly Concurrent Resolution No. 22 adopted by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Boynton, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Price, Rambo, Rolley, Savage, Weed, Willis, and Wolfe—24.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

Assembly Bill No. 798—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 798 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Boynton, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Miller, Price, Rambo, Reily, Rolley, Savage, Walker, Weed, Welch, Willis, and Wolfe—28.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 364—An Act to amend Section 5 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the compensation of local inspectors working under county boards of horticultural commissioners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 364 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Boynton, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Lukens, Lynch, McCartney, McKee, Miller, Price, Rambo, Reily, Savage, Walker, Weed, Willis, and Wolfe—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 602—An Act to amend Section 427 of the Code of Civil Procedure.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 602 finally passed by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Boynton, Cartwright, Greenwell, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, McCartney, McKee, Rambo, Reily, Savage, Walker, Welch, Willis, and Wolfe—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 691—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States, under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 691 finally passed by the following vote:

AYES—Senators Anderson, Bell, Boynton, Greenwell, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Price, Rambo, Reily, Sanford, Savage, Walker, Weed, Welch, Willis, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 696—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 696 finally passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Boynton, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Miller, Price, Rambo, Savage, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 270—An Act to add a new section to the Political Code of the State of California, to be known as Section 2197a, relating to claims against counties for the expense of keeping insane prisoners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 270 finally passed by the following vote:

AYES—Senators Bell, Belshaw, Boynton, Caminetti, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, Miller, Rambo, Savage, Walker, Weed, Welch, Willis, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 695—An Act to add a new section to the Code of Civil Procedure, to be numbered 981, relating to costs on appeal to Superior Courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 695 finally passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Boynton, Caminetti, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Price, Rambo, Savage, Walker, Weed, Welch, Willis, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1008—An Act to amend Section 1945 of the Civil Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1008 finally passed by the following vote:

AYES—Senators Bates, Bell, Belshaw, Boynton, Greenwell, Hartman, Keane, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Miller, Price, Rambo, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 261—An Act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 261 refused final passage by the following vote:

AYES—Senators Bates, Bell, Cartwright, Keane, Leavitt, Muentner, Reily, Willis, Wolfe, and Wright—10.

NOES—Senators Belshaw, Black, Boynton, Greenwell, Hartman, Irish, Kennedy, Lukens, Lynch, Markey, Mattos, Miller, Nelson, Price, Rambo, Savage, Walker, and Weed—18.

Bill ordered transmitted to the Assembly.

ANNOUNCEMENT BY PRESIDENT.

The President pro tem. announced that he had just been informed of the death of the mother of Senator J. B. Sanford, of the Fourth District, who since the noon recess had been suddenly called to his home, requesting before his departure that he be granted a leave of absence for the remainder of the session.

LEAVE OF ABSENCE.

Senator Sanford was, on motion of Senator Belshaw, granted leave of absence for the remainder of this session.

RESOLUTION—OUT OF ORDER.

The following resolution was offered:

By Senator Leavitt:

Resolved, That the Senate of the State of California has just received the sad intelligence of the death of the mother of our distinguished member, Hon. J. B. Sanford, and we the members of the Senate of the State of California, do hereby express our profound sorrow in the sad affliction which has befallen our distinguished member, and we extend to him hereby our heartfelt sympathy; and be it

Resolved, That when the Senate adjourns on this day, it do so out of respect to the memory of the deceased.

Resolution read, and unanimously adopted by rising vote.

STATEMENT BY SENATOR LYNCH.

Senator Lynch asked for and was granted unanimous consent to make a statement on behalf of Senator Sanford, who, unable to do so himself, wished in this manner to bid each and every member of the Senate farewell and to thank members and officers alike for the uniform courtesies and numerous favors extended him on all occasions throughout the session.

MESSAGE FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 11, 1907.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day made the following appointments:

J. W. McKinley, of Los Angeles, a member of the Board of Regents of the University of California, vice Chas. S. Wheeler, appointment withdrawn.

Thomas R. Bard of Hueneme, a member of the Board of Regents of the University of California, vice Rudolph J. Taussig, appointment withdrawn.

C. M. Belshaw, of Antioch, a member of the State Board of Prison Directors, vice self, appointment withdrawn.

John Swett, of Martinez, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, appointment withdrawn.

Vanderlynn Stow of San Francisco, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, appointment withdrawn.

W. E. Dennison, of San Francisco, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, vice John G. Mattos, Jr., appointment withdrawn.

James Clark, of Pasadena, a member of the Board of Trustees of the Whittier State School, vice J. N. Anderson, appointment withdrawn.

Henry E. Sherer, of Los Angeles, a member of the Board of Bank Commissioners, vice John G. Currier, appointment withdrawn.

T. E. Newlin, of Los Angeles, a member of the Board of Trustees of the Whittier State School, vice self, term expired.

I respectfully ask the consent of the Senate to the above named appointments.

J. N. GILLET,
Governor of the State of California.

On motion of Senator Lukens, the Senate at once proceeded to the confirmation of the appointment of Senator C. M. Belshaw, of the Ninth District, referred to in the above message from the Governor.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of C. M. Belshaw, of Antioch, a member of the State Board of Prison Directors, in place of himself, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Anderson, Bates, Bell, Black, Boynton, Broughton, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Whereupon the President pro tem. announced that the appointment of C. M. Belshaw, of Antioch, a member of the State Board of Prison Directors, in place of himself, appointment withdrawn, had been duly confirmed.

GOVERNOR'S MESSAGE REFERRED TO COMMITTEE AND SPECIAL ORDER SET.

Senator Leavitt moved that the message from the Governor regarding certain gubernatorial appointments, except the appointment of Senator Belshaw, heretofore duly confirmed, be referred to the Committee on Executive Communications, and that the consideration of the same be made a special order for the next legislative day at eleven o'clock A. M.

Motion carried.

PRESIDENT PORTER IN THE CHAIR.

At three o'clock and forty minutes P. M., Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the further consideration of Assembly Bill No. 900, the same was taken up for consideration.

Assembly Bill No. 900—An Act to amend Section 53 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the county and township officers and their terms of office.

Bill finally passed heretofore this day.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wright asked for and was granted unanimous consent to have Assembly Bill No. 340 taken up for the purpose of amendment.

Assembly Bill No. 340—An Act to prevent the giving of rebates or special favors as an inducement to taking out of any life insurance policy within the State of California, and providing penalties for the violation thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Savage moved to refer to Senator Wright as a special committee of one, to amend as follows:

By striking out Section 4 and inserting the following:

SEC. 4. Wherever the word "company" is used in this Act it shall be held to include every corporation, association, firm or person transacting or desiring to transact any kind of life insurance business under the laws of the State of California, except on the assessment or fraternal plan.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 340, with instructions to amend, respectfully reports the same back, amended as per instructions.

WRIGHT, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 102—An Act to amend Section 384 of the Penal Code, and repeal Sections 384a and 384b of said Penal Code, all relating to forest fires.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 102 finally passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Greenwell, Keane, Lukens, Mattos, McKee, Miller, Muentner, Price, Reily, Savage, Weed, Willis, Wolfe, and Wright—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 922—An Act to add a new section to the Penal Code, to be numbered 271*b*, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce, during the pendency of the action at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 922 finally passed by the following vote:

AYES—Senators Anderson, Bates, Belshaw, Black, Boynton, Cartwright, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McKee, Price, Reily, Savage, Weed, Willis, Wolfe, and Wright—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 692—An Act granting rights of way for lines, roads, structures, levees, canals, and excavations to the United States, over the public lands of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 692 finally passed by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Caminetti, Greenwell, Irish, Keane, Kennedy, Leavitt, Lukens, Markey, Mattos, McKee, Price, Rambo, Reily, Rolley, Savage, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 268—An Act to add a new section to the Penal Code of California, to be numbered 357*a*, relative to preserving marks, brands, description and sex of animals slaughtered.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 250—An Act to amend Section 224 of the Civil Code of the State of California, relative to the adoption of minor children.

Also: Assembly Bill No. 1007—An Act to amend Section 1943 of the Civil Code of the State of California.

Also: Assembly Bill No. 822—An Act to classify the roads in the State of California, and to define each class.

Also: Assembly Bill No. 907—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Section 34 of said Act.

Also: Assembly Bill No. 989—An Act to amend an Act entitled "An Act to prevent the propagation by the production of seed, of that certain plant known as Sorghum

halepense, otherwise known as Johnson grass," approved March 20, 1903, relating to the propagation of noxious weeds.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 286—An Act to amend Sections 1896 and 1901 of the Code of Civil Procedure, both relating to subpoenas.

Also: Senate Bill No. 311—An Act to amend Section 330 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 248, both relating to jurors.

Also: Senate Bill No. 11—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Also: Passed as a case of urgency, Senate Bill No. 879—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time, and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

Also: Senate Bill No. 948—An Act to repeal Article IX, of Chapter II, of Title VI, of Part III of the Political Code, and every section thereof, and to add to said Code a new article to said chapter, to be numbered Article IX, embracing Sections 2745 to 2772, both inclusive, relating to permanent road divisions.

Also: Senate Bill No. 615—An Act to provide for the reproduction of books, documents, maps or records of any city, county, or city and county board or officer, where the same has been destroyed by conflagration or other public calamity.

Also: Senate Bill No. 150—An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

Also: Adopted Senate Joint Resolution No. 12—Relative to the creation by the Congress of the United States of a Department of Mines, with its head a member of the President's Cabinet.

Also: Assembly Concurrent Resolution No. 25—*Resolved by the Assembly, the Senate concurring*, That leave of absence from the State for a period longer than sixty days is hereby granted to the following Assemblymen: Grove L. Johnson of Sacramento, J. P. Transue, Geo. W. Root, P. A. Stanton, W. R. Leeds, P. V. Hammon, C. C. Spaulding, Henry Thompson, Frank R. Devlin, R. L. Beardslee, Guy W. Smith, P. F. Cogswell, Frank Otis, W. F. Lemon, N. W. Thompson, P. W. Forbes, J. W. Finney, H. W. A. Weske, F. J. O'Brien, Geo. L. Sackett, J. O. Davis, E. J. Lynch, P. C. Campbell, Gideon S. Case, H. C. Lucas, E. S. Birdsall, Arthur E. Percival, Edward I. Butler, Fred E. Pierce, W. F. Ludington.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Assembly Bill No. 286 read first time, and ordered on file without reference to committee.

Senate Bills Nos. 311, 11, 879, 948, 615 and 150 ordered to enrollment.

Senate Joint Resolution No. 12 ordered to enrollment.

Assembly Concurrent Resolution No. 25 ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 418—An Act to amend Section 1973 of the Code of Civil Procedure, relating to agreements which, or some note or memorandum whereof, must be in writing.

Also: Senate Bill No. 578—An Act to create a reclamation district, to be called Reclamation District No. 774, and providing for the management and control thereof and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

Also: Senate Bill No. 265—An Act to amend Sections 626, 626a, 626d, 626g, 626j, 627b, and 637a of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637b, all relating to the protection and preservation of game and fish.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 418?"

Strike out the semicolon at the end of line 13, Section 1, page 1 of the printed bill, and insert at the end of said line the following: "of the Civil Code."

The roll was called, and the Assembly amendment to Senate Bill No. 418 concurred in by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Boynton, Caminetti, Curtin, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McKee, Muentert, Nelson, Price, Rambo, Reily, Rolley, Savage, Weed, Willis, and Wright—25.

NOES—None.

Senate Bill No. 418 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 578?"

Amend page 3, Section 2, of said bill, by striking out lines 8 and 9 thereof, and all of line 10 down to the word "until," where it appears in said bill, and by inserting in lieu thereof the following: "the Governor shall appoint seven trustees, who shall hold office for four years, or."

Also: Amend page 3, Section 2, by striking out lines 17 to 21, inclusive, and inserting in lieu thereof the following:

"Provided, also, that the office of said district shall be in the City of Sacramento and the board of supervisors of Sacramento County shall have jurisdiction in all matters concerning said district, excepting that the board of supervisors of Sutter County shall appoint the commissioners to assess the lands in said district in the manner provided by law. All funds of said district shall be deposited in the county treasury of Sacramento County, and shall be disbursed by the treasurer of said county in payment of the warrants of said district."

The roll was called, and Assembly amendments to Senate Bill No. 578 concurred in by the following vote:

AYES—Senators Bell, Belshaw, Boynton, Cartwright, Curtin, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McKee, Muentert, Rambo, Reily, Rolley, Savage, Willis, Wolfe, and Wright—21.

NOES—None.

Senate Bill No. 578 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 265?"

Amend by striking out the word "fifteenth," Section 1, on line 4, first page, printed bill.

Also: Amend by striking out the words "There shall be a closed season on deer for three years from the passage of this Act, and any one killing a deer during this period shall be guilty of a misdemeanor," Section 5, on line 3, second page, printed bill, and inserting in lieu thereof the following: "Every person who, owning, controlling, or having in his possession, any dog or dogs, wilfully suffers, permits, or allows said dog or dogs to run, track, or trail any deer at any time, except a wounded deer, during the season that deer may be lawfully killed, is guilty of a misdemeanor."

Also: Amend by striking out the word "three," Section 9, on line 6, fourth page, printed bill, and inserting in lieu thereof the following: "two."

The roll was called, and the Assembly amendments to Senate Bill No. 265 concurred in by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Boynton, Cartwright, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, Muentert, Price, Rambo, Reily, Rolley, Weed, Willis, and Wolfe—21.

NOES—None.

Senate Bill No. 265 ordered to enrollment.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Willis:

Resolved, That Assembly Bill No. 286 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Caminetti, Cartwright, Curtin, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Savage, Weed, Willis, Wolfe, and Wright—29.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 286—An Act to amend Sections 1986 and 1991 of the Code of Civil Procedure, both relating to subpoenas.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 286 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Cartwright, Curtin, Greenwell, Hartman, Kennedy, Leavitt, Lukens, Lynch, McCartney, McKee, Muentner, Price, Rambo, Reily, Rolley, Savage, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 25 taken up for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 25.

Resolved by the Assembly, the Senate concurring, That leave of absence from the State for a period longer than sixty days is hereby granted to the following Assemblymen: Grove L. Johnson of Sacramento, J. P. Transue, P. A. Stanton, W. R. Leeds, P. V. Hammon, Henry Thompson, R. L. Beardslee, P. F. Cogswell, W. F. Lemon, P. W. Forbes, H. W. R. Weske, Geo. L. Sackett, E. J. Lynch, Gideon S. Case, H. C. Lucas, E. S. Birdsall, Arthur E. Percival, Edward I. Butler, Fred E. Pierce, W. F. Ludington, Geo. W. Root, C. C. Spaulding, Frank R. Devlin, Guy W. Smith, Frank Otis, N. W. Thompson, J. W. Finney, F. J. O'Brien, J. O. Davis, P. C. Campbell.

Concurrent resolution read.

The question being on the adoption of the Assembly Concurrent Resolution.

The roll was called, and Assembly Concurrent Resolution No. 25 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Markey, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Rolley, Savage, Willis, and Wright—26.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Assembly Bill No. 898, the same was taken up for consideration.

Assembly Bill No. 898—An Act creating a public relief commission, and defining its powers and purposes; providing for the appointment of commissioners in whom its administration shall be vested, and prescribing their duties, powers, and compensation; providing for the rental of offices for the use of the commissioners, and for traveling and office expenses; providing for the appointment of other officers, agents, and servants, and for their compensation; providing a course of procedure where any person, firm, or corporation, or society has received, held, distributed, or disposed of, or is receiving, holding, distributing, or disposing of trust funds or trust property in an unsafe or unauthorized manner, where the trust funds or other trust property has been donated, granted, given, or bequeathed for the relief of any sufferers from any earthquake, conflagration, or other disaster; providing for succession in the office of the commissioner, and repealing all Acts and parts of Acts in conflict herewith.

Read third time heretofore this day.

The question being on the passage of the bill.

The roll was called, whereupon the President declared that Assembly Bill No. 898 was refused final passage by the following vote:

AYES—Senators Anthony, Bates, Caminetti, Greenwell, Hartman, Irish, Keane, Kennedy, Markey, Muentner, Nelson, Reilly, Savage, Welch, Willis, and Wolfe—16.

NOES—Senators Anderson, Bell, Belshaw, Black, Boynton, Cartwright, Curtin, Leavitt, Lynch, Mattos, McCartney, Price, Rambo, Rolley, Walker, Weed, and Wright—17.

MOTION TO SET ASIDE CHAIR'S DECLARATION OF VOTE.

Senator Curtin moved that the President's declaration of the vote on Assembly Bill No. 898 be set aside, on the ground that the vote had been announced through an inadvertence.

Motion carried.

MOTION FOR CALL OF SENATE LOST.

Pending the announcement of the vote, Senator Anthony moved a call of the Senate.

Motion lost.

Time, four o'clock and thirty minutes P. M.

BILL ORDERED TRANSMITTED TO THE ASSEMBLY.

Whereupon the President ordered Assembly Bill No. 898 transmitted to the Assembly.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to have Assembly Constitutional Amendment No. 28 taken up for consideration.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 28.

A resolution to propose to the people of the State of California an amendment to Section 16 of Article IV of the Constitution, in relation to the approval and return of bills by the Governor and the exercise of the veto power.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California, at its thirty-seventh session, commencing on the 7th day of

January, nineteen hundred and seven, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that Section 16 of Article IV of the Constitution of the State of California, be amended so as to read as follows:

Section 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter such objections upon the Journal and proceed to consider it. If after such reconsideration, it again pass both houses, by yeas and nays, two thirds of the members elected to each house voting therefor, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevents such return, in which case it shall not become a law, unless the Governor, within thirty days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the house in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor.

Assembly Constitutional Amendment read.

The question being on the adoption of Assembly Constitutional Amendment.

The roll was called, and Assembly Constitutional Amendment No. 28 adopted by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Lukens, Mattos, McCartney, McKee, Muenter, Nelson, Price, Rambo, Reily, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—Senator Anthony—1.

Constitutional amendment ordered transmitted to the Assembly.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 531—An Act to regulate the traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 531 refused final passage by the following vote:

AYES—Senators Belshaw, Curtin, and Savage—3.

NOES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Cartwright, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Muenter, Nelson, Price, Rambo, Reily, Rolley, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

Bill ordered transmitted to the Assembly.

RESOLUTIONS —(OUT OF ORDER).

The following resolutions were offered:

By Senator Reily:

Resolved, That L. A. Pfeiffer, Engrossing and Enrolling Clerk of the Senate, be and he is hereby employed after the final adjournment, for the purpose of completing the

work of that department, and delivering the books and registers into the hands of the Secretary of State, and that he be allowed the sum of one hundred (\$100) dollars, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant for said amount in favor of the above named person, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator McCartney:

Resolved, That the State Printer be and he is hereby authorized and directed to print 5,000 copies of the Pure Food and Drug Acts of the thirty-seventh session of this Legislature and deliver the same to the Secretary of State for distribution; and be it further

Resolved, That the Secretary of State be and he is hereby authorized to deliver 2,500 copies of said Pure Food and Drug Acts, when printed, to the members of this Senate for distribution by them.

Resolution read.

The question being on the passage of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lynch, Mattos, McCartney, Rambo, Reily, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

APPOINTMENTS BY THE PRESIDENT.

The President announced that, pursuant to Senate Concurrent Resolution No. 3—Relative to the appointment of a special committee of six members from the Legislature of California to investigate and report upon the condition of the harbors of the State and make recommendations for legislation necessary to be enacted at the next session of the Legislature—he had appointed Senators Wright, Wolfe, and Kennedy to serve on such committee.

The President announced that, pursuant to Committee Substitute for Senate Bills Nos. 227 and 346—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution, and of the result to be effected by the proposed amendment—he had appointed Senators Willis and Curtin to prepare within one year a brief statement showing the purpose of Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employes of the Senate and Assembly—and a comparative statement of the operation of the corresponding section or article of the Constitution, with reasons pro and con, and forward such statement to the Secretary of State, printed copies of which shall be distributed to the registered voters of the State of California.

The President announced that, pursuant to Committee Substitute for Senate Bills Nos. 227 and 346, he had appointed Senators Muenter and Curtin to prepare, within one year, a brief statement showing the purpose of Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Article XIII thereof by striking therefrom and repealing Section 4 of said article, relative to the assessment of a mortgage, deed of trust, contract, or other obligation by which a debt is secured, and to taxes due upon such assessment—and pursue the same course above indicated.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 840—An Act to amend Section 3788 of the Political Code and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817; and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818 of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes." approved February 25, 1895. all relating to the sale of State lands

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 840 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Caminetti, Curtin, Greenwell, Hartman, Keane, Lukens, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Rambo, Reily, Rolley, Savage, Walker, Welch, Willis, Wolfe, and Wright—25.

NOES—Senators Bell, Black, Boynton, Cartwright, Irish, Kennedy, Leavitt, Mattos, Price, and Weed—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 500—An Act to add a new section to the Code of Civil Procedure, relating to juries, to be known and numbered as Section 605.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 500 refused final passage by the following vote:

AYES—Senators Bell and Caminetti—2.

NOES—Senators Anderson, Bates, Belshaw, Black, Boynton, Broughton, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—27.

Bill ordered transmitted to the Assembly.

SENATOR LEAVITT IN THE CHAIR.

At five o'clock P. M., Senator Leavitt, of the Sixteenth District, in the chair.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on yesterday, Senator Anderson moved that the vote whereby Assembly Bill No. 902—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of boards of school trustees and city boards of education—was passed, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Anderson, Boynton, Caminetti, Cartwright, Lukens, and Mattos—6.
 NOES—Senators Anthony, Bates, Bell, Black, Broughton, Curtin, Greenwell, Kennedy, Leavitt, Lynch, McKee, Muenter, Nelson, Price, Rambo, Reily, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—24.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER LOST.

In compliance with his notice given on yesterday, Senator McCartney moved that the vote whereby Assembly Bill No. 753—An Act to amend an Act entitled "An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect and receive of any savings bank any deposits in such bank when the same does not exceed the sum of \$300," approved February 18, 1874, and an Act amendatory thereof, approved March 8, 1895—was refused passage, be now reconsidered.

Motion was duly seconded.

The question being on motion to reconsider.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators McCartney and McKee—2.

NOES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Cartwright, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, Nelson, Price, Rambo, Reily, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 861—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Savage moved to refer to Senator Anderson, as a special committee of one, to amend as follows:

By striking out of Section 1, line 8, the words "half mile," and inserting in lieu thereof the following: "and one half mile."

The question being on the motion to refer Assembly Bill No. 861 to a special committee of one, for the purpose of amendment.

The roll was called, and the motion carried by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Broughton, Keane, Kennedy, Leavitt, Mattos, McCartney, Rambo, Rolley, Savage, Walker, and Weed—16.

NOES—Senators Boynton, Caminetti, Cartwright, Curtin, Hartman, Lynch, Markey, McKee, Muenter, Nelson, Price, Welch, and Wright—13.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1907

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 861, with instructions to amend, respectfully reports the same back, amended as per instructions.

ANDERSON, Special Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

RUSH ORDER TO PRINTER.

On motion of Senator Caminetti, the Secretary was directed to issue a rush order for printing Assembly Bill No. 861.

THIRD READING OF URGENCY-FILE BILLS—(RESUMED).

Assembly Bill No. 458—An Act to appropriate \$10,000 for the establishment of a school of forestry at the University of California, and specifying the duties of the Controller and Treasurer of the State in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 458 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Savage, Walker, Weed, Wolfe, and Wright—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 513—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 513 finally passed by the following vote:

AYES—Senators Anthony, Belshaw, Black, Broughton, Cartwright, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, Nelson, Rambo, Reily, Rolley, Walker, Weed, Willis, and Wolfe—21.

NOES—Senator Price—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 988—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be designated as Section 1674a, relating to contracts involving carriers of newspapers and newspaper carriers' business.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 988 refused final passage by the following vote:

AYES—Senators Keane, Kennedy, Reily, and Savage.

NOES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Cartwright, Curtin, Greenwell, Leavitt, Mattos, McKee, Price, Rolley, Walker, Weed, Willis, Wolfe, and Wright—19.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Wolfe, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 259—An Act appropriating two hundred and fifty thousand dollars (\$250,000) to aid in the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California; also for providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 610—An Act creating a contingent fund for the use of the State Prison at Folsom, and making an appropriation therefor, to be expended for the objects hereinafter specified: For the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Senate Bill No. 625—An Act relating to the restoration by certain public officers of public records other than court records or public records of private writings when such public records have been lost, injured, destroyed by conflagration or other public calamity.

Also: Senate Bill No. 867—An Act to amend the Penal Code by adding thereto a new section, to be numbered Section 515, relating to embezzlement by co-owner or co-partner.

Also: Senate Bill No. 397—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Also: Senate Bill No. 884—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, and amended March 2, 1903, in relation to cruelty to animals, and the arrest, trial and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Also: Senate Bill No. 884—An Act to amend Section 14 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said mining bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau.

Also: Adopted Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 1 of Article XVI thereof, relating to State indebtedness.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bills Nos. 625, 867, 397, 884, and 624 ordered to enrollment.

Senate Constitutional Amendment No. 29 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 761—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.

Also: Senate Bill No. 947—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Debris, and authorizing such board, under the supervision and subject to the approval

of the Advisory Board of the Department of Engineering, to perform certain duties relating to the restraint of mining debris, the construction of certain works necessary and incident to the restraint thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process where the same can be done without injury to any other industry.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 761?"

Insert after the figures "1907," in line 3, Section 1, page 1 of the printed bill, the following: "and subsequent to the first day of January, 1901."

Also: On line 21 of page 2, strike out period after word "diligence," and insert in place thereof a semicolon, and add the words: "*and provided, further, that nothing herein contained shall be deemed to extend or revive any lease which by its terms has expired, nor to apply to any interest or claim of interest other than under a lease.*"

The roll was called, and Assembly amendments to Senate Bill No. 761 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Price, Rambo, Reily, Rolley, Savage, Walker, Weed, and Wolfe—26.

NOES—None.

Senate Bill No. 761 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 947?"

Amend by striking out the words: "and at least three of whom shall be actively engaged in hydraulic mining in the hydraulic mining regions of the State," on lines 3, 4, and 5, first page, printed bill.

The roll was called, and Assembly amendment to Senate Bill No. 947 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Curtin, Greenwell, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Rambo, Reily, Rolley, Savage, Walker, Weed, Willis, and Wolfe—26.

NOES—None.

Senate Bill No. 947 ordered to enrollment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Caminetti asked for and was granted unanimous consent to have Assembly Bill No. 361 taken up for consideration.

Assembly Bill No. 361—An Act to amend the Penal Code of the State of California by adding three new sections thereto, to be numbered 556, 556a, and 556b, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 361 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Broughton, Irish, Keane, Leavitt, Lukens, Lynch, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Savage, Weed, Willis, Wolfe, and Wright—23.

NOES—Senators Cartwright and Walker—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Anthony:

Resolved, That Assembly Bill No. 923 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and resolution refused adoption by the following vote:

AYES—Senators Anthony, Caminetti, Cartwright, Curtin, Irish, Keane, Kennedy, Markey, McCarney, McKee, Muenster, Nelson, Reilly, Rolley, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—21.

NOES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Leavitt, Lynch, Mattos, Price, and Rambo—11.

MOTION TO RECONSIDER.

In compliance with the notice given on previous day by Senator Sanford, Senator Caminetti moved that the vote whereby Assembly Bill No. 794—An Act to regulate nominations of public officers in party conventions by instructing delegates thereto and limiting their powers—was refused final passage, be now reconsidered.

The motion was duly seconded.

MOTION TO LAY ON THE TABLE CARRIED.

Senator Belshaw moved that the motion to reconsider the vote on Assembly Bill No. 794 be laid on the table.

Motion carried.

RECESS.

At six o'clock p. m., on motion of Senator Mattos, the Acting President declared the Senate at recess until eight o'clock p. m.

RECONVENED.

At eight o'clock p. m. the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 498—An Act authorizing the payment of a claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 682—An Act to amend an Act entitled "An Act to repeal Section 427 of an Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 21, 1905.

Also: Senate Bill No. 798—An Act to provide for suitable toilet rooms in certain foundries, and providing a penalty for a violation of this Act.

Also: Senate Bill No. 730—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a new section, to be numbered Section 25c, authorizing boards of supervisors to acquire and maintain parks, and to issue bonds therefor.

Also: Senate Bill No. 567—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 463—An Act authorizing any incorporated city, town or municipal corporation, to construct, equip, use, maintain, and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the preparation, manufacturing, handling or transporting of materials or supplies required in the construction or completion of any public work, improvement or utility, and to lease, acquire, by purchase, condemnation or otherwise, and hold and use lands and other necessary property for said purpose.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bills Nos. 498, 682, 798, 730, and 567 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 463?"

Amend by striking out all of title of printed bill, and inserting in lieu thereof the following:

An Act authorizing any incorporated city, town or municipal corporation, to construct, equip, use, maintain, and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the preparation, manufacturing, handling or transporting of materials or supplies required in the construction or completion of any public work, improvement or utility, and to lease, acquire by purchase, condemnation or otherwise, and hold and use lands and other necessary property for said purposes.

Also: Amend by striking out all of Section 1 of printed bill, and inserting in lieu thereof the following:

SECTION 1. Any incorporated city, town, or municipal corporation in this State is hereby authorized to construct, equip, use, maintain, and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, within or without such city, town, or municipal corporation, or the county wherein such city, town, or municipal corporation is located, for the preparation, manufacturing, handling, or transporting of any materials or supplies required in the construction or completion by such city, town, or municipal corporation of any public work, improvement, or utility, and, for the purpose of constructing, equipping, using, maintaining or operating any such works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, such city, town or municipal corporation is hereby authorized to lease or acquire, by purchase, condemnation, or otherwise, and hold and use any land, rights of way, water, water rights, quarry, gravel bed, or other mineral deposits, or any other necessary property, within or without such city, town, or municipal corporation, or the county wherein such city, town, or municipal corporation is located.

The roll was called, and the Assembly amendments to Senate Bill No. 463 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Rolley, Savage, Weed, Welch, Willis, and Wolfe—28.

NOES—None.

Senate Bill No. 463 ordered to enrollment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I herewith return to the Senate the following bills and amendments left in the Committee on Education:

Senate Bills Nos. 366, 391, 395, 755, 774, 890; Assembly Bills Nos. 315, 400, 542, 932; Senate Constitutional Amendments Nos. 10, 14, 23.

ANDERSON, Chairman.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Welch, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to concur in Senate Concurrent Resolution No. 23, and fix the hour of eleven o'clock P. M. this day for acting upon the same.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 117—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 941—An Act to amend Section 2743 of the Political Code, relating to construction and repair of bridges to be let out by contract.

Also: Senate Bill No. 862—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522a thereof, relating to certification of the monthly statement by the secretary of the Board of State Harbor Commissioners to the State Controller, and the employment of a certified public accountant thereof.

Also: Senate Bill No. 77—An Act to amend Section 205 of the Code of Civil Procedure, relating to the qualifications of jurors.

Also: Senate Bill No. 352—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Also: Senate Bill No. 943—An Act to empower the Board of Managers of the Southern California State Hospital to sell a right of way for an electric railroad.

Also: Senate Bill No. 680—An Act to repeal Section 444 of the Civil Code, relating to investments by certain life, health, and accident insurance corporations.

Also: Senate Bill No. 642—An Act to amend Section 384c of the Penal Code, relating to the injuring of animals by persons hunting.

Also: Senate Bill No. 806—An Act to pay the claim of John E. Toler, and making an appropriation thereof.

Also: Senate Bill No. 829—An Act to add a new section to the Political Code, to be numbered Section 1361, and to amend Section 1367 of the Political Code, in relation to primary elections.

Also: Senate Bill No. 546—An Act to amend Section 16 of an Act entitled "An Act to amend an Act entitled 'An Act defining and providing for the control, protection and treatment of dependent and delinquent children: prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence,' approved February 26, 1903, approved March 22, 1905."

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bills Nos. 941, 862, 77, 352, 943, 680, 642, 806, 829, and 546 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed, as amended, Senate Bill No. 669—An Act to amend Sections 3804 and 3805a of the Political Code, relating to the refunding of taxes and the cancellation of certificate of tax sales.

Also: Senate Bill No. 872—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County, and making an appropriation thereof.

Also: Amended, and adopted as amended, Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article XII thereof, by amending Section 3 thereof, relating to the liability of stockholders of a corporation of joint stock association.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 660?"

Amend the title of bill as follows: Strike out all of title to bill, and insert in lieu thereof the following:

"An Act to amend Section 3804 of the Political Code, relating to the refunding of taxes erroneously collected."

The roll was called, and the Assembly amendments to Senate Bill No. 660 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Cartwright, Curtin, Hartman, Irish, Keane, Leavitt, Lukens, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—None.

Senate Bill No. 660 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 872?"

Amend by striking out the word "five," on line 2, first page, printed bill, and inserting in lieu thereof the following: "four."

The roll was called, and the Assembly amendment to Senate Bill No. 872 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Cartwright, Curtin, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Miller, Muentner, Price, Rambo, Reily, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Senate Bill No. 872 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 33?"

On page 2, line 23, strike out the word "herein," and insert in lieu thereof the following: "in any such exposition company."

Also: On page 2, lines 23 and 24, strike out the words "the amount of," and insert in lieu thereof the following: "an amount not exceeding the par value of the."

Also: On page 2, line 24, strike out the word "them," and insert in lieu thereof the following: "such stockholders."

The roll was called, and Assembly amendments to Senate Constitutional Amendment No. 33 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Lukens, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Reily, Rolley, Savage, Walker, Weed, Willis, and Wolfe—28.

NOES—None.

Senate Constitutional Amendment No. 33 ordered to enrollment.

UNFINISHED BUSINESS.

On motion of Senator Caminetti, Assembly amendment, pending since March 7, 1907, to Senate Bill No. 114—An Act appropriating money for the equipment of the trades building at the Preston School of Industry—was taken up for consideration.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 114?"

Amend by striking out the word "five," Section 1, on line 3, first page, printed bill, and inserting in lieu thereof the following: "three."

The roll was called, and Assembly amendment to Senate Bill No. 114 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

Senate Bill No. 114 ordered to enrollment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses have had referred to it various resolutions providing allowances to attachés of the Senate; have had the same under consideration and respectfully recommend the adoption of the following resolution as a substitute for those referred to our committee:

Resolved, That the following employees or attachés of the Senate be allowed the sum set opposite their respective names for services to be rendered after the close of the session of the Legislature, in accordance with resolutions heretofore introduced in the Senate, and the Controller is hereby directed to draw his warrant in payment of the same, in favor of each of the persons named, and the Treasurer to pay the same.

G. Ray Horton, Minute Clerk	\$50 00
Sam Redmond, Assistant Minute Clerk.....	50 00
Donn J. Shields, Assistant Secretary.....	50 00
John Grindley, Bookkeeper to Sergeant-at-Arms.....	50 00
J. G. McCall, Assistant Bookkeeper to Sergeant-at-Arms.....	50 00
John Devereaux, Elevator Attendant.....	40 00
J. Louis Martin, Sergeant-at-Arms.....	30 00

Also: The following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the following-named persons and for the amounts specified, the same being on account of expenses incurred in connection with the work of the Senate special committee for the investigation of the sale of prison-made jute bags at San Quentin:

James Oliver, traveling expenses	\$10 00
I. Ballard, traveling expenses.....	10 00
J. Louis Martin, serving subpoenas.....	20 50
V. Dietz, reporting, and transcription of testimony.....	46 10

The amounts named to be paid out of the Contingent Fund of the Senate.

Also:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of the following-named persons for services rendered the Senate prior to its organization, and the Treasurer is hereby directed to pay the same:

R. G. Collins, 4 days, carrying the mail.....	\$12 00
Wm. Gamble, 3 days, as watchman.....	9 00
J. W. Gudgel, 3 days, as watchman.....	9 00

Also:

Resolved, That Edward McCabe be and he is hereby allowed \$15 for services performed this thirty-seventh session of the Legislature from January 7th to January 9th, inclusive, and the Controller is hereby directed to draw his warrant, and the Treasurer is hereby directed to pay the same.

Also:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of Dr. E. H. Pitts for the sum of \$80, the same being in payment for rent of two committee rooms for two months, at \$20 per month, and the Treasurer is hereby directed to pay the same.

Also:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate, in favor of the Sergeant-at-Arms, for the sum of \$336.45 in payment of the bills attached hereto:

Hook & Son	\$ 8 00
C. J. Peters.....	2 95
Scott, Lyman & Stack.....	18 75
John Breuner Co.....	27 25
Globe Transfer Co.....	36 00
Siller Bros.....	15 00
A. J. Johnston & Co.....	55 50
Capital Ice Co.....	1 80
Kane-Trainer Co.....	31 50
H. S. Crocker Co.....	32 00
Thos. Lewis.....	18 00
F. Pulford.....	5 20
J. L. Martin.....	40 00
Mrs. McAll.....	6 00
Mrs. Blake.....	6 00
C. L. Paine.....	17 50
J. W. Gudgel.....	5 00
Wm. Weeks.....	10 00

\$336 45

Also:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Secretary of Senate in the sum of \$449.40, in payment of the bills hereto attached; the same payable out of the Contingent Fund of the Senate:

Remington Typewriter Co.....	\$3 00
H. S. Crocker Co.....	148 00
A. J. Johnston & Co.....	268 40
W. R. Porter.....	30 00
Total	\$449 40

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Cartwright, Curtin, Hartman, Irish, Keane, Kennedy, Lukens, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—None.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 573—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905—have had the same under consideration, and respectfully report the same back without recommendation.

PRICE, Chairman.

Senate Bill No. 573 ordered on file for second reading.

ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: Your Committee on Mines and Mining, to whom was referred Assembly Bill No. 1019—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property—have had the same under consideration, and respectfully report the same back, without recommendation.

BOYNTON, Chairman.

Assembly Bill No. 1019 ordered on Assembly special file for second reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Assembly Bill No. 366 taken up for consideration.

Assembly Bill No. 366—An Act to amend an Act entitled an Act to provide for the organization and management of county fire insurance companies, approved April 1, 1897, by amending Sections 7, 10, and 12 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 366 finally passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Cartwright, Curtin, Irish, Keane, Kennedy, Leavitt, Lukens, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Savage, Walker, Weed, Willis, Wolfe, and Wright—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: Your Committee on Conference concerning Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry—report that we have met a like committee of the Assembly, consisting of Assemblymen Snyder, Held, and Chandler, and we report that the Conference Committee agreed upon and recommend that the Assembly recede from Assembly amendments.

CAMINETTI,
ANDERSON,
BELSHAW,

Senate Committee on Conference.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Boynton, Caminetti, Curtin, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, Price, Rambo, Reilly, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—25

NOES—None.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Belshaw, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Senate Bill No. 725—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein, and prescribing the duties of the State Controller and Attorney-General with reference thereto.

Also: Senate Bill No. 166—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, relating to the Commissioner for the Bureau of Labor Statistics, the compensation of said Commissioner, his deputy, his agents and assistants and making an appropriation therefor.

Also: Senate Bill No. 854—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Also: Senate Bill No. 237—An Act to amend Section 1200 of the Code of Civil Procedure, relating to mechanics' liens.

Also: Senate Bill No. 135—An Act to amend Section 3817 of the Political Code of California, relative to the redemption of real estate sold for taxes.

Also: Senate Bill No. 727—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of \$2,000 therefor.

Also: Senate Bill No. 102—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

Also: Adopted Senate Concurrent Resolution No. 15—Relative to creating a special legislative committee to inspect sites for State rifle ranges, and to report thereon at the next session of the legislature.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bills Nos. 725, 166, 854, 237, 135, 727 and 102 ordered to enrollment.

Senate Concurrent Resolution No. 15 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 57—An Act appropriating money to pay expenses necessary for the proper representation of the State of California, and of an exhibit of the products thereof, at the proposed International or World's Exposition to be held in the City and County of San Francisco in nineteen hundred and thirteen, commemorative of the four hundredth anniversary of the discovery of the Pacific Ocean by Vasco Nunez Balboa, and to provide for commissioners thereof.

Also: Senate Bill No. 553—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 57?"

Amend by inserting the word "fifty-ninth," Section 3, on line 17, second page, printed bill.

Also: Amend by inserting the word "sixtieth," Section 3, on line 18, second page, printed bill.

The roll was called, and the Assembly amendments to Senate Bill No. 57 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Nelson, Price, Reily, Rolley, Savage, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Senate Bill No. 57 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 553?"

Strike out the word "three," in line 9, Section 1, page 1 of the printed bill, and insert in lieu thereof the word "two."

Also: Strike out the words "a majority," in line 10, Section 1, page 1 of the printed bill, and insert in lieu thereof the words "any one."

The roll was called, and the Assembly amendments to Senate Bill No. 553 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Boynton, Broughton, Cartwright, Curtin, Hartman, Keane, Kennedy, Leavitt, McCartney, McKee, Muentner, Nelson, Price, Reily, Rolley, Savage, Willis, and Wolfe—22.

NOES—Senators Weed, Welch, and Wright—3.

Senate Bill No. 553 ordered to enrollment.

SENATOR LEAVITT IN THE CHAIR.

At ten o'clock and twenty minutes P. M., Senator Leavitt, of the Sixteenth District, in the chair.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: Your Committee on Conference concerning Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry—report that we have met a like committee of the Assembly, consisting of Assemblymen Chandler, Held, and Estudillo, and we report that the Conference Committee agreed upon and recommend that the Senate concur in Assembly amendments.

CAMINETTI,
BELSHAW,
ANDERSON,

Senate Committee on Conference.

Report adopted.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 54?"

Amend by striking out the word "ten," Section 1, on line 3, first page, printed bill, and inserting in lieu thereof the following: "seven," and after the word "thousand" insert "five hundred."

The roll was called, and Assembly amendment to Senate Bill No. 54 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Curtin, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Mattos, McCartney, McKee, Price, Rambo, Reily, Rolley, Savage, Walker, Willis, Wolfe, and Wright—26.

NOES—None.

Senate Bill No. 54 ordered to enrollment.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock P. M., Hon. E. I. Wolfe, President pro tem. of the Senate, in the chair.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Keane, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 945—An Act making an appropriation of three hundred dollars to pay the claim of George H. P. Shaw against the State of California.

Also: Senate Bill No. 946—An Act making an appropriation of three hundred dollars to pay the claim of George H. P. Shaw against the State of California.

Also: Senate Bill No. 810—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

Also: Senate Bill No. 531—An Act to provide for the improvement of the public highways, and to make an appropriation therefor.

Also: Senate Bill No. 626—An Act to add a new section to the Code of Civil Procedure, to be numbered 751½, relating to the effect of judgments in actions to quiet title and determine adverse claims to real property, and in actions for specific performances.

Also: Senate Bill No. 270—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 803—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title of real property partitioned by decree of court.

Also: Senate Bill No. 651—An Act to amend Section 2580 of the Political Code of the State of California, relating to the powers of the State Board of Harbor Commissioners for the Bay of San Diego.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bills No. 945, 946, 810, 531, 626, 270, 803, and 651 ordered to enrollment.

ADJOURNMENT.

At eleven o'clock and forty minutes P. M., on motion of Senator Belshaw, the President pro tem. declared the Senate adjourned, out of respect to the memory of the late Mrs. Sanford, mother of Senator J. B. Sanford, of the Fourth District.

IN SENATE.

SENATE CHAMBER.

Tuesday, March 12, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. H. Darling.

APPROVAL OF JOURNALS.

The Journals of Saturday, March 9, 1907, Sunday, March 10, 1907, and Monday, March 11, 1907, having been corrected, were read and approved.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, March 11, 1907, the further reading was dispensed with, on motion of Senator Mattos.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day refused adoption to Senate Constitutional Amendment No. 17—Amending Section 31 of Article IV of the Constitution, relative to the granting of aid to certain counties.

Also: Senate Concurrent Resolution No. 23—That no bills shall be considered in either house after six P. M. this 11th day of March, except upon conference and free conference committee.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the conference committee and receded from Assembly amendments to Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to Assembly Bill No. 361—An Act to amend the Penal Code of the State of California, by adding three new sections thereto, to be numbered 556, 556a, and 556b, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State—and requests that your honorable body recede therefrom.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate Amendments to Assembly Bill No. 473—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

Also: Assembly Bill No. 689—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.

Also: Assembly Bill No. 901—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended by amending Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 thereof, and by adding two new sections thereto, to be known as Sections 10a and 10b, relating to a license tax upon corporations, and making provision for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof, approved June 13, 1906.

Also: Assembly Bill No. 936—An Act to add a new section to the Political Code, to be numbered 2697, providing for a notice of petition to alter, discontinue or lay out a road, and the effect thereof.

Also: Assembly Bill No. 1008—An Act to amend Section 1945 of the Civil Code of the State of California.

Also: Assembly Bill No. 840—An Act to amend Section 3788 of the Political Code and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817; and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818 of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Also: Assembly Bill No. 458—An Act to appropriate \$5,000 for the establishment of a school of forestry at the University of California, and specifying the duties of the Controller and Treasurer of the State in relation thereto.

Also: Assembly Bill No. 366—An Act to amend an Act entitled an Act to provide for the organization and management of county fire insurance companies, approved April 1, 1897, by amending Sections 7, 10, 11, and 12 thereof.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON EXECUTIVE COMMUNICATIONS.

SENATE CHAMBER, SACRAMENTO, March 12, 1907.

MR. PRESIDENT: Your Committee on Executive Communications, to whom was referred the following:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 11, 1907.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day made the following appointments:

J. W. McKinley, of Los Angeles, a member of the Board of Regents of the University of California, vice Chas. S. Wheeler, appointment withdrawn.

Thomas R. Bard, of Hucemene, a member of the Board of Regents of the University of California, vice Rudolph J. Taussig, appointment withdrawn.

John Swett, of Martinez, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, appointment withdrawn.

Vanderlynn Stow, of San Francisco, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, appointment withdrawn.

W. E. Dennison, of San Francisco, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, vice John G. Mattos, Jr., appointment withdrawn.

James Clark, of Pasadena, a member of the Board of Trustees of the Whittier State School, vice J. N. Anderson, appointment withdrawn.

Henry E. Sherer, of Los Angeles, a member of the Board of Bank Commissioners, vice John G. Currier, appointment withdrawn.

T. E. Newlin, of Los Angeles, a member of the Board of Trustees of the Whittier State School, vice self, term expired.

I respectfully ask the consent of the Senate to the above named appointments.

J. N. GILLET,
Governor of the State of California.

Have had the same under consideration, and respectfully report the same back and recommend that the Senate do advise and consent to the appointments.

MARKEY, Chairman.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the message from the Governor, dated March 11, 1907, regarding certain gubernatorial appointments, except the appointment of Senator Belshaw, heretofore duly advised and consented to on previous legislative day, the same was taken up for consideration.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 11, 1907.*To the Senate of the State of California:*

I have the honor to inform your honorable body that I have this day made the following appointments:

J. W. McKinley, of Los Angeles, a member of the Board of Regents of the University of California, vice Chas. S. Wheeler, appointment withdrawn.

Thomas R. Bard, of Hueneme, a member of the Board of Regents of the University of California, vice Rudolph J. Taussig, appointment withdrawn.

C. M. Belshaw, of Antioch, a member of the State Board of Prison Directors, vice self, appointment withdrawn.

John Swett, of Martinez, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, appointment withdrawn.

Vanderlynn Stow, of San Francisco, a member of the Board of Trustees of the State Normal School at San Francisco, vice self, appointment withdrawn.

W. E. Dennison, of San Francisco, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, vice John G. Mattos, Jr., appointment withdrawn.

James Clark, of Pasadena, a member of the Board of Trustees of the Whittier State School, vice J. N. Anderson, appointment withdrawn.

Henry E. Sherer, of Los Angeles, a member of the Board of Bank Commissioners, vice John G. Carrier, appointment withdrawn.

T. E. Newlin, of Los Angeles, a member of the Board of Trustees of the Whittier State School, vice self, term expired.

I respectfully ask the consent of the Senate to the above named appointments.

J. N. GILLETT,
Governor of the State of California.

The President put the question, "Will the Senate advise and consent to the appointment of J. W. McKinley of Los Angeles, a member of the Board of Regents of the University of California, in place of Charles S. Wheeler, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Caminetti, Hartman, Keane, Kennedy, Leavitt, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Rolley, Rush, Savage, Walker, Weed, Willis, and Wolfe—24.

NOES—None.

Whereupon the President announced that the appointment of J. W. McKinley of Los Angeles, a member of the Board of Regents of the University of California, in place of Charles S. Wheeler, appointment withdrawn, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Thomas R. Bard, of Hueneme, a member of the Board of Regents of the University of California, in place of Rudolph J. Taussig, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Hartman, Keane, Kennedy, Leavitt, Mattos, McCartney, McKee, Nelson, Rambo, Rolley, Rush, Savage, Walker, Weed, Willis, and Wright—23.

NOES—None.

Whereupon the President announced that the appointment of Thomas R. Bard of Hueneme, a member of the Board of Regents of the University of California, in place of Rudolph J. Taussig, appointment withdrawn, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of John Swett, of Martinez, a member of the Board of Trustees of the State Normal School at San Francisco, in place of himself, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Kennedy, Leavitt, McCartney, Muentner, Nelson, Rambo, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—24.

NOES—None.

Whereupon the President announced that the appointment of John Swett, of Martinez, a member of the Board of Trustees of the State Normal School at San Francisco, in place of himself, appointment withdrawn, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Vanderlynn Stow, of San Francisco, a member of the Board of Trustees of the State Normal School at San Francisco, in place of himself, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Hartman, Keane, Kennedy, Leavitt, Lynch, McCartney, McKee, Nelson, Rambo, Rolley, Rush, Savage, Walker, Weed, Wolfe, and Wright—24.

NOES—None.

Whereupon the President announced that the appointment of Vanderlynn Stow, of San Francisco, a member of the Board of Trustees of the State Normal School at San Francisco, in place of himself, appointment withdrawn, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of W. E. Dennison, of San Francisco, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, in place of John G. Mattos, Jr., appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Caminetti, Hartman, Keane, Kennedy, Leavitt, Lynch, McCartney, McKee, Nelson, Rambo, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—23.

NOES—None.

Whereupon the President announced that the appointment of W. E. Dennison, of San Francisco, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, in place of John G. Mattos, Jr., appointment withdrawn, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of James Clark, of Pasadena, a member of the Board of Trustees of the Whittier State School, in place of J. N. Anderson, appointment withdrawn?"

STATEMENT BY SENATOR WOLFE.

Senator Wolfe asked for and was granted unanimous consent to address the Senate, stating that, in justice to Senator Anderson, it should be said that he (Senator Anderson) had, during his incumbency, resigned from the Board of Trustees of the Whittier State School, and had at no time sought a reappointment; having over two months ago declared to Governor Gillett his unwillingness to serve further as such trustee, whereupon, according to Senator Wolfe, the Governor had offered to set forth these facts in his message, but, through a subsequent inadvertence, had failed to do so.

The above statement by Senator Wolfe was ordered printed in the Journal.

CONSIDERATION OF GUBERNATORIAL APPOINTMENTS—(RESUMED).

The roll was then called on the foregoing question, with the following result:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Hartman, Keane, Kennedy, Leavitt, Lynch, McCartney, McKee, Muenter, Nelson, Price, Rambo, Rolley, Rush, Savage, Walker, Weed, Willis, Wolfe, and Wright—25.

NOES—None.

Whereupon the President announced that the appointment of James Clark, of Pasadena, a member of the Board of Trustees of the Whittier State School, in place of J. N. Anderson, resigned, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Henry E. Sherer of Los Angeles, a member of the Board of Bank Commissioners, vice John G. Currier, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Keane, Kennedy, Lynch, Mattos, McCartney, McKee, Muentner, Nelson, Price, Rambo, Rolley, Rush, Savage, Walker, Willis, Wolfe, and Wright—25.
NOES—None.

Whereupon the President announced that the appointment of Henry E. Sherer, a member of the Board of Bank Commissioners in place of John G. Currier, appointment withdrawn, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of T. E. Newlin of Los Angeles, a member of the Board of Trustees of the Whittier State School, in place of self, term expired?"

The roll was called, with the following result:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Hartman, Keane, Kennedy, Mattos, McCartney, McKee, Muentner, Nelson, Rambo, Rolley, Rush, Savage, Weed, Willis, Wolfe, and Wright—24.
NOES—None.

Whereupon the President announced that the appointment of T. E. Newlin of Los Angeles, a member of the Board of Trustees of the Whittier State School, in place of self, term expired, had been duly confirmed.

MESSAGE FROM THE GOVERNOR—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 12, 1907.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day made the following appointment:

W. V. Stafford, of San Francisco, to be a member of the Board of State Harbor Commissioners for the harbor and port of San Francisco, vice Charles H. Spear, said appointment to be in effect from and after March 14, 1907, the date upon which the term of said Charles H. Spear expires.

I respectfully ask the consent of the Senate to the above named appointment.

J. N. GILLET,
Governor of California.

The President put the question, "Will the Senate advise and consent to the appointment of W. V. Stafford, of San Francisco, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, in place of Charles H. Spear, said appointment to be in effect from and after March 14, 1907, the date upon which the term of said Charles H. Spear expires?"

The roll was called, with the following result:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Curtin, Hartman, Keane, Kennedy, Leavitt, McCartney, McKee, Muentner, Rambo, Rolley, Rush, Savage, Walker, Weed, Willis, and Wolfe—23.
NOES—None.

Whereupon the President announced that the appointment of W. V. Stafford, of San Francisco, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, in place of Charles H. Spear, said appointment to be in effect from and after March 14, 1907, the date upon which the term of said Charles H. Spear expires, had been duly confirmed.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 12, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

Resolved, That the Controller be and he hereby is instructed to draw his warrant for \$100 in favor of the Secretary of State, payable out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same for the purpose of printing and distributing 30,000 copies of the graduated license tax of corporations by the Secretary of State.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Caminetti, Hartman, Keane, Kennedy, Leavitt, McCartney, McKee, Muentz, Nelson, Price, Rambo, Rolley, Rush, Savage, Walker, Weed, Willis, and Wolfe—24.

NOES—None.

BILL RE-REFERRED TO COMMITTEE.

On motion of Senator Willis, Senate Bill No. 863—An Act to repeal Title III, of Part IV, and each and every section thereof, of the Political Code, and to add a new Title III of Part IV of said Code in place thereof, relating to the organization, incorporation, and government of municipal corporations—was ordered re-referred to the Committee on Judiciary.

UNFINISHED BUSINESS.

On motion of Senator Wolfe, Senate amendments, pending since March 8, 1907, to Assembly Bill No. 361—An Act to amend the Penal Code of the State of California, by adding three new sections thereto, to be numbered 556, 556a, and 556b, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State—was taken up for consideration.

The question being, "Shall the Senate recede from the following amendments to Assembly Bill No. 361?"

On page 1, title, strike out all of said title and insert in lieu thereof the following: "An Act to protect trade and commerce against unlawful restraints and monopolies."

Also: On page 1, Section 1, line 1, strike out all of Sections 1, 2, and 3, and insert:

SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in unreasonable restraint of trade or commerce, within the State of California, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or both said punishments, in the discretion of the court.

SEC. 2. Every person who shall monopolize or attempt to monopolize or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce with the State of California, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 3. The several superior courts of the State of California are hereby invested with jurisdiction to prevent and restrain violations of this Act; and it shall be the duty of the several district attorneys in the respective counties, under the direction of the Attorney-General of the State, to institute proceedings in equity to prevent and restrain such violations. Such proceeding may be by way of petition setting forth the case and praying that such violations shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

SEC. 4. Whenever it shall appear to the court before which any proceedings under Section 3 of this Act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the county in which the court is held or not.

SEC. 5. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in Section 1 of this Act, and being in the course of transportation within the State of California, shall be forfeited to the State of California, and may be seized and condemned by like proceedings as those provided by law for the recovery of escheated estates, Title VIII, Part III, of the Code of Civil Procedure.

SEC. 6. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this Act may sue therefor in any court of competent jurisdiction and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

SEC. 7. That the word "person" or "persons" wherever used in this Act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the territories, or of any State, or of this State, or of any foreign country.

The roll was called and the Senate refused to recede from its amendments to Assembly Bill No. 361 by the following vote:

AYES—Senators Bell, Black, Caminetti, Curtin, Kennedy, Mattos—6.

NOES—Senators Anderson, Anthony, Bates, Belshaw, Boynton, Broughton, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Muentner, Nelson, Rolley, Savage, Walker, Weed, Willis, Wolfe, and Wright—22.

COMMITTEE ON CONFERENCE.

Senator Wolfe moved that a committee on conference be appointed to meet a similar committee of the Assembly on Assembly Bill No. 361.
Motion carried.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President announced that he had appointed Senators Wolfe, Leavitt, and Belshaw as the Committee on Conference on Assembly Bill No. 361.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed, as a case of urgency, Senate Bill No. 949—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State for the fifty-seventh and fifty-eighth fiscal years.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Senate Bill No. 949 ordered to enrollment.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Leavitt, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 12, 1907.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 128—An Act to amend Section 487 of the Penal Code of California, defining grand larceny.

Also: Senate Bill No. 111—An Act to repeal an Act entitled "An Act to incorporate the town of Yuba City," approved March 30, 1878.

Also: Senate Bill No. 165—An Act to amend Sections 3078, 3081, and 3083 of the Political Code of the State of California, relative to the registration, certification and reporting of births, marriages and deaths.

Also: Senate Bill No. 228—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation.

Also: Senate Bill No. 8—An Act to amend an Act entitled "An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, relating to tuition fees in said university.

Also: Senate Bill No. 500—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Also: Senate Bill No. 456—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor," approved March 18, 1905, and to change and re-direct the manner of the expenditure thereof.

Also: Senate Bill No. 736—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employés.

Also: Senate Bill No. 850—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions for such submission.

Also: Senate Bill No. 431—An Act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof.

Also: Senate Bill No. 47—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Also: Senate Bill No. 494—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

Also: Senate Bill No. 223—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Also: Senate Bill No. 153—An Act making an appropriation to pay the claim of Solinsky & Wehe against the State of California.

Also: Senate Bill No. 194—An Act to amend Section 2567 of the Political Code of California, relating to the Board of Harbor Commissioners of the port of Eureka, on Humboldt Bay.

Also: Senate Bill No. 193—An Act to amend Section 3572 of the Political Code of California, relating to the Board of Harbor Commissioners of the port of Eureka, on Humboldt Bay, fixing a compensation of the members thereof, etc.

Also: Senate Bill No. 52—An Act to amend Section 1202 of the Political Code of the State of California, relating to the appointment of election officers.

Also: Senate Bill No. 163—An Act to amend an Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901.

Also: Senate Bill No. 290—An Act authorizing and directing the Board of Managers of the Agnew's State Hospital to replace and reconstruct and equip for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of \$800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing the State Controller to draw his warrant for the said sum and the State Treasurer to pay the same.

Also: Senate Bill No. 50—An Act to provide for the examination, tearing down and removal of certain buildings of the San José State Normal School injured by the earthquake, for the examination, repair and reconstruction of others of said buildings, and for the erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds for the use of said normal school, and making an appropriation therefor.

Also: Senate Bill No. 876—An Act to definitely establish and permanently locate the eastern boundary line of Mendocino County, between Mount Hull and the southwest corner of Tehama County, and establish the western boundary of the county of Glenn, between Mendocino and Glenn counties.

Also: Senate Bill No. 176—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one half class.

Also: Senate Bill No. 275—An Act to appropriate money to protect the banks of the Del River from erosion by means of jetty work and riprap along the banks thereof.

Also: Senate Bill No. 587—An Act to make an appropriation for the location, survey and construction of a State highway from a point known as the Mount Pleasant ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.

Also: Senate Bill No. 229—An Act to provide for the location, survey and construction of the State highway in Trinity County, connecting the present county road systems of Trinity and Humboldt counties, and making an appropriation therefor.

Also: Senate Bill No. 517—An Act providing for an appropriation of six hundred dollars for the purpose of putting a new roof and floor to the "Distillery" at Sutter's Fort.

Also: Senate Bill No. 519—An Act providing for an appropriation of three thousand dollars for the purpose of improving the grounds of Sutter's Fort.

Also: Senate Bill No. 107—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Also: Senate Bill No. 5—An Act making an appropriation to be used under the provisions of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, approved March 16, 1889.

Also: Senate Bill No. 224—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Also: Senate Bill No. 225—An Act appropriating money to pay the claim of E. F. Trendwell against the State of California.

Also: Senate Bill No. 226—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Also: Senate Bill No. 364—An Act appropriating \$13,500 to complete the buildings, equipment and furnishing of the State Normal School at San Francisco.

Also: Senate Bill No. 222—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Also: Senate Bill No. 115—An Act appropriating money for the construction and equipment of a cold-storage plant at the Preston School of Industry.

Also: Senate Bill No. 14—An Act appropriating money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

Also: Senate Bill No. 56—An Act to legalize bonds to be issued by municipalities where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

Also: Senate Bill No. 142—An Act to amend Section 2979a of the Political Code of the State of California, relating to the preservation of the public health.

Also: Senate Bill No. 35—An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from \$65,000 per annum to \$75,000 per annum for the fifty-ninth fiscal year, and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, etc.

Also: Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigation.

Also: Senate Bill No. 65—An Act to provide for the erection, equipping and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriation for the same.

Also: Senate Bill No. 66—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Also: Senate Bill No. 67—An Act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.

Also: Senate Bill No. 92—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Also: Senate Bill No. 134—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same and making an appropriation therefor.

Also: Senate Bill No. 260—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen (\$101,314.00) for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 188—An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 189—An Act authorizing and directing the construction and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 190—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 662—An Act to provide for the erection on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward and for the treatment of acute cases by hydrotherapy and electricity.

Also: Senate Bill No. 696—An Act making an appropriation to pay the claim of Victor Heck against the State of California.

Also: Senate Bill No. 707—An Act appropriating \$4,500 to pay the claim of J. B. Lauck.

Also: Senate Bill No. 721—An Act to provide for the improvement of the cereal crops of California, and appropriating money therefor.

Also: Senate Bill No. 398—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed at the Napa State Hospital, and laying pipe line from said reservoir and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.

Also: Senate Bill No. 880—An Act making an appropriation of twenty thousand dollars (\$20,000) to be expended by the Board of Capitol Commissioners for making alterations, repairs, improvements, and for otherwise completing and embellishing the State Capitol, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act authorizing and directing the Board of Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an appropriation therefor," approved March 18, 1905, and exempting such appropriation from the provisions of an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, and all Acts amendatory thereof.

Also: Senate Bill No. 569—An Act to amend Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment.

Also: Senate Bill No. 881—An Act to amend Section 386 of the Political Code, relating to salary of Executive Secretary of the Governor.

Also: Senate Bill No. 29—An Act preventing the manufacture, sale or transportation of adulterated or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs, and making an appropriation therefor.

Also: Senate Bill No. 611—An Act providing for the maintenance of a residence for the Governor of the State of California, and providing the salaries of the necessary employees and servants selected and employed by the Governor therein, and for the appropriation of necessary moneys for such purpose, and directing the State Controller to issue warrants upon the General Fund, and directing the State Treasurer to pay said warrants.

Also: Senate Bill No. 590—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining the powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, etc.

Also: Senate Bill No. 607—An Act to amend Section 2521 of the Political Code, relating to employees of the State Harbor Commission of the Port of San Francisco.

Also: Senate Bill No. 650—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 20, 1876, and as amended March 31, 1891, and March 20, 1905.

Also: Senate Bill No. 30—An Act for the prevention of the manufacture, sale or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof.

J. N. GILLETT,
Governor of California.

RESOLUTION.

The following resolution was offered:

By Senator Wolfe:

Resolved, That a committee of three be appointed to notify the Governor that the Senate is ready to adjourn, and ask if he has any further communication to transmit to the Senate.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Wolfe, Price, and Curtin a committee to notify the Governor that the Senate, thirty-seventh session, is about to adjourn *sine die*, and awaits his pleasure for further communication, if any he have, before so adjourning.

RESOLUTION.

The following resolution was offered:

By Senator Lukens:

Resolved, That a committee of three be appointed to notify the Assembly that the Senate is ready to adjourn, and ask if the Assembly has any further communication to transmit to the Senate.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Lukens, Belshaw, and Cartwright a committee to notify the Assembly of the readiness of the Senate to adjourn *sine die*.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day appointed Assemblymen Transue, Pierce, and Devlin as a committee on conference to meet the Senate Conference Committee on Assembly Bill No. 361.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of committee on conference was received and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1907.

MR. PRESIDENT: Your committee on conference concerning Assembly Bill No. 361—An Act to amend the Penal Code of the State of California, by adding three new sections thereto, to be numbered 556, 556a, and 556b, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State—report that we have met a like committee of the Assembly, consisting of Assemblymen Transue, Pierce, and Devlin, and we report that the conference committee agreed upon and recommend that the Assembly concur in the Senate amendments.

WOLFE,
BELSHAW,
LEAVITT,

Senate Committee on Conference.

The question being on the adoption of the report.
The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator McCartney moved a call of the Senate.

Motion carried.

Time, eleven o'clock and forty-five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Broughton, Carter, Cartwright, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Mattos, Miller, Nelson, Rush, Sanford, Walker, Weed, Welch, and Wolfe—18.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and forty-five minutes A. M., Senators Anthony, Lukens, and Rolley were brought to the bar of the Senate, and, on motion of Senator Belshaw, they were excused for absence from the Senate Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and fifty minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Belshaw.

The roll was called.

Whereupon the President announced that the report was adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Black, Boynton, Lukens, Marley, McCartney, McKee, Muentner, Price, Rambo, Reilly, Rolley, Savage, Willis, and Wright—17.

NOES—Senators Bell, Caminetti, Curtin, and Lynch—4.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Welch, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the conference committee, and concurred in Senate amendments to Assembly Bill No. 361—An Act to amend the Penal Code of the State of California, by adding three new sections thereto, to be numbered 556, 556a and 556b, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted as amended Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

CLIO LLOYD, Chief Clerk of the Assembly.
By T. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 14?"

Amend by striking out the word "five," on line 3, first page, printed bill, and inserting in lieu thereof the following: "seven."

Also: Amend by striking out the word "second," on line 2, first page, printed bill, and inserting in lieu thereof the following: "seventh."

The roll was called, and the Assembly amendments to Senate Constitutional Amendment No. 14 concurred in by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Caminetti, Cartwright, Greenwell, Hartman, Keane, Lukens, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muentner, Nelson, Price, Rambo, Reily, Rolley, Savage, Willis, and Wright—28.

NOES—None.

Senate Constitutional Amendment No. 14 ordered to enrollment.

REPORT OF SENATE COMMITTEE.

Senator Wolfe, as chairman of the committee appointed to wait upon the Governor to inform him of the Senate's readiness to adjourn, reported that His Excellency had informed the committee that he had no further communication to forward to the Senate.

REPORT OF COMMITTEE.

Senators Lukens, Belshaw, and Cartwright, the special committee appointed to notify the Assembly that the Senate was ready to adjourn *sine die*, reported that they had performed the duties assigned them.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 929—An Act to amend Section 5 of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Senate Bill No. 662—An Act to provide for the erection and equipment on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward and for the treatment of acute cases by hydrotherapy and electricity, and making an appropriation therefor.

Also: Senate Bill No. 628—An Act to amend Section 15 of an act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Also: Senate Bill No. 758—An Act to create a reclamation district to be called "Reclamation District No. 800," and providing for the control and management thereof.

Also: Senate Bill No. 90—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Also: Senate Bill No. 760—An Act to amend Section 758 of the Political Code and to add a new section thereto to be numbered 759, relating to the appointment and employment of a phonographic reporter by each of the District Courts of Appeal, and prescribing his duties and compensation.

Also: Senate Bill No. 721—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Senate Bill No. 888—An Act to provide for the classification of supervisors in counties of the fifteenth class, where they are not now classified, so that all of them shall not go out of office at the same time.

Also: Senate Bill No. 765—An Act to accept from E. F. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of the improvements, buildings and furnishings therein at La Tour Soda Springs, in Shasta County, and appropriating the sum of three thousand dollars for the purpose of purchasing ten acres or more of land, and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place and health resort for aged, indigent ex-soldiers, sailors and marines of the United States army; to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California.

Also: Senate Bill No. 815—An Act amendatory of and supplemental to an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,'" approved March 2, 1867, approved March 30, 1868, approved March 12, 1885.

Also: Senate Bill No. 696—An Act making an appropriation to pay the claim of Victor Heck against the State of California.

Also: Senate Bill No. 530—An Act to amend the Civil Code of the State of California, by adding thereto a new section to be known as Section 231, relating to the adoption of children.

Also: Senate Bill No. 296—An Act to amend Section 476 of the Code of Civil Procedure, relating to ruling on demurrer.

Also: Senate Bill No. 487—An Act to add a new section to the Political Code, to be numbered and known as Section 757a, relating to the office hours of the Clerk of the Supreme Court.

Also: Senate Bill No. 452—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Also: Senate Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, by amending Section 208 thereof, relating to the counties of the fifty first class.

Also: Senate Bill No. 757—An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor.

Also: Senate Bill No. 125—An Act to amend Section 69 of the Civil Code of California, relating to marriage licenses.

Also: Senate Bill No. 398—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed, at the Napa State Hospital and laying a pipe line from said reservoir, and making an appropriation therefor.

Also: Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto to be numbered Section 22a of Article IV thereof, relating to limitation of the expense of employes of the Senate and Assembly.

Also: Senate Bill No. 134—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.

Also: Senate Bill No. 398—An Act defining the character of imitation butter and imitation cheese, providing for the prevention of deception in the manufacture or sale of butter or cheese, to secure its enforcement, defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses, providing that the State Veterinarian shall be ex-officio State Dairy Commissioner, and shall also perform, in addition to his duties as fixed by law, the duties of State Dairy Commissioner, designating and prescribing the duties of such State Dairy Commissioner, providing that no action can be maintained to recover on account of any sale or contract made in violation hereof, providing for the issuance and service of search warrants, when necessary for the seizure of substances designed to be used contrary to the provisions hereof, and repealing an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor," approved March 4, 1897.

Also: Senate Bill No. 707—An Act appropriating four thousand five hundred dollars, to pay the claim of J. B. Lauck.

Also: Senate Bill No. 881—An Act to amend Section 386 of the Political Code, relating to salary of executive secretary of the Governor.

Also: Senate Bill No. 260—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen (\$101,314.00) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 113—An Act to amend Sections 628, 628a, 628b, 632 and 634 of the Penal Code of the State of California, and to add to said Penal Code two new sections to be numbered 632½ and 632b respectively, all relating to the protection and preservation of fish.

Also: Senate Concurrent Resolution No. 16—Relative to the consent of the Legislature to the absence of Hon. Warren R. Porter, Lieutenant-Governor of the State of California, for more than sixty (60) days.

Also: Senate Concurrent Resolution No. 17—Relative to the consent of the Legislature to the absence of His Excellency, Hon. James N. Gillett, Governor of the State of California, for more than sixty (60) days.

Also: Senate Bill No. 341—An Act providing for an appropriation of \$8,000 for the purpose of purchasing additional land along the south line of "L" Street between Twenty-sixth and Twenty-eighth streets, in Sacramento City, so as to extend and improve the grounds in and about "Sutter's Fort."

Also: Senate Bill No. 73—An Act making an appropriation to pay the claim of Chas. J. Mori against the State of California.

Also: Senate Bill No. 869—An Act to provide for the loan from the School Land Fund to the State of California of the sum of \$250,000, providing for the transfer of said amount from the School Land Fund to the General Fund and for the repayment of said amount with interest thereon, and authorizing the Controller to transfer moneys from the School Land Fund to the General Fund and from the General Fund to the School Land Fund and from the General Fund to the State School Fund to carry out the purposes of this Act.

Also: Senate Bill No. 705—An Act to add a new section to the Penal Code, to be known as Section 273*g*, relating to indulging in degrading, lewd, immoral or vicious habits or practices, or being habitually drunk in the presence of children.

Also: Senate Bill No. 554—An Act to prevent the manufacture and sale of thread of cotton, linen and silk, where such is not labeled as to its correct yardage and weight.

Also: Senate Bill No. 882—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered four hundred seventy-six *a* (476*a*), relating to the making, drawing, uttering or delivery of a bank check or draft for the payment of money by a person without funds or credit to meet the same upon presentation and prescribing a penalty therefor.

Also: Committee Substitute for Senate Bills Nos. 227 and 346—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments and providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment.

Also: Senate Bill No. 571—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California where the same has been destroyed by conflagration or other public calamity.

Also: Senate Bill No. 535—An Act to provide for the erection and equipment of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Also: Senate Bill No. 444—An Act to amend Section 634 of the Penal Code of the State of California, relating to the protection and preservation of fish.

Also: Senate Bill No. 747—An Act to amend Section 777 of the Penal Code of the State of California, relating to local jurisdiction of public offenses.

Also: Senate Bill No. 759—An Act amending an Act entitled "An Act to provide for the appointment of a Board of Sutter's Fort Trustees and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection and improvement of said property," approved March 7, 1891.

Also: Senate Bill No. 787—An Act to dissolve Protection District No. 2, of Yuba County, California, and providing for the liquidation and winding up of said dissolved district.

Also: Senate Bill No. 95—An Act to appropriate the sum of fifty thousand (\$50,000) dollars for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California, in Alameda County, by the board of directors thereof and provide for the payment thereof and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Senate Bill No. 558—An Act to grant rights of way over the public lands of the State of California for ditches, tunnels, and telephone and transmission lines.

Also: Senate Bill No. 788—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the appropriation of water and the time in which to commence the excavation and construction.

Also: Senate Bill No. 825—An Act to define the duties of and to license land surveyors, and to repeal an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Also: Senate Bill No. 116—An Act declaring that no contract entered into during the holidays from and including the 19th day of April, 1906, to and including the 3rd day of June, 1906, shall be held invalid by reason of being entered into on any of such holidays nor by reason of having been entered into prematurely on account of such holidays, and ratifying and confirming contracts so entered into.

Also: Senate Bill No. 292—An Act making an appropriation of five thousand (\$5,000.00) dollars for the purpose of completing the photographic laboratory in combination with a fireproof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Also: Senate Bill No. 561—An Act to validate the organization and incorporation of municipal corporations.

Also: Senate Bill No. 152—An Act to authorize the Board of Fish Commissioners of the State to construct a fish repository on the Stanislaus River, in Tuolumne County, and making an appropriation therefor.

Also: Senate Bill No. 627—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employes thereof.

Also: Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employes of the Senate and Assembly.

Also: Senate Bill No. 32—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

Also: Senate Bill No. 728—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Also: Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals and to provide revenue therefrom, for game preservation and restoration and to make appropriation for the purpose of carrying out the objects of this Act.

Also: Senate Bill No. 581—An Act to amend Section 3 of an Act entitled "An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin and for other expenses incidental and relating thereto," approved March 18, 1905.

Also: Committee Substitute for Senate Bill No. 600—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance to sit as a member of a commission, to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex-officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.

Also: Senate Bill No. 742—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof" by adding a new section thereto, to be numbered Section 915, providing for the disposition of money raised by the sale of bonds under said Act, whenever it appears to be impracticable to use said money for the purpose for which the bonds were voted.

Also: Senate Bill No. 681—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 3, 1905.

Also: Senate Bill No. 719—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice.

Also: Senate Constitutional Amendment No. 34—A resolution to propose to the people of the State of California the amendment of Section 26 of Article IV of the Constitution of said State, relating to lotteries and to fictitious sales of corporate stock, etc.

Also: Senate Concurrent Resolution No. 3—Relative to the appointment of committees to investigate and report upon the conditions of the harbors of the State.

Also: Senate Concurrent Resolution No. 20—Relative to granting leave of absence from the State to certain Senators.

Also: Senate Concurrent Resolution No. 21—Relative to granting leave of absence from the State to George I. Cochran, a trustee of the State Normal School at Los Angeles.

Also: Committee Substitute for Senate Bills Nos. 21 and 394—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, except under certain stated conditions and restrictions.

Also: Senate Bill No. 813—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin and extending to Islais Creek in the City and County of San Francisco, and extending their jurisdiction over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of \$1,000 for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people."

Also: Senate Bill No. 933—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and power plants, and the right to take materials from certain lands of the State for the construction of such works, and to take certain waters belonging to the State for the purpose of supplying such municipalities and their inhabitants with water.

Also: Senate Bill No. 812—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of \$1,000 for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 291—An Act making an appropriation of one thousand six hundred and twenty-one (\$1,621.00) dollars to repay the Regents of the University of California for moneys appropriated by them to rebuild the barn of the Lick Observatory at Mount Hamilton, California, which was destroyed by fire, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 874—An Act making an appropriation to pay the deficiency in the appropriation for the maintenance of the Sonora and Mono road, a State highway under the supervision of the Department of Highways, for the fifty-eighth fiscal year.

Also: Senate Bill No. 597—An Act to amend Section 1 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the construction thereof and the exemption of the community property from the tax thereby imposed.

Also: Senate Bill No. 706—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Also: Senate Bill No. 910—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for cooperation in certain investigations by such board with the Interstate Commerce Commission.

Also: Senate Bill No. 133—An Act to amend an Act entitled "An Act amending Sections 749 and 761 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, which sections were added to said code by an Act approved March 23, 1901," as amended by an Act approved March 9, 1903.

Also: Senate Bill No. 392—An Act to add a new section to the Code of Civil Procedure, to be numbered as Section 2039, relative to taking depositions.

Also: Senate Bill No. 653—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 1042.

Also: Senate Bill No. 840—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of California, 1850-1907 inclusive.

Also: Committee Substitute for Senate Bills Nos. 273 and 342—An Act providing for the organization and management of mutual fire insurance companies.

Also: Senate Bill No. 362—An Act to repeal Section 599 of the Penal Code, as approved March 18, 1905, and to add a new section thereto, to be known as Section 599f, both relating to the killing of any elk within the State of California.

Also: Senate Bill No. 381—An Act to repeal Section 526 of the Penal Code, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public place of amusement for more than the original price thereof.

Also: Senate Bill No. 305—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

Also: Senate Bill No. 306—An Act to amend Section 139 of the Code of Civil Procedure, and to repeal Section 140 thereof, both relating to proceedings in case of absence of judge.

Also: Senate Bill No. 307—An Act to amend Section 144 of the Code of Civil Procedure, relating to places of holding courts.

Also: Senate Bill No. 415—An Act to amend Section 10 of the Code of Civil Procedure, relating to public holidays.

Also: Senate Bill No. 483—An Act to amend Section 3902 of the Political Code, relating to the division of the State into counties.

Also: Senate Bill No. 485—An Act to repeal Section 3366 of the Political Code, relating to the imposition of license taxes.

Also: Senate Bill No. 486—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Senate Bill No. 421—An Act to amend Section 1118 of the Code of Civil Procedure, relating to the setting of a day by the Superior Court for trial of contested election cases.

Also: Senate Bill No. 622—An Act to repeal Section 273 of the Penal Code, as approved March 7, 1905, and to add a new section thereto, to be known as Section 273f thereof, both relating to the protection of children under eighteen years of age.

Also: Senate Bill No. 202—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.

Also: Senate Bill No. 203—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.

Also: Senate Bill No. 204—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.

Also: Senate Bill No. 209—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.

Also: Senate Bill No. 210—An Act to amend Sections 902 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.

Also: Senate Bill No. 211—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise.

Also: Senate Bill No. 213—An Act to amend Section 893 of the Code of Civil Procedure, relating to actions for the usurpation of an office or franchise.

Also: Senate Bill No. 215—An Act to repeal Section 749 of the Code of Civil Procedure, as approved March 31, 1891, relating to service of summons by publication in actions relating to real property in this State.

Also: Senate Bill No. 216—An Act to amend Section 740 of the Code of Civil Procedure, relating to actions for the recovery of property.

Also: Senate Bill No. 304—An Act to repeal Section 115 of the Code of Civil Procedure, relating to the criminal jurisdiction of justices' courts.

Also: Senate Bill No. 312—An Act to amend Sections 352 and 355 of the Code of Civil Procedure, both relating to the time of commencing actions.

Also: Senate Bill No. 320—An Act to amend Sections 566 and 567 of the Code of Civil Procedure, both relating to receivers.

Also: Senate Bill No. 321—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court, and to repeal Section 2104 of said code.

Also: Senate Bill No. 208—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil actions.

Also: Senate Bill No. 218—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution.

Also: Senate Bill No. 220—An Act to amend Sections 681, 687, 688, and 689 of the Code of Civil Procedure, all relating to executions in civil cases.

Also: Senate Bill No. 313—An Act to amend Sections 387, 388, and 389 of the Code of Civil Procedure, all relating to parties to civil actions.

Also: Senate Bill No. 314—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Also: Senate Bill No. 317—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Also: Senate Bill No. 330—An Act to amend Section 1365 of the Code of Civil Procedure, relating to persons entitled to administer on the estates of decedents.

Also: Senate Bill No. 359—An Act to amend Section 1455 of the Penal Code, relating to the issuance of writs of habeas corpus and to petitions therefor, and to service of copies thereof upon the district attorney in certain cases, and to the discharge of persons on such writs.

Also: Senate Bill No. 423—An Act to add a new section to the Political Code, to be known as Section 3973a, providing for the transfer of certain moneys from one county to another, when a new county has been formed and organized.

Also: Senate Bill No. 424—An Act to amend the Code of Civil Procedure by adding a new title thereto, to be known as Title XIV of Part III, relating to special proceedings; said title to relate to proceedings for the adjustment, settlement and payment of any indebtedness existing against any city or municipal corporation at the time of exclusion of territory therefrom, and the division of the property thereof.

Also: Senate Bill No. 484—An Act to repeal Section 3977 of the Political Code, to add a new section thereto, to be known as Section 3975a, and to amend Sections 3976, 3981 and 3985 thereof, all relating to county seats and proceedings for the change thereof.

Also: Senate Bill No. 611—An Act to amend Section 52 of the Political Code, relating to residence.

Also: Senate Bill No. 783—An Act to add three new sections to the Code of Civil Procedure of the State of California, to be known as numbers 953a, 953b, and 953c, relating to a new and alternative method for the preparation of records to be used on appeals from judgments, orders or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

Also: Senate Bill No. 896—An Act to add three new sections to the Code of Civil Procedure, to be known as sections numbers 941a, 941b, and 941c of said Code, respectively, providing a new and alternative method by which appeals may be taken from judgments, orders or decrees of the Superior Court of the State of California to the Supreme Court or District Courts of Appeal thereof.

Also: Senate Bill No. 928—An Act to add a new article to Chapter II of Title VI of Part III of the Political Code, to be known as Article X, relating to the Department of Highways, defining its duties and powers, and providing for the appointment and compensation of the officers and employes thereof.

Also: Senate Bill No. 206—An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.

Also: Senate Bill No. 316—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, and 459 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Also: Senate Bill No. 322—An Act to amend Sections 581, 582 and 585 of the Code of Civil Procedure, to add a new section thereto, to be numbered 581a, all relating to judgments.

Also: Senate Bill No. 323—An Act to amend Sections 602 and 615 of the Code of Civil Procedure, both relating to jury trials.

Also: Senate Bill No. 326—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees.

Also: Senate Bill No. 327—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions.

Also: Senate Bill No. 358—An Act to amend Section 1467 of the Penal Code of California, relating to the taking, hearing, and determination of appeals to the Superior Court in criminal actions.

Also: Senate Bill No. 861—An Act to amend the Civil Code, by adding thereto a new section, to be numbered 290a, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depositary or trustee.

Also: Senate Bill No. 922—An Act to repeal Article XIV of Chapter III of Title I of Part III of the Political Code, relating to sealers of weights and measures.

Also: Senate Bill No. 913—An Act to amend Section 1386 of the Civil Code, relating to succession to the property of deceased persons.

Also: Senate Bill No. 329—An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

Also: Senate Bill No. 417—An Act to amend Section 4452 of the Political Code, relating to liabilities of counties and cities for injuries to property by mobs or riots.

Also: Senate Bill No. 898—An Act to add a new chapter to Title VII of Part III of the Political Code, to be known as Chapter XIVb, relating to a police relief, health and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State.

Also: Senate Bill No. 899—An Act to add a new article to Chapter I of Title VIII of Part III of the Political Code, to be known as Article 11a, relating to the sale of lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made.

Also: Senate Bill No. 923—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter 1b, relating to the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Senate Bill No. 786—An Act to provide for the construction and maintenance of a fire boat for the protection of shipping, and appropriating money therefor.

Also: Senate Bill No. 839—An Act to amend Section 4 of an Act entitled "An Act to create the office of fish and game warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Also: Senate Bill No. 432—An Act to amend Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 23, 1903.

Also: Senate Bill No. 870—An Act to provide for the reconstruction and repair by the Board of State Harbor Commissioners, of wharves, piers, docks, bulkheads, sheds, streets and seawall, the property of the State of California situated on the water front of the City and County of San Francisco, and making an appropriation therefor.

Also: Senate Bill No. 416—An Act to repeal Sections 288, 289, 290, 291, 292, 293, 294, and 295 of the Political Code, all relating to the contesting of elections.

Also: Senate Bill No. 201—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110a, requiring notice to be given to the real parties in interest in certain proceedings.

Also: Senate Bill No. 205—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties.

Also: Senate Bill No. 319—An Act to amend Sections 539, 553, 554, and 555 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Also: Senate Bill No. 328—An Act to amend Sections 656, 659, 660, and to renumber and amend Section 663½ of the Code of Civil Procedure, all relating to new trials.

Also: Senate Bill No. 924—An Act to add a new article to Chapter I of Title III of Part III of the Political Code, to be known as Article VII, relating to Hastings College of Law.

Also: Senate Bill No. 357—An Act to amend Section 1239 of the Penal Code, relating to the times in which appeals may be taken in criminal cases.

Also: Senate Bill No. 219—An Act to amend Section 700 of the Code of Civil Procedure and to add a new section thereto to be numbered 700a, both relating to execution sales.

Also: Senate Bill No. 303—An Act to repeal Sections 33, 34, 36, 37, 38, 39, 40, 42, 43, 44, 46, 49, 50, 51, 52, 54, 55, 65, 66, 67, 68, 70, 71, 73, 74, 75, 76, 77, 78, and 79 of the Code of Civil Procedure, all relating to courts of justice.

Also: Senate Bill No. 318—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Also: Senate Bill No. 214—An Act to amend Sections 753, 756, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property.

Also: Senate Bill No. 925—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter 11a, relating to the support and maintenance of orphans, half orphans and abandoned children.

Also: Senate Bill No. 926—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter IVa, relating to the State Commission of Horticulture, prescribing the powers, duties and compensation of the State Commissioner of Horticulture, and providing methods, means and penalties for the enforcement of such powers and duties.

Also: Senate Bill No. 927—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter IVb, relating to the promotion of the horticultural interests of the State by providing for county boards of horticulture.

Also: Senate Bill No. 212—An Act to amend Sections 832, 836, 845, 848, 855, 866, 867, 887, 892, 893, 895, 905, and 906 of the Code of Civil Procedure, and to repeal Section 837 thereof, all relating to civil actions in justices' courts.

Also: Senate Bill No. 811—An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments.

Also: Senate Joint Resolution No. 13—Relative to the construction of certain works intended to restrain mining debris.

Also: Senate Bill No. 515—An Act to provide for the acquisition, equipment and use of a railway car for the purpose of distributing live fish and stocking the waters of this State with fish, and making an appropriation therefor.

Also: Senate Bill No. 196—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and as amended June 13, 1906, by amending Section 2 thereof relating to a license tax upon corporations and adding a new section thereto for the purpose of carrying out the provisions of this Act.

Also: Senate Bill No. 859—An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California.

Also: Senate Bill No. 131—An Act to amend Section 1576a of the Political Code, relating to clerks of school boards in certain cases, and for payment of their salaries, herein providing for the adoption of a course of study, and the appointment of a superintendent of schools in certain cases, and for payment of his salary.

Also: Senate Bill No. 518—An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of said gardener.

Also: Senate Bill No. 635—An Act to add a new section to the Penal Code of the State of California, to be known as Section 810, authorizing and providing for the filing and substitution of a copy of the information or other pleading for the original in criminal actions, when such original information or other pleading has heretofore been, or shall hereafter be, lost or destroyed.

Also: Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Also: Senate Bill No. 875—An Act to amend Section 73 of the Code of Civil Procedure, relative to sessions of the Superior Court.

Also: Senate Bill No. 459—An Act to amend section two hundred (206) of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to exemptions from jury duty.

Also: Senate Bill No. 942—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 24, 1904, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto and repealing Section 589 of the Civil Code.

Also: Senate Bill No. 614—An Act to amend Section 825 of the Penal Code of the State of California, relating to the rights of attorneys to visit prisoners and providing a penalty for the refusal of officers to allow the same.

Also: Senate Bill No. 750—An Act to add a new section to the Political Code, to be known as Section 625a, relating to information to be furnished each county clerk by the Insurance Commissioner.

Also: Senate Bill No. 127—An Act to amend Section 325 of the Code of Civil Procedure of California, relating to adverse possession of land or interest, and the payment of taxes thereon.

Also: Senate Bill No. 940—An Act to authorize, empower, and direct the Governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting and recovering the claims of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof.

Also: Senate Bill No. 105—An Act to add a new section to the Political Code, to be numbered Section 1888a, relating to the levy of taxes for the payment of school district bonds.

Also: Senate Bill No. 99—An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded.

Also: Senate Bill No. 793—An Act to authorize the settlement of an existing controversy between the United States of America and State of California, and making an appropriation to carry out the provisions of said Act.

Also: Senate Bill No. 879—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time, and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

Also: Senate Bill No. 645—An Act to provide for the reproduction of books, documents, maps or records of any city, county, or city and county board or officer, where the same have been destroyed by conflagration or other public calamity.

Also: Senate Bill No. 948—An Act to repeal Article IX of Chapter II of Title VI of Part III of the Political Code, and every section thereof, and to add to said Code a new article to said chapter, to be numbered Article IX, embracing Sections 2745 to 2772, both inclusive, relating to permanent road divisions.

Also: Senate Bill No. 150—An Act to define trusts and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

Also: Senate Bill No. 11—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Also: Senate Bill No. 311—An Act to amend Section 230 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 248, both relating to jurors.

Also: Senate Bill No. 418—An Act to amend Section 1973 of the Code of Civil Procedure, relating to agreements which, or some note or memorandum whereof, must be in writing.

Also: Senate Bill No. 578—An Act to create a reclamation district, to be called Reclamation District No. 774, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

Also: Senate Bill No. 263—An Act to amend Sections 626, 626a, 626d, 626g, 626i, 626j, 627b and 637a of the Penal Code of the State of California and to add to said Penal Code a new section, to be numbered 637b, all relating to the protection and preservation of game and fish.

Also: Senate Bill No. 625—An Act relating to the restoration by certain public officers of public records, other than court records or public records of private writings, when such public records have been lost, injured or destroyed by conflagration or other public calamity.

Also: Senate Bill No. 867—An Act to amend the Penal Code by adding thereto a new section, to be numbered Section 515, relating to embezzlement by a co-owner or co-partner.

Also: Senate Bill No. 397—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Also: Senate Bill No. 884—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, and amended March 2, 1903, in relation to cruelty to animals and the arrest, trial and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act and a manner in which said societies may receive compensation for the performance thereof.

Also: Senate Bill No. 624—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau.

Also: Senate Joint Resolution No. 12—Relative to the creation by the Congress of the United States of a department of mines, with its head a member of the President's Cabinet.

Also: Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 1 of Article XVI thereof, relating to State indebtedness.

Also: Senate Bill No. 761—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.

Also: Senate Bill No. 947—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Debris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the restraint of mining debris, the construction of certain works necessary and incident to the restraint thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process where the same can be done without injury to any other industry.

Also: Senate Bill No. 567—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

Also: Senate Bill No. 730—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a new section, to be numbered Section 25c, authorizing boards of supervisors to acquire and maintain parks and to issue bonds therefor.

Also: Senate Bill No. 798—An Act to provide for suitable toilet rooms in certain foundries, and providing a penalty for the violation of this Act.

Also: Senate Bill No. 682—An Act to amend an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 21, 1905.

Also: Senate Bill No. 498—An Act authorizing the payment of a claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 463—An Act authorizing any incorporated city, town or municipal corporation, to construct, equip, use, maintain and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the preparation, manufacturing, handling or transporting of materials or supplies required in the construction or completion of any public work, improvement or utility, and to lease, acquire, by purchase, condemnation or otherwise, and hold and use lands and other necessary property for said purposes.

Also: Senate Bill No. 943—An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, to sell and convey a strip or parcel of land situate in San Bernardino County, in the State of California, and belonging to said state, to the San Bernardino Valley Traction Company for the purposes of a right of way for an electric railroad thereon.

Also: Senate Bill No. 352—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Also: Senate Bill No. 77—An Act to amend Section 205 of the Code of Civil Procedure, relating to the qualifications of jurors.

Also: Senate Bill No. 862—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522a thereof, relating to the certification of the monthly statement by the secretary of the Board of State Harbor Commissioners to the State Controller, and the employment of a certified public accountant therefor.

Also: Senate Bill No. 941—An Act to amend Section 2713 of the Political Code, relating to construction and repair of bridges to be let out by contract.

Also: Senate Bill No. 660—An Act to amend Section 3804 of the Political Code, relating to the refunding of taxes erroneously collected.

Also: Senate Bill No. 680—An Act to repeal Section 444 of the Civil Code, relating to investments by certain life, health and accident insurance corporations.

Also: Senate Bill No. 642—An Act to amend Section 381c of the Penal Code, relating to the injury of animals by persons hunting.

Also: Committee Substitute for Senate Bill No. 806—An Act to pay the claim of John E. Toler against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 829—An Act to add a new section to the Political Code, to be numbered Section 1361a, and to amend Section 1367 of the Political Code in relation to primary elections.

Also: Senate Bill No. 546—An Act to amend Section 16 of an Act entitled "An Act to amend an Act entitled 'An Act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence,' approved February 26, 1903, approved March 22, 1905."

Also: Senate Bill No. 872—An Act to provide for the maintenance and operating expenses of the forestry station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Also: Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

Also: Senate Bill No. 114—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Also: Senate Bill No. 57—An Act appropriating money to pay expenses necessary for the proper representation of the State of California, and of an exhibit of the products thereof, at the proposed International or World's Exposition to be held in the City and County of San Francisco in 1913, commemorative of the four hundredth anniversary of the discovery of the Pacific Ocean by Vasco Nunez Balboa, and to provide for commissioners thereof.

Also: Senate Bill No. 725—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein and prescribing the duties of the State Controller and Attorney-General with reference thereto.

Also: Senate Bill No. 166—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, relating to the Commissioner for the Bureau of Labor Statistics, the compensation of the said commissioner, his deputy, his agents and assistants and making an appropriation therefor.

Also: Senate Bill No. 854—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Also: Senate Bill No. 237—An Act to amend Section 1200 of the Code of Civil Procedure, relating to mechanics' liens.

Also: Senate Bill No. 135—An Act to amend Section 3817 of the Political Code of California, relative to the redemption of real estate sold for taxes.

Also: Senate Bill No. 102—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

Also: Senate Bill No. 727—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of \$2,000 therefor.

Also: Senate Bill No. 553—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.

Also: Senate Concurrent Resolution No. 15—Relative to creating a special legislative committee to inspect sites for State rifle ranges, and to report thereon at the next session of the Legislature.

Also: Senate Bill No. 945—An Act making an appropriation of \$300 to pay the claim of George H. P. Shaw against the State of California.

Also: Senate Bill No. 946—An Act making an appropriation of \$300, to pay the claim of George H. P. Shaw against the State of California.

Also: Senate Bill No. 810—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

Also: Senate Bill No. 531—An Act to provide for the improvement of the public highways, and to make an appropriation therefor.

Also: Senate Bill No. 626—An Act to add a new section to the Code of Civil Procedure, to be numbered 751a, relating to the effect of judgments in actions to quiet title and determine adverse claims to real property and in actions for specific performance.

Also: Senate Bill No. 270—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 803—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title to real property partitioned by decree of court.

Also: Senate Bill No. 651—An Act to amend Section 2580 of the Political Code of the State of California, relating to the powers of the State Board of Harbor Commissioners for the Bay of San Diego.

Also: Senate Bill No. 7—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety or description and the delivery thereafter with the intent to deceive to the purchaser of a fruit tree or fruit trees of a different kind, variety or description, and providing penalties for the violation thereof, and prescribing the time within which prosecutions under this Act may be commenced.

Also: Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.

Also: Senate Bill No. 949—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State for the fifty-seventh and fifty-eighth fiscal years.

Also: Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article XII thereof, by amending Section 3 thereof, relating to the liability of stockholders of a corporation or joint stock association.

Also: Committee Substitute for Senate Bill No. 557—An Act to provide for the recordation of contracts and subscription agreements to stock in water users' associations, organized in conformity with an Act of Congress, approved June 17, 1902, and to regulate recorders' fees for filing, recording and indexing same.

Also: Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

And report that the same have been correctly enrolled; and presented the same to the Governor on this 12th day of March, 1907, at ten o'clock A. M.

REILY, Chairman.

REPORT OF ASSEMBLY COMMITTEE.

At eleven o'clock and fifty-one minutes A. M., a committee from the Assembly, Mr. Cutten, chairman, appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared for final adjournment.

APPOINTMENT OF COMMITTEE.

In accordance with Senate Concurrent Resolution No. 15, the President appointed as Senate members of the committee, Senators Anthony and Savage.

APPROVAL OF MINUTES.

The minutes of this day, Tuesday, March 12, 1907, were read and approved.

VALEDICTORY BY THE PRESIDENT.

The President, in bidding farewell to the members of the Senate, spoke as follows:

Gentlemen of the Senate: The Senate of the California Legislature, thirty-seventh session, is about to adjourn *sine die*. Before doing so, however, I wish to thank each and every Senator for the uniform courtesy and kindness shown me as the presiding officer of this august body. You have borne with me most graciously, both in session and out of session, and I am, indeed, most grateful for your consideration on all occasions. The opportunity I have thus been afforded to know you personally and to acquire your esteemed friendship I deem one of the great privileges of my life. In farewell, I wish you all happiness and prosperity.

FINAL ADJOURNMENT.

Whereupon, at twelve o'clock M., in accordance with the provisions of Assembly Concurrent Resolution No. 19, Lieutenant-Governor Warren R. Porter, President of the Senate, declared the thirty-seventh session of the Senate of the State of California adjourned *sine die*.

WARREN R. PORTER,

President of the Senate.

EDWARD I. WOLFE,

President pro tem. of the Senate.

LEWIS A. HILBORN,

Secretary of Senate.

G. RAY HORTON,

Minute Clerk of Senate.

S. W. AUSTIN,

Journal Clerk of Senate.

INDEX.

ORDER OF ARRANGEMENT.

INDEX TO PROCEEDINGS OF THE SENATE.

INDEX TO SENATE BILLS.

INDEX TO SENATE CONSTITUTIONAL AMENDMENTS.

INDEX TO SENATE RESOLUTIONS.

ABBREVIATIONS.—S.B., Senate Bill; A.B., Assembly Bill; S.C.R., Senate Concurrent Resolution; A.C.R., Assembly Concurrent Resolution; S.J.R., Senate Joint Resolution; A.J.R., Assembly Joint Resolution; S.C.A., Senate Constitutional Amendment; A.C.A., Assembly Constitutional Amendment.

INDEX TO PROCEEDINGS OF SENATE.

A

	PAGE.
ADJOURNMENT. Out of respect to Hon. J. J. Burke	160
Sine die	1826
ANDERSON, ALDEN. Addresses Joint Assembly	73
Confirmation of appointment as Trustee of State Normal School at Chico	1344
Convenes Senate	1
Introduction by, of Lieutenant-Governor-elect Porter	72
Mileage	77
ANDERSON, REV. COLIN. Prayer by	1297
ANDERSON, JOHN N. Appointed on committees	81, 1138
Bills introduced. 103, 115, 117, 126, 135, 154, 168, 322, 422, 528, 652, 715, 1038, 1039	1342
Explanation of vote	181
Leave of absence	74, 182, 225, 278, 757, 783, 808, 848
Mileage	77
Motion to adjourn	1678
Question of personal privilege	677
Resolutions	141, 1342
ANTHONY, MARC. Appointed on committees	81, 1826
Bills introduced. 83, 88, 92, 93, 96, 97, 103, 117, 126, 134, 138, 230, 558, 628, 707, 1040	1059
Communication	1060
Mileage	77
Petitions	279
Question of personal privilege	179
Resolutions	70, 74, 152, 788, 1739, 1794
APPOINTMENTS. By Governor Pardee, subsequent to extra session	15
By the President of the Senate	74, 120, 1788
By Secretary	3
By Sergeant-at-Arms	3
ASSEMBLY MESSAGES. ASSEMBLY BILLS.	

PAGE.	PAGE.	PAGE.	PAGE.
A.B. 1 1487	A.B. 73 353	A.B. 129 648	A.B. 188 927
A.B. 3 417	A.B. 74 930	A.B. 131 336	A.B. 189 927
A.B. 4 308, 679	A.B. 79 809	A.B. 134 337	A.B. 190 927
A.B. 5 308	A.B. 81 648	A.B. 135 522	A.B. 191 927
A.B. 6 849, 930	A.B. 83 336	A.B. 138 930, 1632	A.B. 192 928
A.B. 7 308	A.B. 84 648	A.B. 139 308	A.B. 193 927
A.B. 10 308	A.B. 87 352	A.B. 141 548	A.B. 194 928
A.B. 11 308, 711	A.B. 89 1137	A.B. 144 809	A.B. 195 927
A.B. 12 758	A.B. 92 336	A.B. 145 1243	A.B. 197 928
A.B. 13 849	A.B. 93 336	A.B. 148 464	A.B. 198 928
A.B. 15 549	A.B. 94 336	A.B. 149 463	A.B. 199 928
A.B. 19 308, 1415	A.B. 95 336	A.B. 150 959, 1758	A.B. 200 928
A.B. 24 550	A.B. 96 607	A.B. 151 352	A.B. 201 1640
A.B. 30 549	A.B. 98 648	A.B. 152 308, 1632	A.B. 202 928
A.B. 35 849	A.B. 99 522	A.B. 153 758	A.B. 204 1664
A.B. 36 849	A.B. 101 549	A.B. 154 758	A.B. 207 1633
A.B. 37 1012	A.B. 102 1299	A.B. 155 758	A.B. 212 549
A.B. 38 1298	A.B. 103 417	A.B. 156 1099	A.B. 217 549
A.B. 39 929	A.B. 104 464	A.B. 157 464	A.B. 220 308
A.B. 40 522	A.B. 105 522	A.B. 159 784, 1583	A.B. 222 849
A.B. 43 758	A.B. 106 549, 1632	A.B. 164 522	A.B. 223 648
A.B. 44 710	A.B. 107 959	A.B. 167 549	A.B. 230 1137
A.B. 48 607	A.B. 111 336, 679	A.B. 173 120	A.B. 235 758
A.B. 51 1433	A.B. 112 1379	A.B. 175 463	A.B. 237 710
A.B. 53 1433	A.B. 113 417, 810	A.B. 176 353	A.B. 240 1590
A.B. 54 1433	A.B. 116 353	A.B. 177 463	A.B. 241 809
A.B. 55 1433	A.B. 118 353	A.B. 178 927	A.B. 242 549
A.B. 58 1433	A.B. 119 417	A.B. 180 927	A.B. 244 758
A.B. 60 648	A.B. 120 417	A.B. 181 927, 1583	A.B. 247 959
A.B. 62 758	A.B. 123 522	A.B. 182 927	A.B. 248 929
A.B. 64 758	A.B. 124 417	A.B. 183 927	A.B. 250 929, 1782
A.B. 67 784	A.B. 125 417	A.B. 184 927	A.B. 252 809
A.B. 69 809	A.B. 126 417	A.B. 186 927	A.B. 256 678
A.B. 71 1161	A.B. 127 463	A.B. 187 928	A.B. 258 607

ASSEMBLY MESSAGES. ASSEMBLY BILLS—Continued.

PAGE.	PAGE.	PAGE.	PAGE.
A.B. 261.....1098	A.B. 389.....678	A.B. 508.....648	A.B. 628.....849
A.B. 263.....336	A.B. 390.....849	A.B. 509.....550	A.B. 629.....960
A.B. 264.....522	A.B. 391.....1757	A.B. 512.....678, 1415	A.B. 630.....960
A.B. 266.....464, 1415	A.B. 393.....548	A.B. 513.....678	A.B. 631.....960
A.B. 269.....308	A.B. 395.....809	A.B. 517.....1243	A.B. 635.....1299
A.B. 270.....417	A.B. 398.....929	A.B. 522.....678, 1758	A.B. 636.....929, 1548
A.B. 271.....784	A.B. 400.....648	A.B. 526.....1633	A.B. 638.....960
A.B. 272.....928, 1583	A.B. 401.....648	A.B. 527.....929	A.B. 640.....960, 1548
A.B. 273.....928	A.B. 402.....648	A.B. 528.....549	A.B. 643.....784
A.B. 274.....928	A.B. 404.....1243	A.B. 531.....1100	A.B. 644.....758
A.B. 275.....927	A.B. 406.....549	A.B. 535.....809	A.B. 648.....849
A.B. 276.....928	A.B. 409.....930	A.B. 537.....1299	A.B. 649.....1298
A.B. 277.....928	A.B. 410.....1023	A.B. 538.....648	A.B. 650.....960
A.B. 278.....928	A.B. 412.....417	A.B. 541.....549	A.B. 651.....1136
A.B. 279.....928	A.B. 413.....418	A.B. 542.....809	A.B. 653.....1664
A.B. 280.....928	A.B. 414.....1161	A.B. 543.....549, 1415	A.B. 654.....1162
A.B. 281.....1641	A.B. 415.....678, 1415	A.B. 544.....648	A.B. 656.....784
A.B. 282.....929	A.B. 416.....1379	A.B. 545.....758	A.B. 657.....929
A.B. 283.....929	A.B. 417.....809	A.B. 547.....929	A.B. 659.....960
A.B. 284.....929	A.B. 420.....929	A.B. 548.....549	A.B. 661.....784
A.B. 285.....1641	A.B. 426.....849	A.B. 549.....929	A.B. 662.....784
A.B. 286.....1783	A.B. 427.....928	A.B. 551.....849	A.B. 663.....1023
A.B. 287.....1243	A.B. 428.....930	A.B. 552.....1099, 1583	A.B. 665.....1379
A.B. 288.....928	A.B. 429.....308, 679	A.B. 557.....1098, 1632	A.B. 668.....928
A.B. 289.....929	A.B. 430.....464	A.B. 558.....463	A.B. 669.....1243
A.B. 290.....929	A.B. 431.....308	A.B. 561.....710	A.B. 672.....1023
A.B. 291.....927	A.B. 432.....308	A.B. 562.....710	A.B. 674.....930, 1415
A.B. 294.....758	A.B. 433.....308	A.B. 563.....849	A.B. 675.....1583
A.B. 295.....758	A.B. 434.....1664	A.B. 564.....1023	A.B. 676.....784
A.B. 296.....809	A.B. 438.....1022, 1758	A.B. 565.....1940	A.B. 677.....1098
A.B. 298.....308	A.B. 439.....648	A.B. 566.....549	A.B. 690.....1390
A.B. 299.....352, 810	A.B. 440.....808	A.B. 567.....648	A.B. 691.....1137
A.B. 304.....1099	A.B. 441.....758	A.B. 568.....549	A.B. 692.....1390
A.B. 306.....549	A.B. 446.....1299	A.B. 569.....809	A.B. 694.....960
A.B. 307.....337	A.B. 447.....548	A.B. 570.....809	A.B. 695.....960
A.B. 308.....308	A.B. 449.....549	A.B. 571.....549	A.B. 696.....1099
A.B. 310.....548	A.B. 452.....1379	A.B. 572.....960	A.B. 697.....1099
A.B. 311.....548	A.B. 453.....1415	A.B. 573.....648	A.B. 698.....1552
A.B. 313.....1641	A.B. 455.....678	A.B. 578.....1099	A.B. 699.....849, 1803
A.B. 315.....648	A.B. 456.....1192	A.B. 579.....1415	A.B. 700.....1098
A.B. 319.....352	A.B. 458.....1137, 1804	A.B. 580.....1161	A.B. 701.....1298
A.B. 322.....809	A.B. 459.....549	A.B. 581.....549	A.B. 702.....1098, 1548
A.B. 324.....463	A.B. 460.....522	A.B. 582.....1099	A.B. 704.....1298
A.B. 327.....1137	A.B. 461.....710	A.B. 584.....1012	A.B. 705.....929
A.B. 329.....352, 649	A.B. 462.....550	A.B. 586.....809	A.B. 706.....929
A.B. 333.....1548	A.B. 466.....648	A.B. 587.....809	A.B. 709.....960, 1758
A.B. 335.....352	A.B. 473.....960, 1803	A.B. 589.....809, 1758	A.B. 712.....809
A.B. 340.....1298	A.B. 474.....928	A.B. 591.....959	A.B. 713.....930
A.B. 341.....548	A.B. 476.....336	A.B. 592.....1590	A.B. 716.....1098
A.B. 347.....1487	A.B. 477.....464	A.B. 593.....1487	A.B. 748.....1099
A.B. 348.....418	A.B. 478.....648	A.B. 594.....1379	A.B. 749.....1433
A.B. 349.....549	A.B. 479.....336	A.B. 596.....1487	A.B. 750.....960, 1664
A.B. 350.....1023, 1757	A.B. 480.....464	A.B. 598.....1583	A.B. 751.....960
A.B. 351.....784	A.B. 481.....336	A.B. 601.....960	A.B. 753.....1161
A.B. 352.....784, 1415	A.B. 482.....336	A.B. 602.....960	A.B. 755.....1487
A.B. 353.....809, 1757	A.B. 483.....336	A.B. 604.....928	A.B. 756.....1641
A.B. 354.....710	A.B. 484.....1099	A.B. 605.....928	A.B. 757.....929
A.B. 355.....522	A.B. 485.....549	A.B. 606.....928	A.B. 758.....929, 1632
A.B. 358.....648	A.B. 486.....930	A.B. 607.....928	A.B. 759.....929
A.B. 361.....1803	A.B. 490.....1298	A.B. 608.....928	A.B. 765.....1099
A.B. 364.....418	A.B. 491.....678	A.B. 609.....928	A.B. 767.....930
A.B. 365.....463	A.B. 493.....1192	A.B. 610.....928	A.B. 770.....1379
A.B. 366.....758, 1804	A.B. 495.....960	A.B. 611.....928	A.B. 774.....1161
A.B. 370.....710	A.B. 496.....784	A.B. 612.....928	A.B. 777.....960
A.B. 371.....758	A.B. 497.....463	A.B. 613.....928	A.B. 779.....1099
A.B. 374.....418	A.B. 498.....463	A.B. 616.....1098, 1548	A.B. 781.....1243
A.B. 377.....960	A.B. 499.....1552	A.B. 618.....1243	A.B. 782.....928
A.B. 378.....678	A.B. 500.....550	A.B. 619.....1023	A.B. 784.....1137
A.B. 383.....549	A.B. 504.....1590	A.B. 620.....1552	A.B. 785.....1023
A.B. 384.....927	A.B. 505.....648	A.B. 622.....1487	A.B. 786.....960
A.B. 387.....929	A.B. 506.....522	A.B. 623.....930	A.B. 788.....960
		A.B. 624.....959	A.B. 789.....1299
		A.B. 626.....960	A.B. 792.....809

ASSEMBLY MESSAGES. ASSEMBLY BILLS—Continued.

PAGE.	PAGE.	PAGE.	PAGE.
A.B. 794 1137	A.B. 866 960, 1632	A.B. 931 1161	A.B. 1024 1390
A.B. 798 1136	A.B. 867 1089	A.B. 932 1298	A.B. 1025 1192
A.B. 799 959, 1632	A.B. 868 1548	A.B. 934 1100, 1633	A.B. 1026 1552
A.B. 800 959	A.B. 869 1098	A.B. 935 1243, 1759	A.B. 1030 1641
A.B. 801 960	A.B. 872 1298	A.B. 936 1590, 1804	A.B. 1035 1590
A.B. 802 1686	A.B. 875 959	A.B. 938 1379	A.B. 1039 1654
A.B. 807 1487	A.B. 876 959, 1633	A.B. 947 1487	A.C.A. 1 930
A.B. 808 1161	A.B. 877 959	A.B. 948 1299	308
A.B. 809 1379	A.B. 880 1583	A.B. 951 1390	A.C.A. 3 649
A.B. 812 1100, 1548	A.B. 882 1161, 1632	A.B. 952 1299	711
A.B. 814 1243	A.B. 883 1243	A.B. 953 1299	1022
A.B. 816 929	A.B. 885 1299	A.B. 954 1099	A.C.A. 5 649
A.B. 817 929	A.B. 886 1299	A.B. 955 1390	A.C.A. 7 463, 1415
A.B. 818 929	A.B. 887 1161	A.B. 961 1590	A.C.A. 8 463
A.B. 819 929, 1583	A.B. 891 1098	A.B. 964 1664	A.C.A. 24 1548
A.B. 822 1379, 1782	A.B. 892 1589	A.B. 965 1162	A.C.R. 1 64
A.B. 825 1099	A.B. 893 1099	A.B. 966 1299	A.C.R. 5 225
A.B. 826 1390	A.B. 895 1100	A.B. 969 1583	A.C.R. 6 607
A.B. 827 1161	A.B. 897 1390	A.B. 971 1590	A.C.R. 8 181
A.B. 828 1299	A.B. 898 1390	A.B. 974 1243	A.C.R. 9 181
A.B. 831 1099	A.B. 900 1641	A.B. 975 1161, 1603	A.C.R. 10 157
A.B. 837 849	A.B. 901 1298, 1803	A.B. 976 1299	A.C.R. 11 157
A.B. 838 1161	A.B. 902 1590	A.B. 981 1590	A.C.R. 12 462
A.B. 839 960	A.B. 903 1161	A.B. 983 1552	A.C.R. 13 463
A.B. 840 1583, 1804	A.B. 904 1161	A.B. 987 1299	A.C.R. 14 607
A.B. 841 1023	A.B. 906 1664	A.B. 988 1390	A.C.R. 16 607
A.B. 842 1298	A.B. 907 1161, 1782	A.B. 989 989, 1584	A.C.R. 17 679, 711
A.B. 843 1548, 1583	A.B. 913 1161	A.B. 991 1390	A.C.R. 18 810
A.B. 844 959	A.B. 914 1161	A.B. 997 1590	A.C.R. 20 960
A.B. 846 1098	A.B. 915 1098, 1583	A.B. 1000 1641	A.C.R. 21 1487
A.B. 847 960	A.B. 916 1487	A.B. 1001 1641	A.C.R. 22 1488
A.B. 849 1487	A.B. 918 1487	A.B. 1002 1641	A.C.R. 23 1434
A.B. 850 960, 1348	A.B. 919 1487	A.B. 1007 1584, 1782	A.C.R. 25 1783
A.B. 852 1390	A.B. 921 1590	A.B. 1008 1583, 1804	A.J.R. 2 181
A.B. 853 1243	A.B. 922 1299	A.B. 1009 1641	A.J.R. 4 784
A.B. 855 1100	A.B. 923 1664	A.B. 1018 1583	A.J.R. 7 1612
A.B. 860 1098	A.B. 924 1379	A.B. 1019 1162	
A.B. 861 1298	A.B. 927 1137	A.B. 1021 1379, 1757	
A.B. 864 1243	A.B. 928 1379	A.B. 1022 1390	

SENATE BILLS.

PAGE.	PAGE.	PAGE.	PAGE.
S.B. 5 1100	S.B. 62 1415	S.B. 115 1162	S.B. 190 1415
S.B. 6 462	S.B. 65 1548	S.B. 116 1640	S.B. 193 1023
S.B. 7 931, 1012	S.B. 66 1379	S.B. 117 1796	S.B. 194 1023
S.B. 8 959	S.B. 67 1380	S.B. 118 927	S.B. 195 1758
S.B. 9 810	S.B. 69 1380	S.B. 119 1100	S.B. 199 1547
S.B. 10 810	S.B. 71 1137	S.B. 123 1137	S.B. 200 1547
S.B. 11 1783	S.B. 73 1633	S.B. 124 1100	S.B. 201 1742
S.B. 12 1244	S.B. 74 1162	S.B. 125 1585	S.B. 202 1685
S.B. 14 1299	S.B. 77 1796	S.B. 126 1100	S.B. 203 1685
S.B. 20 710	S.B. 81 927	S.B. 127 1759	S.B. 204 1685
Com. Sub. for	S.B. 84 1023	S.B. 128 961	S.B. 205 1742
21 and 394 1665	S.B. 85 679	S.B. 129 959	S.B. 206 1686
S.B. 23 1244	S.B. 87 1433	S.B. 130 959	S.B. 208 1685
S.B. 27 1024	S.B. 88 784	S.B. 131 1758	S.B. 209 1685
S.B. 28 930	S.B. 90 1584	S.B. 133 1684	S.B. 210 1685
S.B. 29 1101	S.B. 91 1137	S.B. 134 1589	S.B. 211 1685
S.B. 30 1380	S.B. 92 1380	S.B. 135 1800	S.B. 212 1742
S.B. 32 1634	S.B. 93 1244	S.B. 142 810	S.B. 213 1685
S.B. 35 1433	S.B. 95 1640	S.B. 150 1757, 1783	S.B. 214 1742
S.B. 37 710	S.B. 99 1759	S.B. 152 1640	S.B. 215 1685
S.B. 42 810	S.B. 100 1299	S.B. 153 1023	S.B. 216 1685
S.B. 47 1023	S.B. 101 810	S.B. 163 1023	S.B. 218 1685
S.B. 49 1298	S.B. 102 1800	S.B. 165 959	S.B. 219 1742
S.B. 50 961	S.B. 103 1759	S.B. 166 1800	S.B. 220 1685
S.B. 51 1380	1024	S.B. 168 1379	S.B. 222 1137
S.B. 52 1024	S.B. 106 1138	S.B. 169 610	S.B. 223 1023
S.B. 54 1244, 1348	1803	S.B. 174 1300	S.B. 224 1100
S.B. 56 927	S.B. 107 1023	S.B. 176 927	S.B. 225 1100
S.B. 57 1800	S.B. 111 959	S.B. 177 810	S.B. 226 1100
S.B. 58 1300, 1414	S.B. 113 1416, 1589	S.B. 188 1415	Com. Sub. for
S.B. 59 336	S.B. 114 1553	S.B. 189 1415	227 and 346 1633

ASSEMBLY MESSAGES. SENATE BILLS—(Continued).

PAGE.	PAGE.	PAGE.	PAGE.
S.B. 228 959	S.B. 417 1686	S.B. 588 1416	S.B. 815 1584
S.B. 229 1244	S.B. 418 1783	S.B. 590 1243	S.B. 824 1433
S.B. 231 131	S.B. 421 1684	S.B. 591 1348	S.B. 825 1640
S.B. 236 236, 607	S.B. 423 1685	S.B. 597 1684	S.B. 829 1796
S.B. 237 1800	S.B. 424 1685	S.B. 600 1664	S.B. 838 1589
Com. Sub. for	S.B. 427 710	S.B. 602 1300	S.B. 839 1686
238, 665 and	S.B. 430 927	S.B. 607 1245	S.B. 840 1684
710 1348	S.B. 431 961	S.B. 610 1792	S.B. 842 1665
S.B. 240 1290	S.B. 432 1686	S.B. 611 1244	S.B. 848 1100
S.B. 244 1300	S.B. 433 1245	S.B. 612 1300	S.B. 854 1800
S.B. 247 1664	S.B. 440 1758	S.B. 614 1759	S.B. 859 1758
S.B. 259 1792	S.B. 444 1634	S.B. 615 1783	S.B. 861 1686
S.B. 260 1589	S.B. 452 1584	S.B. 619 1299	S.B. 862 1796
S.B. 262 927	S.B. 455 931	S.B. 620 1299	S.B. 867 1792
S.B. 263 1633	S.B. 456 929	S.B. 622 1685	S.B. 869 1633
S.B. 264 1683	S.B. 459 1758	S.B. 624 1792	S.B. 870 1686
S.B. 265 1783	S.B. 461 1547	S.B. 625 1792	S.B. 872 1796
S.B. 270 1802	S.B. 463 1795	S.B. 626 1802	S.B. 873 1684
S.B. 275 1100	S.B. 475 1416	S.B. 627 1640	S.B. 875 1758
S.B. 281 1553	S.B. 476 336	S.B. 628 1553	S.B. 876 1433
S.B. 288 810	S.B. 477 1138	S.B. 629 1300	S.B. 879 1783
S.B. 289 810	S.B. 480 1162	S.B. 633 1758	S.B. 880 1486
S.B. 290 1137	S.B. 481 927	S.B. 641 1685	S.B. 881 1589
S.B. 291 1684	S.B. 483 1684	S.B. 642 1796	S.B. 882 1633
S.B. 292 1640	S.B. 484 1685	S.B. 643 1433	S.B. 884 1792
S.B. 294 352	S.B. 485 1684	S.B. 645 1300	S.B. 888 1584
S.B. 296 1584	S.B. 486 1684	S.B. 646 1380	S.B. 896 1685
S.B. 303 1742	S.B. 487 1584	S.B. 650 1300	S.B. 898 1686
S.B. 304 1685	S.B. 491 1547	S.B. 651 1802	S.B. 899 1686
S.B. 305 1684	S.B. 492 1299	S.B. 653 1684	S.B. 910 1684
S.B. 306 1684	S.B. 494 1023	S.B. 658 1379	S.B. 913 1686
S.B. 307 1684	S.B. 498 1794	S.B. 660 1796	S.B. 922 1686
S.B. 308 1390	S.B. 500 959	S.B. 662 1553	S.B. 923 1686
S.B. 311 1783	S.B. 501 1300	S.B. 680 1790	S.B. 924 1742
S.B. 312 1685	S.B. 503 1416	S.B. 681 1695	S.B. 925 1742
S.B. 313 1685	S.B. 504 1137	S.B. 682 1794	S.B. 926 1742
S.B. 314 1685	S.B. 506 1416	S.B. 686 1584	S.B. 927 1742
S.B. 316 1686	S.B. 513 1433	S.B. 705 1633	S.B. 928 1685
S.B. 317 1685	S.B. 514 1299	S.B. 706 1684	S.B. 929 1552
S.B. 318 1742	S.B. 517 959	S.B. 707 1589	S.B. 933 1685
S.B. 319 1742	S.B. 518 1758	S.B. 714 1162	S.B. 940 1758
S.B. 320 1685	S.B. 519 1024	S.B. 719 1665	S.B. 941 1796
S.B. 321 1685	S.B. 521 810	S.B. 721 1584	S.B. 942 1759
S.B. 322 1686	S.B. 522 959	S.B. 725 1800	S.B. 943 1796
S.B. 323 1686	S.B. 527 931	S.B. 727 1800	S.B. 945 1802
S.B. 326 1686	S.B. 528 931	S.B. 728 1633	S.B. 946 1802
S.B. 327 1686	S.B. 530 1584	S.B. 730 1795	S.B. 947 1792
S.B. 328 1742	S.B. 531 1802	S.B. 736 1137	S.B. 948 1783
S.B. 329 1686	S.B. 535 1633	S.B. 737 1584	S.B. 949 1809
S.B. 330 1685	S.B. 540 1390	S.B. 738 1665	S.C.A. 1 1348
S.B. 332 1416	S.B. 542 1299	S.B. 747 1640	S.C.A. 14 1814
S.B. 341 1633	S.B. 545 1759	S.B. 750 1759	S.C.A. 16 1640
S.B. 348 1416	S.B. 546 1796	S.B. 754 784	S.C.A. 26 648
S.B. 351 1138	S.B. 549 1162	S.B. 758 1585	S.C.A. 29 1792
S.B. 352 1790	S.B. 550 1380	S.B. 759 1640	S.C.A. 31 930
S.B. 357 1742	S.B. 553 1800	S.B. 769 1584	S.C.A. 32 1584
S.B. 358 1686	S.B. 554 1633	S.B. 761 1792	S.C.A. 33 1796
S.B. 359 1685	S.B. 555 1486	S.B. 765 1584	S.C.A. 34 1664
S.B. 361 1684	S.B. 556 1486	S.B. 767 1633	S.C.R. 1 64
S.B. 362 1684	S.B. 557 1758	S.B. 783 1685	S.C.R. 2 336
S.B. 363 1244	S.B. 558 1640	S.B. 784 1547	S.C.R. 3 1664
S.B. 364 1137	S.B. 560 1416	S.B. 785 1665	S.C.R. 7 548
S.B. 367 1640	S.B. 561 1640	S.B. 786 1686	S.C.R. 8 352
S.B. 382 1100	S.B. 564 1380	S.B. 787 1640	S.C.R. 13 1296
S.B. 384 1100	S.B. 565 1415	S.B. 788 1415, 1640	S.C.R. 15 1800
S.B. 385 1100	S.B. 567 1795	S.B. 793 1759	S.C.R. 16 1548
S.B. 390 1548	S.B. 569 1380	S.B. 798 1794	S.C.R. 17 1548
S.B. 392 1684	S.B. 570 1023	S.B. 800 1487	S.C.R. 19 1548
S.B. 396 1380, 1403	S.B. 571 1633	S.B. 803 1802	S.C.R. 20 1584
S.B. 397 1792	S.B. 578 1783	S.B. 806 1796	S.C.R. 21 1664
S.B. 398 1585	S.B. 581 1664	S.B. 810 1802	S.J.R. 12 1783
S.B. 401 1244	S.B. 582 1415	S.B. 811 1688	S.J.R. 13 1758
S.B. 413 1414	S.B. 583 1584	S.B. 812 1665	
S.B. 416 1742	S.B. 587 1137	S.B. 813 1665	

ASSEMBLY. Notice to Senate of organization of.....	PAGE- 64
ASSISTANT SECRETARIES. J. W. Kavanagh, Donn J. Shields, W. G. Randall.....	69
ASSISTANT SERGEANT-AT-ARMS. Joseph G. McCall.....	3
ASSISTANTS, STATUTORY.....	68
ATTACHÉS. Permanent organization.....	74
Temporary organization.....	3

B

BATES, J. C. Appeared and qualified.....	3
Appointed on committees.....	81, 157, 1016
Bills introduced.....	92, 167, 322, 498, 949, 1144
Leave of absence.....	114, 131, 225, 252, 957
Mileage.....	77
Resolutions.....	546, 714, 1491
BELL, CHARLES W. Appeared and qualified.....	3
Appointed on committees.....	81
Bills introduced.....	83, 136, 269, 620
Leave of absence.....	182
Mileage.....	77
Resolutions.....	1341
BELL, THEODORE. Canvass of vote for Governor.....	66
BELSHAW, C. M. Appointed on committees.....	81, 160, 692, 1138, 1554, 1555, 1809
Bills introduced.....	83, 96, 103, 125, 126, 152, 154, 170,
232, 270, 271, 320, 399, 423, 442, 462, 557, 619, 646, 689, 923, 948, 1037, 1267, 1557, 1752	
Leave of absence.....	113, 782, 1257, 1364
Mileage.....	77
Resolutions.....	6, 79,
82, 121, 122, 281, 420, 698, 1040, 1053, 1223, 1401, 1557, 1591, 1595, 1681, 1682, 1776	
BIENNIAL MESSAGE OF GOVERNOR PARDEE.....	16
BLACK, MARSHALL. Appeared and qualified.....	3
Appointed on committees.....	81
Bills introduced.....	83, 103, 126, 169, 231, 423, 444, 520, 692, 790, 874, 1059, 1144
Leave of absence.....	78, 140, 757, 957
Mileage.....	77
Resolutions.....	1595
BLAGGE, JAMES H. Canvass of vote for Lieutenant-Governor.....	67
BLANCHARD, JAMES H. Canvass of vote for Governor.....	66
BOYNTON, A. E. Appeared and qualified.....	3
Appointed on committees.....	81, 1016, 1349
Bills introduced.....	84, 87, 96, 97, 104, 127, 169, 344, 462, 497, 728, 815, 828, 1491
Mileage.....	77
Resolutions.....	101, 956, 1490, 1618
BROUGHTON, HOWARD A. Appointed on committees.....	81
Bills introduced.....	84, 117, 125, 231, 444, 528, 646, 764, 828, 1342
Leave of absence.....	808, 848
Mileage.....	77
Resolutions.....	159, 267, 546, 1342, 1639
BURKE, HON. JOHN J. Adjournment out of respect to.....	160

C

CANVASS OF RETURNS of election of Governor and Lieutenant-Governor.....	66
CAMINETTI, A. Appeared and qualified.....	3
Appointed on committees.....	67, 84, 160, 1138
Bills introduced.....	84, 89, 95, 96, 113,
132, 138, 152, 154, 180, 189, 268, 322, 399, 790, 816, 838, 1017, 1037, 1038, 1059, 1060, 1650	
Explanation of vote.....	503, 718
Mileage.....	77
Permission to explain vote.....	676
Refused consent to address the Senate.....	503
Resolutions.....	141, 335, 763, 1650
Unanimous consent to address Senate withheld.....	503
CARTER, HENRY E. Appointed special committee of one to purchase chairs.....	267
Appointed on committees.....	81
Bills introduced.....	84, 167, 231, 268, 499, 558, 627, 651, 707, 765, 839, 856
Leave of absence.....	114, 119, 131, 140, 693, 1257
Mileage.....	77
Resolutions.....	13, 68, 1596
CARTWRIGHT, GEORGE W. Appeared and qualified.....	3
Appointed on committees.....	81, 117, 351, 692, 1349
Bills introduced.....	104, 124, 134, 153, 188, 231, 343, 715
Explanation of vote.....	538
Leave of absence.....	78, 160, 395, 548
Mileage.....	77
Resolutions.....	1767

	PAGE.
CASS, A. W. Confirmation of appointment as trustee of State Normal School at Los Angeles	1344
CERTIFICATE from Secretary of State	1
CHAPLAIN. Election of Rev. C. H. Darling	5
CHAPMAN, CHARLES C. Confirmation of appointment as trustee of State Normal School at San Diego	1344
CHARTERS. Alameda—S.C.R. 2	190, 218
Eureka, amendments to—S.C.R. 5	174, 177, 684
A.C.R. 14	823
Long Beach—S.C.R. 12	646, 785
A.C.R. 18	880
Los Angeles, amendments to—S.C.R. 7	339, 361, 367
Oakland, amendments to—S.C.R. 19	1396, 1481
Riverside—S.C.R. 18	1342
A.C.R. 23	1436
San José, amendments to—S.C.R. 13	691, 785, 923
Santa Monica—S.C.R. 4	95, 156, 244
A.C.R. 5	237, 261
Vallejo, amendments to—S.C.R. 14	789, 965
A.C.R. 20	1175, 1188
CHIPMAN, HON. N. P. Oath of office to Governor Gillett	72
Oath of office to Lieutenant-Governor Porter	73
CODE REVISION BILLS. Reasons for changes	384, 409, 602, 687, 1041, 1112
COMMITTEES, SPECIAL. Burke, Hon. J. J., to arrange funeral of	A.C.R. 11, 158
Burke, Hon. J. J., to draft resolutions in memory of—A.C.R. 10	157
Education, report of Assembly Committee	141, 150
Fire-escapes from Senate Chamber	13
Inaugural address of Governor Gillett and final message of Governor Pardee	141, 160
Inaugural ceremonies—S.C.R. 1	13, 15, 102
Investigation of harbors—S.C.R. 3	90, 1230, 1331, 1479, 1788
Jute bag factory at San Quentin, investigation of	956, 1016, 1672, 1679
Lincoln day exercises—A.C.R. 16	608, 609, 840
Mileage	68, 77
Prison legislation and reform	1397, 1492
Prisoners, using on highways	1143, 1222
Purchase of chairs	267, 326
Rifle ranges, sites for—S.C.R. 15	1059, 1139, 1168, 1739, 1748
Savage, Hon. W. H., condolence on death of wife of	67, 70
Stability of Red Men's Hall	187
State institutions, to visit	279, 556, 675, 840, 1095
To notify Governor that Senate is organized	13, 14
To notify Governor that Senate is ready to adjourn	1813
To notify Assembly that Senate is ready to adjourn	1813
Washington's Birthday exercises—A.C.R. 17	679, 692, 1095
COMMITTEES, STANDING. Enumeration of	80
AGRICULTURE AND DAIRYING. Members	81
Reports	281, 310, 692, 1053, 1247, 1581, 1587
BANKING. Members	81
Reports	524, 614, 650, 1247, 1391, 1579
COMMERCE AND NAVIGATION. Members	81
Reports	265, 714, 955, 1230, 1303
CONTINGENT EXPENSES. Members	81
Reports	101, 118, 133, 151, 186, 229,
267, 282, 319, 497, 555, 635, 686, 840, 854, 1106, 1248, 1325, 1507, 1748, 1798, 1808	
CORPORATIONS. Members	81
Reports	280, 461, 674, 936, 1083, 1258, 1568
COUNTY GOVERNMENT. Members	81
Reports	228, 310, 341, 355,
467, 525, 555, 614, 681, 712, 854, 1010, 1013, 1028, 1051, 1141, 1321, 1579, 1593, 1642	
DRAINAGE, SWAMP AND OVERFLOWED LANDS. Members	81
Reports	342, 353, 400, 546, 613, 674, 786, 869, 1027, 1139, 1568, 1799
ELECTIONS AND ELECTION LAWS. Members	81
Reports	166, 311,
342, 355, 441, 565, 615, 682, 711, 761, 807, 852, 966, 1009, 1054, 1142, 1384, 1490, 1593	
EDUCATION. Members	81
Reports	339,
439, 461, 615, 651, 683, 711, 743, 1021, 1082, 1222, 1258, 1350, 1420, 1652, 1662, 1795	
ENGROSSMENT AND ENROLLMENT. Members	81
Reports	118, 151, 165, 186, 266,
282, 319, 337, 352, 397, 404, 418, 429, 439, 451, 464, 505, 524, 550, 566, 610, 632, 683,	
692, 693, 711, 724, 743, 759, 786, 794, 799, 811, 850, 865, 935, 956, 965, 974, 1029,	
1094, 1108, 1142, 1165, 1221, 1281, 1329, 1351, 1361, 1365, 1374, 1391, 1402, 1428, 1431,	
1477, 1488, 1504, 1516, 1518, 1528, 1531, 1580, 1582, 1587, 1621, 1637, 1657, 1815	

COMMITTEES, STANDING—Continued.

	PAGE.
EXECUTIVE COMMUNICATIONS. Members.....	81
Reports.....	1804
FEDERAL RELATIONS. Members.....	81
Reports.....	122, 138, 185, 281, 312, 1624
FINANCE. Members.....	81
Reports.....	133.
281, 340, 419, 467, 552, 611, 682, 713, 760, 851, 933, 964, 1013, 1025, 1080, 1163,	
1220, 1266, 1269, 1308, 1341, 1392, 1402, 1428, 1490, 1527, 1581, 1605, 1643, 1655, 1661	
Leave of absence.....	1257, 1769
FISH AND GAME. Members.....	81
Reports.....	228, 526, 683, 853, 874, 955, 1027, 1083, 1340, 1550
Leave of absence.....	328
FORESTRY AND WATER PRESERVATION. Members.....	81
Reports.....	708, 761, 1141, 1247, 1341, 1350
FRUIT AND VINE INTERESTS. Members.....	81
Reports.....	265, 839
HOSPITALS AND ASYLUMS. Members.....	81
Reports.....	281, 311, 381, 547, 555, 565, 555, 1420
INSURANCE AND INSURANCE LAWS. Members.....	82
Reports.....	227, 418, 525, 650, 684, 1010, 1012, 1025, 1078, 1139, 1266, 1364, 1391, 1524
IRRIGATION. Members.....	82
Reports.....	265, 650, 1053, 1222
JUDICIARY. Members.....	82
Reports.....	151, 166, 184, 226, 266, 279, 309, 338, 354, 440, 465, 525, 565, 613, 649, 680,
713, 728, 762, 785, 813, 839, 852, 934, 966, 1014, 1026, 1078, 1106, 1140, 1146,	
1165, 1476, 1219, 1265, 1308, 1325, 1371, 1556, 1580, 1586, 1617, 1629, 1652, 1661	
Sub-committee on Code Revision bills, report of.....	384
LABOR, CAPITAL AND IMMIGRATION. Members.....	82
Reports.....	419, 525, 650, 708, 762, 933, 1312, 1594
MANUFACTURES AND OIL INDUSTRY. Members.....	82
Reports.....	461
MILITARY AFFAIRS. Members.....	82
Reports.....	184, 674, 761, 1139, 1266
MINES AND MINING. Members.....	82
Reports.....	547, 647, 813, 955, 1026, 1222, 1580, 1772, 1799
MUNICIPAL CORPORATIONS. Members.....	82
Reports.....	156, 228, 265, 339, 381,
467, 601, 609, 684, 785, 799, 852, 964, 1027, 1082, 1222, 1230, 1312, 1372, 1556, 1617	
PRINTING. Members.....	82
Reports.....	226, 309, 1026
PRISONS AND REFORMATORIES. Members.....	82
Reports.....	121, 465, 565, 1009, 1105, 1222, 1364
PUBLIC BUILDINGS AND GROUNDS. Members.....	82
Reports.....	228, 812, 1136
PUBLIC HEALTH AND QUARANTINE. Members.....	82
Reports.....	167, 185, 228, 265, 339, 342, 382,
465, 614, 651, 712, 729, 743, 756, 1009, 1083, 1141, 1247, 1311, 1556, 1618, 1652, 1772	
PUBLIC MORALS. Members.....	82
Reports.....	681, 874, 1364
ROADS AND HIGHWAYS. Members.....	82
Reports.....	267, 419, 521, 601, 615, 925, 933, 964, 1053, 1165, 1221, 1303, 1524, 1606, 1638, 1768
RULES. Members.....	82
Reports.....	283, 312, 341, 353, 527
REVENUE AND TAXATION. Members.....	82
Reports.....	280, 309, 339, 382, 786, 853, 869, 967, 1142, 1312, 1391, 1618, 1662
COMMUNICATIONS. Acquisition of municipal light and water plants. From	
Edward F. Treadwell.....	416
Acquisition of municipal light and water plants. From H. A. Mason.....	417
Agricultural Department of the State University. From Cannery League	
of California.....	307
Alaska-Yukon Exposition. From California Association of Washington.....	808
Appropriation to pay expenses of extradition of George D. Collins from	
Canada. From George D. Collins.....	182
Centennial anniversary of the birthday of General Mariano Guadalupe	
Vallejo. From Edwin A. Sherman et al.....	631
Fire insurance. From Merchants' Association of San Francisco.....	1130
Forest reserves. From Conconully (Washington) Commercial Club.....	1076
House Joint Memorial No. 2. From National Board of Trade.....	1075
Issuance of bonds to purchase tide lands in vicinity of Islais Creek. From	
Dolores Street Improvement Club.....	1060
Relative to passage of S.B. 547. From Carmen's Union No. 205 of San	
Francisco.....	1105
State Dairy Bureau. From California Creamery Operators' Association....	1160
COOPER, E. C. Appointment of as Private Secretary to Governor.....	79

	PAGE.
CURTIN, J. B. Address on Japanese question. S.C.R. 6.....	292
Appeared and qualified.....	3
Appointed on committees.....	81, 85, 1788, 1813
Appointed on special committee pursuant to S.Bs. 227, 346.....	1788
Bills introduced 95, 97, 104, 135, 188, 230, 271, 290, 321, 389, 443, 498, 598, 690, 715.....	1026
Explanation of vote.....	1516
Leave of absence.....	182, 548, 745, 1224, 1257
Mileage.....	77
Nominated President pro tempore.....	4
Resolutions.....	99, 100, 101, 121, 657

D

DARLING, REV. C. H. Election of as Chaplain.....	5
Resolution to publish photograph of in Blue Book.....	1739

E

EXPERT ON INSURANCE. Resolution to employ.....	141
Pay of.....	1507
EXPERT'S REPORT on stability of Red Men's Hall.....	187

F

FOOD. Report of sub-committee of Senate Judiciary Committee on legality of word.....	280
FOSTER, OSCAR A. Elected Assistant Secretary.....	131

G

GATEKEEPERS, TEMPORARY. M. Dunn, H. Lorensen, Wm. Sampson.....	3
GILLETT, JAMES N. Declared elected Governor.....	66
Oath of office.....	72
GOVERNOR. Canvass of vote for.....	66
James N. Gillett declared elected.....	66
GOVERNOR AND LIEUTENANT-GOVERNOR. Canvass of vote for.....	65
Appointments by Governor Pardee.....	15
GOVERNOR'S MESSAGES. Biennial, of Governor Pardee.....	16
Appointments subsequent to extra session, by Governor Pardee.....	15
Appointments by Governor Gillett.....	1163
Bard, Thomas R., appointment as member of Board of Regents of the University of California.....	1780
Belshaw, C. M., appointment as member of the State Board of Prison Directors.....	1780
Clark, James, appointment as member of the Board of Trustees of Whittier State School.....	1780
Dennison, W. E., appointment as member of Board of State Harbor Commissioners.....	1780
Department of Engineering.....	523
Japanese matters, message from Congressional delegation.....	334
McKinley, J. W., appointment as member of Board of Regents of the University of California.....	1780
Newlin, T. E., appointment as member of the Board of Trustees of the Whittier State School.....	1780
Notifying Senate of appointment of Private Secretary.....	79
Reed, George W., appointment as member of the Board of Directors of the California Institution for the Deaf and Blind.....	1303
Scherer, Henry E., appointment as member of the Board of Bank Commissioners.....	1780
Stafford, W. V., appointment as member of the Board of State Harbor Commissioners for San Francisco.....	1807
Stow, Vanderlynn, appointment as member of Board of Trustees of the State Normal School at San Francisco.....	1780
Swett, John, appointment as member of Board of Trustees of State Normal School at San Francisco.....	1780
Withdrawing appointments.....	120
S.B. 5, approval of.....	1811
S.B. 6, approval of.....	963
S.B. 8, approval of.....	1810
S.B. 9, approval of.....	1485
S.B. 10, approval of.....	1485
S.B. 14, approval of.....	1811
S.B. 20, approval of.....	1485
S.B. 28, veto of.....	1630

GOVERNOR'S MESSAGES—Continued.

PAGE.

S.B. 29, approval of	1812
S.B. 30, approval of	1812
S.B. 35, approval of	1811
S.B. 37, approval of	1485
S.B. 42 (Com. Sub.), approval of	1485
S.B. 44, approval of	1485
S.B. 47, approval of	1810
S.B. 50, approval of	1811
S.B. 52, approval of	1810
S.B. 56, approval of	1811
S.B. 58, approval of	1811
S.B. 59, approval of	963
S.B. 65, approval of	1811
S.B. 66, approval of	1811
S.B. 67, approval of	1811
S.B. 81, approval of	1485
S.B. 85, approval of	963
S.B. 92, approval of	1812
S.B. 101, veto of	1637
S.B. 107, approval of	1811
S.B. 111, approval of	1810
S.B. 115, approval of	1811
S.B. 118, approval of	1485
S.B. 128, approval of	1810
S.B. 129, veto of	1635
S.B. 130, veto of	1636
S.B. 134, approval of	1812
S.B. 142, approval of	1811
S.B. 153, approval of	1810
S.B. 163, approval of	1810
S.B. 165, approval of	1810
S.B. 169, approval of	1485
S.B. 176, approval of	1811
S.B. 177, approval of	1485
S.B. 188, approval of	1812
S.B. 189, approval of	1812
S.B. 190, approval of	1812
S.B. 193, approval of	1810
S.B. 194, approval of	1810
S.B. 222, approval of	1811
S.B. 223, approval of	1810
S.B. 224, approval of	1811
S.B. 225, approval of	1811
S.B. 226, approval of	1811
S.B. 228, approval of	1810
S.B. 229, approval of	1811
S.B. 231, approval of	963
S.B. 260, approval of	1812
S.B. 262, veto of	1636
S.B. 275, approval of	1811
S.B. 288, approval of	1485
S.B. 289, approval of	1485
S.B. 290, approval of	1810
S.B. 364, approval of	1811
S.B. 398, approval of	1812
S.B. 427, approval of	1302
S.B. 430, approval of	1485
S.B. 431, approval of	1810
S.B. 447, veto of	963
S.B. 456, approval of	1810
S.B. 476, approval of	963
S.B. 481, approval of	1486
S.B. 494, approval of	1810
S.B. 500, approval of	1810
S.B. 517, approval of	1811
S.B. 519, approval of	1811
S.B. 521, approval of	1485
S.B. 522, approval of	1485
S.B. 527, approval of	1486
S.B. 528, approval of	1485
S.B. 569, approval of	1812
S.B. 587, approval of	1811
S.B. 590, approval of	1812
S.B. 607, approval of	1812
S.B. 611, approval of	1812

GOVERNOR'S MESSAGES - *Continued.*

	PAGE.
S.B. 650, approval of	1812
S.B. 662, approval of	1812
S.B. 696, approval of	1812
S.B. 707, approval of	1812
S.B. 721, approval of	1812
S.B. 736, approval of	1810
S.B. 754, approval of	1485
S.B. 848, approval of	1486
S.B. 850, approval of	1549, 1810
S.B. 876, approval of	1811
S.B. 880, approval of	1812
S.B. 881, approval of	1812
GREENWELL, C. B. Appointed on committees	81, 351
Leave of absence	89, 114, 131, 149, 225, 352, 463, 522, 548, 565, 608, 707, 709, 1257
Mileage	77
GRINDLEY, J. H. Appointed Bookkeeper to Sergeant-at-Arms	69

H

HARTMAN, GUS. Appeared and qualified	2
Appointed on committees	81, 157
Bills introduced	85, 105, 320, 520, 689
Explanation of vote	1341
Leave of absence	131, 548, 757, 1011
Mileage	77
Resolutions	651
HILBORN, LEWIS A. Election of, as Secretary	4
Mileage	77
Secretary at organization	1
HOLT, D. G. Mileage	77
Minute Clerk at organization	1
HORTON, G. RAY. Election of, as Minute Clerk	5

I

INAUGURAL CEREMONIES. Resolution fixing time and place of	67
Partial report of committee on	15
Concurrent Resolution No. 1, relative to	13
INDEX TO DAILY JOURNALS. <i>See front part of this book.</i>	
IRISH, J. B. Appointed on committees	81, 114
Bills introduced	124, 201, 309, 528, 691
Leave of absence	78, 728, 1021, 1116, 1160, 1257
Mileage	77
Question of personal privilege	307
Resolutions	101, 183
INSURANCE EXPERT. Report of committee on pay of	1507
Resolution to employ	141

J

JAPANESE QUESTION. Announcement by Senator Wolfe, relative to	744
Address of Senator Curtin on	292
JOHNSON, REV. HERBERT B. Prayer at opening	1243
JOINT ASSEMBLY. Inaugural ceremonies	70
JOINT COMMITTEE. On memorial resolutions for the late John J. Burke, report of	1095
JOINT CONVENTION. Canvass of votes for Governor and Lieutenant-Governor	65
JOINT RULES	341, 599, 616, 619
JONES, O. G. INSURANCE EXPERT. Resolution to employ	141
Resolution to pay	1507

K

KAVANAGH, J. W. Appointed Assistant Secretary	69
KEANE, GEORGE B. Appointed on committees	81, 1554
Bills introduced	85, 114, 136, 152, 188, 230, 290, 344, 393, 444, 752, 690, 828, 1017, 1038, 1144
Leave of absence	1257
Mileage	77
Resignation from Committee on Banking	131
Resolutions	79, 81, 1558, 1621
KENNEDY, T. J. Appeared and qualified	3
Appointed on committees	81, 1788
Bills introduced	85, 343
Leave of absence	548, 683, 957
Mileage	77

L

	PAGE.
LANGDON, WILLIAM H. Canvass of vote for Governor	66
LEAVITT, F. W. Acting President of Senate, inaugural ceremonies	71
Appeared and qualified	3
Appointed on committees	81, 351, 944, 967, 1555, 1809
Bills introduced	85, 87, 89, 94, 105, 122, 167, 180, 290,
321, 421, 442, 498, 521, 529, 557, 598, 629, 652, 707, 789, 856, 873, 1038, 1040, 1060, 1397	
Leave of absence	1257
Mileage	77
Nomination by, of President pro tempore	4
Resolutions	4, 68, 74, 78, 80, 99, 114, 141, 264, 333, 388, 441, 815, 1396, 1582, 1610, 1622, 1765, 1779
LEWIS, AUSTIN. Canvass of vote for Governor	66
LIEUTENANT-GOVERNOR. Canvass of vote for	67
LUKENS, G. R. Appointed on committees	81
Bills introduced	949, 1037, 1040, 1059, 1374, 1491
Leave of absence	15, 80, 140, 264, 380, 565
Mileage	77
Petitions	1386, 1588
Resolutions	968, 1374, 1397, 1491, 1610, 1813
LYNCH, HENRY W. Appointed on committees	81, 157, 1016
Bills introduced	86, 91, 92, 94, 95, 105, 123, 134, 169, 189, 322, 652, 744, 1008
Leave of absence	380, 1257
Mileage	77
Nomination by, of Secretary	4
Resolutions	12, 74, 82, 100, 133, 161, 278, 615, 714, 788, 1397, 1491, 1626, 1766
Statement on behalf of Senator Sanford	1779

M

MARKEY, F. A. Appointed on committees	81
Bills introduced	423
Leave of absence	225
Mileage	77
Resolutions	814
MARSH, REV. SEREN S. Prayer by	565
MARTIN, J. LOUIS. Acting Sergeant-at-Arms at organization	1
Election of, as Sergeant-at-Arms	5
Leave of absence	693
Mileage	77
Services after close of session	1798
MATTOS, JOHN G., JR. Appointed on committees	81, 131
Bills introduced	123, 343, 520, 1144
Explanation of vote	1330
Leave of absence	78, 757
Mileage	77
Petitions	264, 278, 1588
Resolutions	74, 119, 121, 1144, 1249
McCARTNEY, H. S. G. Appeared and qualified	3
Appointed on committees	67, 81, 157, 1016
Bills introduced	86, 91, 93, 94, 95,
96, 106, 115, 127, 134, 269, 292, 343, 389, 423, 443, 528, 558, 568, 646, 790, 873, 1098, 1267	
Communications	416, 1038
Leave of absence	757
Mileage	77
Nomination by, of Minute Clerk	5
Petitions	279
Resolutions	101, 159, 1267, 1392, 1788
McKEE, J. A. Appointed on committees	81
Bills introduced	135, 153,
154, 167, 189, 290, 321, 333, 398, 498, 527, 558, 598, 619, 652, 690, 728, 816, 949, 1009	
Given charge of ventilation of Senate chamber	571
Leave of absence	182, 1257
Mileage	77
Resolutions	101, 367, 1639, 1738
MIEL, REV. C. L. Prayer at opening	1
MILLER, E. O. Appeared and qualified	3
Appointed on committees	81, 1016
Bills introduced	108, 114, 168, 269, 322, 619, 690, 715, 790, 816, 969, 1752
Leave of absence	80, 119, 131, 278, 438, 463, 522, 548, 565, 608, 1324
Mileage	77
Resolutions	1752
MINUTE CLERK. Election of G. Ray Horton	5

	PAGE.
MUENTER, A. E. Appointed on committees.....	81, 1788
Bills introduced.....	109, 115, 167, 528, 652, 1008, 1097
Leave of absence.....	225, 1257
Mileage.....	77
Nomination by, of Sergeant-at-Arms.....	5
Petitions.....	140, 279
Resolutions.....	814, 1167

N

NAMES OF SENATORS.....	2
NELSON, JOHN H. Appointed on committees.....	81
Bills introduced.....	114, 231, 388, 422, 443, 645, 856
Leave of absence.....	119, 131, 728
Mileage.....	77
Resolutions.....	964, 1595

O

OATH OF OFFICE. Administered to Senators-elect.....	3
Of Governor James N. Gillett.....	72
Of Lieutenant-Governor Warren R. Porter.....	73
OFFICERS, STATUTORY. Resolutions to elect.....	4
ORGANIZATION. Report of committee to notify Governor.....	14
ORGANIZATION OF ASSEMBLY. Notice of.....	64
Permanent.....	12
Temporary.....	3
OUTDOOR ART LEAGUE. Resolution of appreciation of work accomplished by.....	1683

P

PAGES. Appointed.....	3, 74
PARDEE, GOVERNOR GEORGE C. Address to Joint Assembly.....	72
Appointments, list of.....	15
Biennial message of.....	16
PERMANENT ORGANIZATION.....	12
PETITIONS. Divorce. From citizens of California.....	677, 957, 1386
Divorce. From citizens of Fruitvale.....	1588
Divorce. From citizens of Centerville.....	1588
Barbering, practice of. From committee of Barbers' Protective Union.....	958
Division of Santa Clara County. From voters of Southern Santa Clara County.....	709
Day of rest. From citizens of Chula Vista, San Diego County.....	335
Osteopathy. From citizens of San Bernardino County.....	278
Right of suffrage to women. From citizens of Sonoma and Glen Ellen.....	139
Urging appropriation to continue topographic and hydrographic work. From Stockton Chamber of Commerce.....	140
Veterans' Home, sale of liquor near. From residents of Yountville.....	1588
Viticultural research. From grape-growers of California.....	264
PORTERS. Appointed.....	74
PORTER, WARREN R. Address to Joint Assembly.....	73
Declared elected Lieutenant-Governor.....	67
Oath of office of.....	73
POSTMISTRESS, TEMPORARY. Miss Callie Johnson.....	3
PRESIDENT PRO TEM. Election of Hon. E. I. Wolfe.....	4
PRICE, W. F. Appeared and qualified.....	3
Appointed on committees.....	81, 158, 1813
Bills introduced.....	87, 109, 124, 134, 232, 600, 815, 838, 949
Explanation of vote.....	1260
Leave of absence.....	78, 693
Mileage.....	77
Petitions.....	139, 279
Resolutions.....	1143, 1595
PRIVILEGES OF SENATE FLOOR. Extended to ex-Senator Shortridge.....	548
Extended to ex-Senators Shortridge, Ralston and Hahn.....	534

R

RAMBO, S. H. Appointed on committees.....	81
Bills introduced.....	109, 128, 270, 627
Leave of absence.....	1021
Mileage.....	77
Resolutions.....	1558, 1623
RANDALL, W. G. Appointed Assistant Secretary.....	69

	PAGE.
REAGOR, REV. W. F. Prayer by	463
REED, GEORGE W. Confirmation of appointment as Director of the California Institution for the Deaf and Blind	1344
REILY, D. J. Appeared and qualified	3
Appointed on committees	81
Bills introduced	270, 652, 764, 1036, 1038,
Mileage	77
Resolutions	1787
REPORTS. Of Senate Judiciary Sub-Committee on Code Revision of municipal corporations bill	1112
On codified county government bill	1041
Of committee on conference—A.C.A. 3	967
Of committee on conference—S.B. 54	1800
Of committee on conference—S.B. 106	1800
Of committee on conference—A.B. 825	1639
Of committee on conference—A.B. 975	1603
Of committee on free conference—A.C.A. 3	1052
Of committee on free conference	974
Of special committee on contingent expenses and mileage	77
Of committee to notify Governor of organization	14
Of committee on investigation of sales of jute bags	1672, 1679
Of special committee on prison legislation and reform	1397, 1492
Of special committee to purchase chairs for committee rooms	320
Of special committee on visiting public institutions	279, 556, 675, 840, 1095
Of special committee on Washington's Birthday exercises	679, 692, 1095
RESOLUTIONS. Action by Senate upon Senate and Assembly bills. Leavitt ..	1610
Allowing Carrie Linscott pay for extra services. Lynch	1491
Appointing Miss Lorena MacIntyre, H. B. Griffith and William Hood to positions. Lukens	969
Appointing Chris Rasmussen Committee Clerk. Mattos	121
Archbishop George Montgomery, death of. Wolfe	80
Assembly Special Committee, ordering report of printed in Journal. Anderson ..	141
Assistant Minute Clerk, substituting name of Herbert Brice for George Huestis. Rolley	141
Assistant Minute Clerk, increasing per diem of. Broughton	159
Assistant Secretary, appointing Oscar A. Foster. Rambo	131
Assistants, statutory, appointment of. Leavitt	68
Attachés, appointing. Leavitt	78, 99
Attachés, appointing. Keane	81
Attachés, appointing. Wolfe	113
Attachés, appointing. Mattos	118
Attachés at organization, pay for services of. Lynch	100
Attachés, reporting names of. Leavitt	74
Authorizing payment of claims of H. E. Carter, J. A. McKee, and W. R. Eckart. Belshaw	1401
Authorizing the payment of rent of halls used by Legislature. Lukens	1397
Authorizing payment of certain bills. Lynch	1379
Authorizing the printing and distribution of 30,000 copies of the graduated license tax on corporations. Belshaw	1776
Authorizing State Printer to print 5,000 copies of the Pure Food and Drug Acts. McCartney	1788
Bill of H. S. Crocker & Co., to pay. Lynch	278, 788
Bills, to pay John Breuner Co. and Scott, Stack & Lyman. Leavitt	264
Bills, to pay certain. Irish	183
Brice, Herbert, to pay for services to be performed after final adjournment. Rolley	1657
Burke, Hon. J. J., to attend funeral of. Transue	158
Adjournment out of respect to. McCartney	159
Carter, H. E., J. A. McKee, and W. R. Eckart, pay for services. Belshaw ..	1595
Certain bills. Broughton	546
Chairs for committee rooms, to purchase. Savage	226
Checking up, branding and storing furniture of Senate. Willis	1143
Clerk of Finance Committee, appointing. Lynch	161
Codes, Secretary to purchase copies of. Lynch	82
Codes, Secretary to provide, for members. Wright	160
Code revision bills. Leavitt	333
Collins, R. G., Wm. Gamble, and J. W. Gudgel, pay for services. Nelson ..	1595
Condolence to Senator Savage	70
Committees, files for. Irish	101
Committee on Finance, increasing number of members. Leavitt	114
Committee on Elections and Election Laws, to investigate voting machines. Welch	278
Committee on Insurance and Insurance Laws, expert for. Leavitt	141
Committee rooms, providing. Keane	79

RESOLUTIONS--Continued.

	PAGE.
Contingent expenses, relative to. Belshaw.....	79
Contingent expense accounts of members, relating to. Lynch.....	133
Contingent expenses and mileage, relative to. Carter.....	68
Dispensing with rule heretofore adopted as to A.B. 256. Willis.....	1769
Expressing documents belonging to Senators to their places of residence. Bates.....	714
Expressing sympathy of members to Hon. J. B. Sanford on death of mother. Leavitt.....	1779
Evening sessions. Wolfe.....	438
Final calendar. Lynch.....	714
Fire-escapes, construction of. Wolfe.....	13
Ford, W. J., to pay for services as Clerk to Sub-Committee on Code Revision. Willis.....	1772
Gatekeepers, appointing. Anthony.....	152
Grindley, John, to perform certain work after close of session. Bates.....	1491
Hermann, M., elected committee clerk. Anthony.....	788
Higgins, Frank, payment of claim of. Belshaw.....	1682
Hughes, Mamie, pay for services after session. Walker.....	1595
Inaugural address, special committee on. Caminetti.....	141
Inaugural address, printed copies of. Boynton.....	101
Inaugural address, printed copies of. Belshaw.....	121
Inaugural ceremonies, relating to fixing time and place. Wolfe.....	13, 67
Index Clerk, Addie F. Pauline appointed. Leavitt.....	388
Instructing Secretary of State to mail to county clerks copies of all laws. Cartwright.....	1767
Introduction of bills, relative to. Belshaw.....	82
James, William F., pay for services after session. Walker.....	1566
Japanese school question. Caminetti.....	335
Keystone binders for newspaper representatives. Curtin.....	100
Legislative hall, to pay for fitting, furnishing and repairing. Committee on Contingent Expenses.....	546
Letter files. Curtin.....	161
Lieutenant-Governor, directing Controller to draw warrant in favor of. Lynch.....	132
Lincoln memorial exercises, expenses incurred. Rolley.....	788
Livernash, E. J., denying admission to Senate Chamber. Willis.....	183
Mahone, C. B., pay for services. Broughton.....	1639
McCabe, Edward, pay for services rendered. Rambo.....	1623
Manufacture of jute bags. Boynton.....	956
Minute Clerk, to pay D. G. Holt for services as. McCartney.....	279
Ordering 1,000 copies of circular letter to rifle clubs to be printed. Anthony. Ordering 500 copies of Senate Concurrent Resolution No. 3 to be printed. Wright.....	1759
Organization, notifying Assembly of. Lynch.....	12
Organization, notifying Governor of. Carter.....	13
Payment of certain bills. Leavitt.....	815
Payment of certain bills. Muentner.....	814
Payment of John Dwyer for extra services as elevator attendant. Kaine.....	1558
Payment of Oscar A. Foster for services performed during session. Rambo.....	1638
Pfeiffer, L. A., Engrossing and Enrolling Clerk, to remain after session to complete work of that department. Reily.....	1787
Photographs of members. McKee.....	1738
Pitts, E. H., to pay for rent of two committee rooms. Broughton.....	1639
Postage stamps for Press Mailing Clerks. Markey.....	814
Postage stamps for Mailing Clerks. Reily.....	1258
Postage stamps for Press Mailing Clerks. Curtin.....	100
Postage stamps for Press Mailing Clerks. Broughton.....	267
Postage stamps for Press Mailing Clerks. Bates.....	546
Postoffice revolving fund, relative to. Willis.....	82
Powers of railroad corporations. Urgency of A.B. 256. Anderson.....	680
Prison-made supplies, relating to. Anthony.....	71
Providing for compensation of G. Ray Horton and C. B. Mahone for services after final adjournment. McCartney.....	1392
Providing for compensation of C. E. Canfield for services to be rendered after final adjournment.....	1393
Providing for compensation of O. G. Jones as expert to the Committee on Insurance and Insurance Laws. Leavitt.....	1393
Railroad Commission, relative to powers of. Caminetti.....	763
Recalling S.J.R. 7 from committee. Sanford.....	1250
Recalling A.B. 74 from committee. Bell.....	1341
Recalling S.B. 17. Hartman.....	651
Red Men's Hall Association, pay for damages to hall. McKee.....	1639
Red Men's Hall, rent for January. Committee on Contingent Expenses.....	497
Red Men's Hall, to pay expense of examination of. Lynch.....	278
Relative to Assembly action on S.B. 236. Curtin.....	657

RESOLUTIONS *Continued.*

	PAGE.
Relative to introduction of bills after fiftieth day	1097
Relative to introduction of bills after fiftieth day. Mattos	1144
Relative to introduction of bills after fiftieth day. Miller	1752
Relative to introduction of bills after fiftieth day. Committee	1650
Relative to introduction of bills after fiftieth day. Wright	1620
Relative to introduction of bills after fiftieth day. Belshaw	1557
Relative to introduction of bills after fiftieth day. Willis	1526
Relative to introduction of bills after fiftieth day. Lukens	1491
Relative to introduction of bills after fiftieth day. Boynton	1490
Relative to introduction of bills after fiftieth day. Leavitt	1396
Relative to introduction of bills after fiftieth day. Lukens	1374
Relative to introduction of bills after fiftieth day. Anderson	1342
Relative to introduction of bills after fiftieth day. Broughton	1342
Relative to introduction of bills after fiftieth day. McCartney	1267
Rent, to pay. Savage	161
Requesting permission of the Assembly to introduce a bill to cover the claim of Frank Higgins. Belshaw	1682
Retention of S. W. Austin, H. G. Wright, E. D. Miner, and J. E. Fitzgerald after session. Willis	1558
Rules, temporary. Belshaw	6
Rule 43, to amend. Anthony	70
Secretary, to pay for rubber stamps, expressage, and postage. Lynch	100
Security of building in which session is held, relative to. Lynch	74
Sergeant-at-Arms, to empower to receipt for warrants. Mattos	74
Sergeant-at-Arms, to procure room for use of Governor. McKee	101
Sergeant-at-Arms, leave of absence. Muentner	279
Sergeant-at-Arms, instructions to. Belshaw	82
Sergeant-at-Arms, to procure matting, etc., for rooms used by Journal Clerk and stenographers. Curtin	99
Services rendered prior to organization, to pay for. Lynch	161
Senate Files and Histories. Belshaw	1040
Senate special committee on investigation of prison-made jute bags, to pay expenses incurred by. Boynton	1618
Shields, Donn J., J. W. Kavanagh, W. G. Randall, A. N. Umphreys and Oscar A. Foster, pay for services in bringing to a close the work in their department. Lynch	1626
Skilled stenographer, appointing Miss L. Bottarini. Belshaw	121
Special urgency file of Senate and Assembly bills. Belshaw	1053
Standing committees, appointment of. Leavitt	80
Standing committees, stationery for. Savage	101
State institutions, committee to investigate. Anthony	279
State Printer to print additional copies of bills, etc. Price	1595
State Printer to print 500 copies of the chapters. Leavitt	1582
Statutory officers, election of. Leavitt	4
Stewart, H. B., elected Assistant Sergeant-at-Arms. Lukens	968
Sub-committee from Committees on Hospitals and Asylums, Prisons and Reformatories, and Public Buildings and Grounds. Price	279
Substituting Frank T. Thompson in place of H. C. Crittenden as Stenographer. Leavitt	441
Time allowed for discussion of pending measures before the Senate. Muentner	1167
Tin office boxes. McCartney	101
Typewriting machines, Secretary to rent. Curtin	121
Using prisoners on public highways. Price	1143
Urgency of A.B. 1035. Leavitt	1622
Urgency of A.B. 201, 281, 207, 1000, 1001, 1002, and 285, and S.B. 948, and 949. Willis	1762
Urgency of A.B. 756. Lynch	1766
Urgency of A.B. 286. Willis	1785
Urgency of A.B. 923. Anthony	1794
Urgency of A.B. 1025. Belshaw	1223
Urgency of A.B. 173. Belshaw	420
Urgency of S.B. 929. Mattos	1249
Urgency of S.B. 861, 896, 899, 913, 922, 921, 897, 920, 923, 924, 925, 926, 927, 928, 898, and 422. Willis	1266
Urgency of S.B. 864, 880 and 881. Sanford	1286
Urgency of S.B. 944 and 879. Belshaw	1591
Urgency of S.B. 942. Lukens	1610
Urgency of S.B. 930. Keane	1621
Urgency of S.B. 947 and S.J.R. 13. Caminetti	1651
Urgency of S.B. 135, 945, 615, 946, 493, and A.B. 1039. Wright	1655
Urgency of S.B. 476. Belshaw	281
Urgency of S.B. 586. Willis	687
Urgency of S.B. 848. Nelson	964
Urgency of S.B. 876. Sanford	1143
Urgency of S.B. 869 and 870. Wolfe	1216

RESOLUTIONS	Continued.	PAGE.
Urgency of S.B. 754. Belshaw	698
Vaccor, John, and Fred Malley, pay for services after session. Black	1595
Withdrawing name of George Wittenbrock as Bill Filer and substituting M. B. Asbrook. McKee	367
ROLL CALL. At organization	2
Chaplain, election of	6
Confirming appointments of clerks	69
Confirming appointments by Secretary	69
Confirming appointments by Sergeant-at-Arms	70
Confirming appointments by President	74
In Joint Assembly, January 9th	71
In Joint Assembly, January 21st	158
In Joint Convention, January 8th	65
Of holdover Senators	2
Of Senators-elect	2
On adoption of rules	319
On election of Minute Clerk	5
On election of President pro tempore	4
On election of Secretary	5
On election of Sergeant-at-Arms	5
On resolution appointing attachés	76
On resolution appointing Standing Committees	81
On resolution denying Edward J. Livermash privileges of Senate	181
ROLLEY, GEORGE T. Appeared and qualified	3
Appointed on committees	81, 609
Bills introduced	109, 114, 125, 136, 270, 291, 322, 333, 442, 651, 1636	1105
Leave of absence	1257
Mileage	77
Resolutions	141, 788, 1657
RULES, JOINT	599, 616, 619
RULES, STANDING	312, 319
RULES, TEMPORARY	6
RUSH, BENJ. F. Appointed on committees	81
Bills introduced	86, 87, 88, 115, 117, 125, 135, 168, 291, 445, 598, 714	780
Leave of absence	848
Mileage	77

S

SANFORD, J. B. Appeared and qualified	.....	3
Appointed on committees	.....	81, 609, 1349
Bills introduced	88, 91, 110, 116, 135, 268, 342, 389, 422, 619, 790, 856, 1017, 1037, 1267	
Leave of absence	.....	693, 1257, 1779
Mileage	.....	77
Nomination by, of President pro tempore	.....	4
Resolution of condolence to	.....	1779
Resolutions	.....	1143, 1230, 1286
Telegram from Ukiah Chamber of Commerce	.....	1219
SAVAGE, W. H. Appeared and qualified	.....	3
Appointed on committees	.....	81, 114, 692, 1555, 1826
Bills introduced	88, 91, 95, 110, 116, 127, 135, 169, 441, 508, 630, 690, 828, 948, 1036, 1058	1267
Leave of absence	.....	3, 225, 306, 521, 1257
Mileage	.....	77
Petitions	.....	1588
Resolutions	.....	101, 161, 226, 967
Resolution of condolence to	.....	3, 70
SECRETARY OF SENATE. Appointments by	.....	3, 69
Election of Lewis A. Hilborn	.....	4
SECRETARY OF STATE. Certificate from	.....	1
State Printer to deliver laws to	.....	1582
To transmit laws to county clerks	.....	1767
SENATORS. Names of	.....	2
SERGEANT-AT-ARMS. Appointments by	.....	3, 69
Election of J. Louis Martin	.....	5
SHIELDS, DONN J. Appointed Assistant Secretary	.....	69
STATUTORY ASSISTANTS	.....	68
STATUTORY OFFICERS	.....	4, 12

T

TELEGRAM. Relative to Capitol Removal bill. From Ukiah Chamber of Commerce	.....	1219
TELLERS. Appointment of, to canvass vote for Governor and Lieutenant-Governor	.....	66

	PAGE.
TEMPORARY ORGANIZATION.....	3
TEMPORARY RULES.....	6
TIBBETTS, A. C. Confirmation of appointment as Harbor Commissioner for the port of Eureka.....	1344
TOLAND, THOMAS O. Canvass of vote for Lieutenant-Governor.....	67

V

VALEDICTORY by the President.....	1826
-----------------------------------	------

W

WALKER, GEORGE S. Appeared and qualified.....	3
Appointed on committees.....	81, 944, 967
Bills introduced.....	89, 91, 110, 116, 189, 268, 291, 652, 691
Explanation of vote.....	1190
Milage.....	77
Petitions.....	709
Resolutions.....	1595, 1596
WARREN, E. A. Confirmation of appointment as trustee of State Normal School at Chico.....	1344
WARD, M. L. Confirmation of appointment as trustee of State Normal School at San Diego.....	1344
WEED, A. Appeared and qualified.....	3
Appointed on committees.....	81, 160
Bills introduced.....	124, 134, 152, 231, 291, 399, 691, 969
Leave of absence.....	15, 68, 74, 78, 280, 548, 957
Milage.....	77
Nomination by, of Chaplain.....	5
WELCH, RICHARD J. Appointed on committees.....	81
Bills introduced.....	89, 126, 135, 267, 520, 728, 815, 1008, 1059
Leave of absence.....	548, 565, 757, 783, 1011, 1243, 1297
Milage.....	77
Resolutions.....	278
WILLIAMS, REV. JAMES H. N. Prayer by.....	438, 1340
WILLIS, HENRY M. Appeared and qualified.....	3
Appointed on committees.....	81, 158, 1788
Appointed on special committee pursuant to S.B. 227, 346.....	1788
Bills introduced.....	89, 91,
92, 95, 97, 98, 110, 116, 137, 154, 169, 170, 231, 271, 291, 322, 444, 498, 528,	
398, 630, 691, 715, 761, 815, 838, 856, 873, 1009, 1016, 1017, 1039, 1060, 1097, 1526	
Explanation of vote.....	1681
Leave of absence.....	380, 428
Milage.....	77
Question of personal privilege.....	262, 1340
Resolutions.....	82, 161, 1097, 1143, 1266, 1558, 1762, 1769, 1772, 1785
WILLIS, REV. P. H. Prayer by.....	1486
WHEAT, FRANK I. Canvass of vote for Lieutenant-Governor.....	67
WHITMORE, C. N. Canvass of vote for Lieutenant-Governor.....	67
WOLFE, EDWARD I. Appointed acting chairman Judiciary Committee.....	82
Appointed on committees.....	67, 81, 157, 1554, 1788, 1809, 1813
Bills introduced.....	90, 93, 110, 116, 128, 137, 154, 268, 291, 322, 388, 389, 423, 442, 1009, 1036
Elected President pro tempore.....	4
Introduction by, of Governor-elect James N. Gillett.....	72
Leave of absence.....	557, 782, 1257
Milage.....	77
Question of personal privilege.....	171
Resolutions.....	13, 67, 80, 113, 225, 438, 1813
WRIGHT, LEROY A. Appointed and qualified.....	3
Appointed on committees.....	81, 609, 944, 967, 1788
Bills introduced.....	90, 96, 98,
112, 116, 126, 136, 153, 188, 269, 290, 321, 342, 462, 527, 568, 690, 764, 816, 1036, 1620	
Explanation of vote.....	1516, 1648
Leave of absence.....	380, 547, 693, 745
Milage.....	77
Petitions.....	335
Question of personal privilege.....	178
Resolutions.....	160, 1596, 1620, 1655, 1739

INDEX TO SENATE BILLS.

- 1—Anthony—An Act to encourage the introduction into the State of California of automatic or self-loading rifles, and appropriating \$5,000 therefor.
Senate action: pp. 83, 184, 233, 289, 1769.
- 2—Anthony—An Act to provide for training high school boys of the State of California in marksmanship, with automatic or self-loading rifles, and appropriating the sum of \$5,000 therefor.
Senate action: pp. 83, 184, 233, 289, 1769.
- 3—Bates—An Act making an appropriation for the extermination of beneficial insects.
Senate action: pp. 83, 1081, 1204, 1430, 1604.
- 4—Bell—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 337; to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing, or running races between horses, mares, or geldings, and providing the punishment for the violation thereof.
Senate action: pp. 83, 966.
- 5—Belshaw—An Act making an appropriation to be used under the provisions of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, approved March 16, 1889.
Senate action: pp. 83, 133, 156, 165, 174, 1101, 1429.
Assembly action: p. 1100.
- 6—Belshaw—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of unfortuneds, delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 23, 1893, by adding one new section thereto, to be numbered Section 31, relating to the transfer of boys from State prisons thereto, and of the powers and duties of certain public officers in connection therewith.
Senate action: pp. 83, 121, 138, 151, 155, 550, 963.
Assembly action: p. 462.
- 7—Black—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive to the purchaser of a fruit or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof.
Senate action: pp. 83, 265, 328, 338, 359, 931, 932, 1012, 1825.
Assembly action: p. 931.
- 8—Black—An Act to amend an Act entitled "An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, relating to tuition fees in said university.
Senate action: pp. 83, 382, 437, 452, 454, 1376.
Assembly action: p. 959.
- 9—Boynton—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery, and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County.
Senate action: pp. 84, 228, 420, 460, 465, 513, 809, 1375, 1485.
- 10—Boynton—An Act appropriating a sum of \$8,000 for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school.
Senate action: pp. 84, 341, 373, 408, 439, 449, 810, 1375, 1485.
- 11—Broughton—An Act to provide for the formation, organization and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.
Senate action: pp. 84, 713, 767, 812, 868, 1157, 1221, 1229, 1783, 1823.
Assembly action: p. 1783.
- 12—Broughton—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said court, and fix the compensation of certain officers thereof," approved March 5, 1901.
Senate action: pp. 84, 166, 220, 266, 271, 324, 1245, 1489.
Assembly action: p. 1244.

- 13—Caminetti—An Act to amend an Act entitled "An Act appropriating money for building an assembly hall at the Preston School of Industry," approved March 22, 1906.
Senate action: pp. 84, 565, 657.
- 14—Caminetti—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.
Senate action: pp. 84, 465, 553, 583, 611, 638, 1300, 1489.
Assembly action: p. 1299.
- 15—Carter—An Act appropriating money to pay expenses of erecting and maintaining, collecting, forwarding, installing, and returning a collective exhibit of the products of the State of California, either in a building erected by the commission or in the State's building at the Jamestown Exposition, to be held in Norfolk, Virginia, in 1907.
Senate action: pp. 84, 1769.
- 16—Carter—An Act to authorize and empower the Board of Trustees of the State Normal School of Los Angeles to sell and convey the lands and buildings of said school and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school.
Senate action: pp. 84, 339, 370, 384, 400, 553, 590, 624, 654, 699, 705.
- 17—Hartman—An Act to amend an Act entitled "An Act to establish a Penal Code," by amending Section 412 thereof, relating to prize fighting.
Senate action: pp. 84, 651, 731, 760, 806, 830, 864, 1171.
- 18—Keane—An Act to amend Section 1192 of the Political Code, relating to certificates of nomination, time of filing the same, withdrawal of candidates, how done, and the manner of filling vacancies.
Senate action: pp. 84, 682, 686.
- 19—Keane—An Act to amend Section 1189 of the Political Code, relating to certificates of nomination.
Senate action: pp. 84, 682, 686.
- 20—Kennedy—An Act to add a new section to the Political Code, to be numbered 2524a, relating to the powers of the Board of State Harbor Commissioners.
Senate action: pp. 84, 265, 330, 382, 391, 425, 710, 1485.
- 21—Leavitt—An Act to establish a standard form of fire insurance policy, and to prevent variations therefrom, except under certain stated conditions and restrictions.
Senate action: pp. 84, 1010, 1032, 1110, 1668, 1818.
Assembly action: p. 1665.
- 22—Leavitt—An Act to regulate the removal of members of paid police departments of counties, cities and counties, cities, or towns.
Senate action: pp. 84, 610, 660, 685, 704, 721.
- 23—Lynch—An Act to amend Section 1329 of the Penal Code, relating to the payment of witnesses in criminal cases.
Senate action: pp. 85, 151, 177, 186, 218, 1245, 1489, 1801.
Assembly action: pp. 1244, 1800.
- 24—Lynch—An Act to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of hospitals for the relief of the sick and for training schools for nurses.
Senate action: pp. 85, 281.
- 25—Rush—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.
Senate action: pp. 85, 851, 997, 1029, 1159, 1282, 1506, 1564.
- 26—Rush—An Act making an appropriation for the construction of an annex to the hospital at the Veterans' Home of California, located at Yountville, Napa County.
Senate action: pp. 85, 851, 998, 1029, 1285.
- 27—McCartney—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3695, 3699, 3700, 3702, 3738, 3897, and 3898 of the Political Code; to amend Subdivision 13 of Section 3692 of the Political Code; and to repeal Section 3701 of the Political Code, as it now exists, and to reenact and amend said Section 3701, all said sections relating to the assessment, equalization, and collection of taxes of the State and counties.
Senate action: pp. 85, 309, 347, 404, 426, 505, 566, 570, 620, 1025.
Assembly action: pp. 1025, 1377.
- 28—McCartney—An Act to amend Section 10 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, relating to deposits in bonds or mortgages accompanied by a certificate of title or abstract of title.
Senate action: pp. 85, 151, 177, 186, 218, 931, 1375.
Assembly action: p. 931.

- 20—McCartney—An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded foods and liquors, and regulating the traffic therein, providing penalties establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor.
Senate action: pp. 85, 167, 221, 279, 280, 467, 499, 552, 568, 1101, 1429.
Assembly action: p. 1101.
- 20—McCartney—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof.
Senate action: pp. 85, 185, 233, 282, 325, 345, 358, 419, 424, 1381, 1659.
Assembly action: p. 1380.
- 21—McCartney—An Act to amend Sections 3762, 3746, 3750, 3758, 3759, 3764, 3767, and 3806 of the Political Code, relating to taxation.
Senate action: pp. 85, 853, 855.
- 22—McCartney—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.
Senate action: pp. 85, 151, 280, 331, 383, 393, 1642, 1818.
Assembly action: p. 1634.
- 23—Rush—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.
Senate action: pp. 87, 851, 998, 1029, 1285.
- 24—Rush—An Act to provide for replacing the transient plumbing and gutters in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.
Senate action: pp. 87, 851, 998, 1029, 1287, 1818.
- 25—Rush—An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from \$65,000 per annum to \$75,000 per annum, for the fifty-ninth fiscal year, and for each and every year thereafter.
Senate action: pp. 87, 340, 371, 398, 403, 1434, 1658.
Assembly action: p. 1433.
- 26—Rush—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.
Senate action: pp. 87, 851, 998, 1029, 1292.
- 27—Price—An Act making an appropriation for the erection of a monument in the State Barred Plot, at Sacramento, to the memory of Honorable Edward P. Colgan, deceased, late State Controller.
Senate action: pp. 87, 133, 156, 165, 174, 710, 1485.
- 28—Boynton—An Act to amend Sections 4, 6, 7, and 8 of an Act entitled "An Act to define the boundary and provide for the government of Lower District Number Six of Santa Clara County, California," approved March 5, 1891, relating to the terms of officers' vacancies, and the assessment and collection of taxes.
Senate action: pp. 87, 338, 368, 383, 397, 428, 447, 507, 532, 573.
- 29—Leavitt—An Act to amend Section 1142 of the Political Code of the State of California, relative to appointment of election officers.
Senate action: pp. 87, 355.
- 29—Leavitt—An Act to amend Section 1142 of the Political Code of the State of California, relating to certificates of nomination and the filing thereof.
Senate action: pp. 88, 682, 686.
- 31—Anthony—An Act to encourage the enlistment of Californians in the regular army, navy, and marine corps of the United States, and appropriating the sum of \$5,000 therefor.
Senate action: pp. 88, 184, 233, 289, 1770.
- 32—Anthony—An Act to amend an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887, Stats. 1887, 82, by including the badge or button of the United Spanish War Veterans within the provisions of said Act.
Senate action: pp. 88, 166, 224, 319, 324, 810, 1485.
- 33—Rush—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.
Senate action: pp. 88, 851, 998, 1029, 1292.
- 34—Rush—An Act to amend Section 5 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of and to vest the title in the State of California to the tract of land in Napa County, known as the Veterans' Home," as amended by an Act approved March 20, 1905, omitting the provision for an adjutant of the board of directors.
Senate action: pp. 88, 279, 280, 331, 383, 392, 710, 1485.

- 45—Sanford—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.
Senate action: pp. 88, 466, 542, 552, 589, 623, 653, 698, 718, 792, 818, 830, 937, 970, 1035, 1066, 1111.
- 46—Sanford—An Act to provide for the assessment, levy, and collection of an income tax.
Senate action: p. 88.
- 47—Savage—An Act to amend an Act entitled "An Act amending section two of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March eighteenth, eighteen hundred and eighty-five," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.
Senate action: pp. 88, 228, 274, 338, 346, 404, 424, 1023, 1024, 1377.
Assembly action: p. 1023.
- 48—Savage—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the officers of a township.
Senate action: pp. 89, 686, 1009.
- 49—Walker—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.
Senate action: pp. 89, 381, 435, 452, 454.
Assembly action: p. 1298.
- 50—Walker—An Act to provide for the examination, tearing down, and removal of certain buildings of the San José State Normal School injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for erection, equipment, and furnishing of a new building or buildings.
Senate action: pp. 89, 229, 341, 374, 419, 430, 962, 1376.
Assembly action: p. 961.
- 51—Leavitt—An Act to amend an Act creating a State commission on voting or balloting machines, approved March 20, 1903.
Senate action: pp. 89, 166, 219, 266, 271, 323, 1381, 1659.
Assembly action: p. 1380.
- 52—Leavitt—An Act to amend Section 1202 of the Political Code of the State of California, relating to the appointment of election officers.
Senate action: pp. 89, 166, 219, 266, 271, 323, 344, 1024, 1377.
Assembly action: p. 1024.
- 53—Welch—An Act to amend the Political Code by adding a new section thereto, to be numbered 5960a, prohibiting certain fire insurance companies from doing business in this State.
Senate action: p. 89.
- 54—Caminetti—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.
Senate action: pp. 89, 465, 554, 583, 611, 639, 1245, 1824.
Assembly action: pp. 1244, 1348.
- 55—Willis—An Act providing for the manner of locating and relocating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of location and assessment work on mining claims, and the time within which said work shall be done, etc.
Senate action: pp. 89, 1026.
- 56—Willis—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.
Senate action: pp. 90, 228, 274, 338, 346, 354, 359, 1375.
Assembly action: p. 927.
- 57—Wolfe—An Act appropriating money to pay expenses necessary for the proper representation of the State of California, and of an exhibit of the products thereof, at the proposed International or World's Exposition to be held in the City and County of San Francisco in nineteen hundred and thirteen, commemorative of the four hundredth anniversary of the discovery of the Pacific Ocean by Vasco Nunez Balboa, and to provide for commissioners thereof.
Senate action: pp. 90, 611, 664, 693, 706, 1801, 1824.
Assembly action: p. 1800.
- 58—Wolfe—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigation.
Senate action: pp. 90, 340, 371, 398, 403, 1301, 1414, 1658.
Assembly action: pp. 1300, 1414.

- 74 -Bates -An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.
Senate action: pp. 92, 381, 436, 505, 511, 535, 574, 1163, 1429.
Assembly action: p. 1162.
- 75 -Bates -An Act to add one section to the Code of Civil Procedure of the State of California, to be numbered 2304, relating to selecting and summoning jurors for courts not of record in incorporated cities.
Senate action: p. 92.
- 76 -Anthony -An Act to prevent persons from unlawfully using or wearing the badge or button of the United Spanish War Veterans of this State.
Senate action: pp. 92, 151.
- 77 -Lynch -An Act to amend Section 205 of the Code of Civil Procedure, relating to the qualifications of jurors.
Senate action: pp. 92, 681, 734, 760, 830, 1796, 1824.
Assembly action: p. 1796.
- 78 -Willis -An Act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern California State Hospital, and along the highways adjacent thereto, for the protection of said lands, and of the buildings thereon, and to make appropriation for the same.
Senate action: pp. 92, 311, 611, 664, 693, 722, 801, 821, 860.
- 79 -Willis -An Act to provide for the erection of an aseptic and sanitary dairy barn, and to purchase and install necessary furnishings and machinery therein, at the Southern California State Hospital, and to make appropriation for the same.
Senate action: pp. 92, 555, 1770.
- 80 -Willis -An Act to provide for the erection of a horse-barn, carriage house and implement shed at the Southern California State Hospital, and to make appropriation for the same.
Senate action: pp. 92, 555, 612, 662, 759, 800, 1375.
- 81 -Willis -An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the creation of "Law Library Fund."
Senate action: pp. 93, 166, 220, 266, 272, 1485.
Assembly action: p. 927.
- 82 -Anthony -An Act to encourage the propagation of striped bass in the State of California, and making an appropriation of \$10,000 therefor.
Senate action: pp. 93, 228, 1081, 1202, 1361, 1368.
- 83 -Anthony -An Act to provide for the purchase of the building and site of the old Mission Dolores, at San Francisco, California, constituting a board of trustees to maintain the same as a California landmark, and appropriating the sum of \$50,000 therefor.
Senate action: pp. 93, 1770.
- 84 -Wolfe -An Act authorizing the Governor to set apart one day each year to be designated "Bird and Arbor Day," and to request its observance.
Senate action: pp. 93, 279, 280, 330, 392, 1024, 1377.
Assembly action: p. 1023.
- 85 -Wolfe -An Act to amend Section 595 of the Political Code, relating to the general duties of an insurance commissioner.
Senate action: pp. 93, 227, 282, 325, 679, 963.
Assembly action: p. 679.
- 86 -McCartney -An Act to amend Section 3747 of the Political Code, relating to the payment of taxes.
Senate action: pp. 93, 166, 854, 855.
- 87 -McCartney -An Act to add a new section to the Political Code, to be numbered Section 3804a, relating to the cancellation of erroneous assessments.
Senate action: pp. 93, 166, 339, 369, 429, 1434, 1658.
Assembly action: p. 1433.
- 88 -McCartney -An Act to amend Section 270 of the Penal Code, and to add two new sections thereto, to be numbered 270a and 270b, relating to the neglect and abandonment of minor children by parents, and neglect and abandonment of wives by husbands, and providing the punishment therefor.
Senate action: pp. 93, 184, 236, 319, 325, 784.
- 89 -McCartney -An Act to add a new section to the Penal Code, to be numbered Section 398b, relating to the chasing of hares or rabbits by hounds or dogs.
Senate action: p. 93.
- 90 -McCartney -An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.
Senate action: pp. 93, 319, 350, 383, 395, 1845.
Assembly action: p. 1584.

- 91—McCartney—An Act to add a new section to the Penal Code, to be numbered Section 1520, relating to the holding of inquests by the coroner.
Senate action: pp. 93, 310, 350, 383, 395, 439, 446, 505, 566, 571, 684, 695, 1137, 1488.
Assembly action: p. 1137.
- 92—Lynch—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.
Senate action: pp. 94, 340, 371, 397, 402, 429, 448, 508, 1383, 1659.
Assembly action: p. 1380.
- 93—Lynch—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.
Senate action: pp. 94, 265, 329, 383, 391, 425, 445, 501, 506, 560, 1244, 1488.
Assembly action: p. 1244.
- 94—Leavitt—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial House of Mechanic Trades for the Adult Blind of California.
Senate action: p. 94.
- 95—Leavitt—An Act to appropriate the sum of \$20,000 for the erection of an additional dormitory building on the grounds of the Industrial House of Mechanic Trades for the Adult Blind of California, in Alameda County, by the Board of Directors thereof, and providing for the payment thereof and prescribing the duties of the Controller and the Treasurer in relation thereto.
Senate action: pp. 94, 340, 371, 396, 402, 1641, 1817.
Assembly action: p. 1640.
- 96—Lynch—An Act to amend Section 574 of the Penal Code of the State of California, relating to putting dead animals in streets, rivers, etc.
Senate action: pp. 94, 714.
- 97—Lynch—An Act to amend Section 26 of "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of Boards of Supervisors and the duties and compensation of health officers appointed by such boards.
Senate action: pp. 94, 1643.
- 98—McCartney—An Act to provide for the establishment in municipalities of the State of municipal plants for furnishing of electricity, gas and water to the inhabitants thereof.
Senate action: pp. 94, 358.
- 99—McCartney—An Act to amend the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded.
Senate action: pp. 94, 310, 786, 846, 966, 1385, 1761, 1822.
Assembly action: p. 1759.
- 100—McCartney—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1887, by amending Section 1192 thereof relating to liens upon real property and the improvements thereon.
Senate action: pp. 95, 166, 220, 233, 272, 327, 347, 368, 419, 428, 447, 551, 572, 1300, 1489.
Assembly action: p. 1299.
- 101—Lynch—An Act to amend Section 2881 of the Political Code of the State of California, relating to the meetings of the State Board of Health.
Senate action: pp. 95, 228, 274, 338, 346, 810, 1375.
- 102—Lynch—An Act to amend Section 198 of the Code of Civil Procedure relating to the qualifications of jurors.
Senate action: pp. 95, 681, 734, 799, 831, 1800, 1825.
Assembly action: p. 1800.
- 103—McCartney—An Act to add a new section to the Political Code to be numbered section 1888a relating to the levy of taxes for the payment of school district bonds.
Senate action: pp. 95, 786, 847, 966, 1494, 1761, 1822.
Assembly action: p. 1759.
- 104—McCartney—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of public institutions to grant the inmates thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.
Senate action: pp. 95, 381.
- 105—Willis—An Act to prevent the waste of water from artesian wells, and prescribing penalties therefor, and defining artesian wells and waste.
Senate action: pp. 95, 166, 285, 328, 382, 390, 425, 444, 500, 531, 557, 572, 688, 937.

- 106—Caminetti—An Act appropriating money for the purchase of furniture and bedding for the use of and repairs at the Preston School of Industry.
Senate action: pp. 95, 465, 554, 583, 632, 1024, 1138, 1803, 1825.
Assembly action: pp. 1024, 1138, 1803.
- 107—Caminetti—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.
Senate action: pp. 95, 465, 554, 583, 632, 639, 1023, 1024, 1377.
Assembly action: p. 1023.
- 108—McCartney—An Act to provide for the purchasing of a site and building, equipping, and furnishing of an armory to be used for the National Guard and National Guard purposes in the City of Los Angeles, and to make appropriation for the same.
Senate action: pp. 95, 852, 997, 1108, 1505.
- 109—McCartney—An Act to appropriate the sum of \$10 000 to pay the claim of Harve O. Waterman, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.
Senate action: pp. 96, 1081, 1202, 1361, 1604, 1648.
- 110—Boynton—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."
Senate action: pp. 96, 279, 280, 330, 383, 392.
- 111—Boynton—An Act to repeal an Act entitled "An Act to incorporate the Town of Yuba City," approved March 30, 1878.
Senate action: pp. 96, 184, 237, 319, 326, 381, 437, 457, 1376.
Assembly action: p. 959.
- 112—McCartney—An Act to amend Section 496 of the Penal Code, relating to the buying and receiving of stolen property.
Senate action: pp. 96, 310, 350, 404, 427, 1380, 1659.
Assembly action: p. 1379.
- 113—Belshaw—An Act to amend Sections 628, 628a, 628b, 632, and 634 of the Penal Code of the State of California and to add to said Penal Code a new section, to be numbered 632b, all relating to the protection and preservation of fish.
Senate action: pp. 96, 526, 560, 672, 677, 788, 797, 820, 859, 1419, 1816.
Assembly action: pp. 1416, 1589.
- 114—Caminetti—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.
Senate action: pp. 96, 465, 554, 583, 632, 639, 1553, 1824.
- 115—Caminetti—An Act appropriating money for the construction and equipment of a cold-storage plant at the Preston School of Industry.
Senate action: pp. 96, 465, 554, 583, 632, 639, 1162, 1429.
Assembly action: p. 1162.
- 116—Wright—An Act declaring that no contract entered into during the holidays from and including the 19th day of April, 1906, to and including the 3d day of June, 1906, shall be held invalid by reason of being entered into on any such holidays nor by reason of having been entered into prematurely on account of such holidays, and ratifying and confirming contracts so entered into.
Senate action: pp. 96, 226, 273, 319, 326, 1641, 1817.
Assembly action: p. 1640.
- 117—Wright—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.
Senate action: pp. 96, 814, 922, 936, 1503.
Assembly action: p. 1796.
- 118—Curtin—An Act to amend Section 3051 and Section 3052 of the Civil Code of California, relating to the lien on personal property for services performed thereon, and providing a method of enforcing said lien for the amount secured thereby.
Senate action: pp. 97, 166, 220, 266, 272, 384, 389, 1375, 1485.
Assembly action: p. 927.
- 119—Curtin—An Act to amend the Penal Code of California by adding four new sections thereto, to be numbered Section 597a, Section 597b, Section 597c, and Section 597d, relating to docking of horses' tails, and providing a punishment therefor.
Senate action: pp. 97, 184, 237, 311, 326, 384, 389, 1101, 1429.
Assembly action: p. 1100.
- 120—Anthony—An Act to regulate appointments, transfers, promotions, and removals in the civil service of the State of California.
Senate action: pp. 97, 342.
- 121—Boynton—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District No. 70, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.
Senate action: pp. 97, 342, 376, 404, 432, 449, 509, 533, 573.

137—Anderson—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, etc.

Senate action: p. 103.

138—Anderson—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Senate action: pp. 103, 310, 350, 383, 395, 428, 446, 507, 532, 570, 1221.

139—Anderson—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274a, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

Senate action: pp. 103, 354, 434, 451, 510, 534, 574, 620.

140—Anthony—An Act to increase the fees of sheriffs' keepers to three dollars per day; and amending therefor an Act entitled "An Act to establish the fees of county, township and other officers, and of jurors and witnesses in this State," approved March 28, 1895.

Senate action: p. 103.

141—Belshaw—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers in the Attorney-General's office, and fixing their salaries.

Senate action: pp. 103, 340, 372, 398, 405, 550.

Assembly action: p. 548.

142—Black—An Act to amend Section 2979a of the Political Code of the State of California, relating to the preservation of the public health.

Senate action: pp. 103, 228, 274, 338, 347, 810, 1375.

143—Black—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131a, relating to the powers and duties of the county recorder, respecting registration of marriages, births, and deaths.

Senate action: pp. 103, 1643.

144—Black—An Act to amend Sections 3, 9, 10, 12, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities, and incorporated towns, under the superintendence of the State Bureau of Vital Statistics," approved March 18, 1905.

Senate action: pp. 104, 714.

145—Black—An Act to amend Section 284 of the Political Code of the State of California for the enforcement of the rules, orders, and regulations of the State Board of Health, within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Senate action: pp. 104, 714.

146—Black—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 372a, declaring it a misdemeanor to spit or discharge mucus upon public sidewalks, public buildings, trains, cars, stages, ferry boats, steamers, boats, or other vehicles or vessels used for the transportation of the public.

Senate action: pp. 104, 714.

147—Black—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered 3084, relating to the printing and furnishing by the State Printer of blanks for the registration of births, marriages, and deaths.

Senate action: p. 104.

148—Boynton—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Senate action: pp. 104, 440, 515, 524, 540, 578, 622, 653, 696, 717, 791, 818, 858, 972, 1068.

149—Cartwright—An Act to amend an Act entitled "An Act to authorize any city, or city and county, of this State to take its census."

Senate action: pp. 104, 381, 436, 452, 454.

150—Cartwright—An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

Senate action: pp. 104, 1586, 1637, 1647, 1663, 1761, 1783, 1823.

Assembly action: pp. 1757, 1783.

- 151—Curtin—An Act providing for the disposition of actions and proceedings in which the proceedings upon the trial thereof have been lost or destroyed by conflagration or other public calamity.
Senate action: pp. 104, 853, 1000, 1108, 1484.
- 152—Curtin—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River, in Tuolumne County, and making appropriation therefor.
Senate action: pp. 104, 853, 1061, 1203, 1362, 1641, 1817.
Assembly action: p. 1640.
- 153—Curtin—An Act making an appropriation to pay the claim of Solinsky & Wehe against the State of California.
Senate action: pp. 105, 340, 371, 398, 404, 1024, 1376.
Assembly action: p. 1023.
- 154—Hartman—An Act to amend Section 344 of the Code of Civil Procedure of the State of California.
Senate action: p. 105.
- 155—Hartman—An Act to amend Section 336 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.
Senate action: p. 105.
- 156—Hartman—An Act to amend Section 337 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.
Senate action: p. 105.
- 157—Hartman—An Act to amend Section 338 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.
Senate action: p. 105.
- 158—Hartman—An Act to amend Section 339 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.
Senate action: p. 106.
- 159—Leavitt—An Act relating to senior rights of members of paid police departments of counties, cities and counties, cities, or towns.
Senate action: pp. 105, 610.
- 160—Leavitt—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."
Senate action: pp. 105, 381, 436, 505, 512, 535, 574, 621, 632.
- 161—Leavitt—An Act to add a new section to the Political Code of the State of California, to be known as Section 4225, relating to the payment of salaries of members of the police and fire departments of counties, cities and counties, cities, and towns.
Senate action: pp. 105, 381, 436, 452, 454.
- 162—Leavitt—An Act creating and defining the liability of railroad corporations for injuries to employes, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employé.
Senate action: pp. 105, 525, 562, 567, 591, 624, 654, 700, 719, 792, 819.
- 163—Lynch—An Act to amend an Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901.
Senate action: pp. 105, 310, 349, 404, 427, 446, 505, 532, 1024, 1376.
Assembly action: p. 1023.
- 164—Lynch—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks and assistants and their compensation.
Senate action: pp. 106, 167, 221, 266, 272, 522.
- 165—Lynch—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification and reporting of births, marriages, and deaths.
Senate action: pp. 106, 265, 328, 383, 391, 425, 445, 501, 532, 1376.
Assembly action: p. 959.
- 166—McCartney—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, relating to the Commissioner for the Bureau of Labor Statistics, the compensation of the said Commissioner, his deputy, his agents, and assistants, and making an appropriation therefor.
Senate action: pp. 106, 419, 1392, 1521, 1528, 1592, 1800, 1825.
Assembly action: p. 1800.
- 167—McCartney—An Act to amend Section 3064 of the Civil Code, relating to liens on personal property for service performed, and care in keeping of animals.
Senate action: p. 106.

- 168—McCartney—An Act to amend Section 718 of the Civil Code, relating to leases of town and city lots.
Senate action: pp. 106, 465, 542, 552, 589, 623, 653, 698, 718, 1380, 1659.
Assembly action: p. 1379.
- 169—McCartney—An Act to amend Section 1160 of the Political Code, relating to elections and the time the polls must be opened and closed.
Senate action: pp. 106, 311, 351, 383, 396, 810, 1375, 1485.
- 170—McCartney—An Act to amend Sections 1510, 1511*a*, 1511*b*, 1512, 1514, 1514*a*, 1515, 1517, and 1518 of the Penal Code, relating to coroner's inquests and duties of coroners, and to repeal Section 1511 of said Penal Code.
Senate action: pp. 106, 814.
- 171—McCartney—An Act to amend Sections 269*a* and 269*b* of the Penal Code, relating to cohabitation and adultery.
Senate action: pp. 106, 814, 920, 936, 1502.
- 172—McCartney—An Act to amend Sections 1925 and 1933 of the Political Code, all relating to the National Guard and troops of cavalry therein.
Senate action: pp. 106, 184.
- 173—McCartney—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 367 of said Code of Civil Procedure, relating to parties to civil action.
Senate action: pp. 106, 526.
- 174—McCartney—An Act to amend Section 3414 of the Political Code, relating to actions to determine the right to purchase State lands.
Senate action: pp. 107, 166, 339, 370, 384, 400, 421, 1301, 1490.
Assembly action: p. 1300.
- 175—McCartney—An Act to add a new section to the Civil Code, to be numbered 617, relating to cemetery corporations.
Senate action: pp. 107, 649, 730, 794, 804, 866, 1071.
- 176—McCartney—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.
Senate action: pp. 107, 381, 436, 452, 454, 521, 1375.
Assembly action: p. 927.
- 177—McCartney—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.
Senate action: pp. 107, 226, 273, 319, 327, 810, 811, 1375, 1485.
- 178—McCartney—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.
Senate action: pp. 107, 1770.
- 179—McCartney—An Act to amend Section 1365 of the Code of Civil Procedure, relating to persons entitled to administer on the estates of decedents.
Senate action: pp. 107, 526.
- 180—McCartney—An Act to add a new section to the Penal Code, to be numbered 597*g*, relating to killing, maiming, or torturing dumb animals.
Senate action: p. 107.
- 181—Miller—An Act requiring persons, corporations, receivers, or trustees, operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, etc.
Senate action: pp. 108, 166, 1007, 1030, 1346, 1347.
Assembly action: p. 1553.
- 182—Miller—An Act entitled "An Act to regulate commerce; to define common carriers and their powers and duties; to prohibit common carriers from being interested in certain commodities carried by themselves; to compel common carriers to provide switches and conveniences for the transfer of commodities from one line to another," etc.
Senate action: pp. 108, 184.
- 183—Miller—An Act to amend Section 1249 of the Code of Civil Procedure of the State of California.
Senate action: pp. 109, 227, 272, 274, 312.
- 184—Muenter—An Act to provide for the erection of a cottage on the farm of the Stockton State Hospital, for installing a heating plant in the same, and to appropriate money therefor.
Senate action: pp. 109, 311, 613.
- 185—Muenter—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.
Senate action: pp. 109, 311, 611, 664, 693, 723.

- 186—Muentner—An Act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by conflagration or other public calamity.
Senate action: p. 109.
- 187—Muentner—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund, in the several counties, cities and counties, cities, and towns of the State," approved March 20, 1905.
Senate action: pp. 109, 684, 739, 812, 866, 1229.
- 188—Price—An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.
Senate action: pp. 109, 311, 611, 664, 693, 706, 1416, 1659.
Assembly action: p. 1415.
- 189—Price—An Act authorizing and directing the constructing and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.
Senate action: pp. 109, 311, 611, 664, 693, 706, 1416, 1659.
Assembly action: p. 1415.
- 190—Price (by request)—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.
Senate action: pp. 109, 311, 611, 665, 693, 706, 1416, 1659.
Assembly action: p. 1415.
- 191—Rambo—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.
Senate action: pp. 109, 743.
- 192—Rolley—An Act to amend Section 1372 of the Political Code, relating to primary elections.
Senate action: p. 109.
- 193—Rolley—An Act to amend Section 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing a compensation of the members thereof, etc.
Senate action: pp. 109, 265, 330, 382, 391, 1024, 1377.
Assembly action: p. 1023.
- 194—Rolley—An Act to amend Section 2567 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay.
Senate action: pp. 110, 265, 330, 382, 391, 1024, 1376.
Assembly action: p. 1023.
- 195—Sanford—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and as amended June 13, 1906, by amending Section 2 thereof, relating to a license tax upon corporations.
Senate action: pp. 110, 853, 953, 1094, 1147, 1164, 1227, 1362, 1759, 1822.
Assembly action: p. 1758.
- 196—Savage—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.
Senate action: pp. 110, 419, 561, 611, 665.
- 197—Walker—An Act making an appropriation for the erection of an additional wing to the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, California.
Senate action: pp. 110, 229, 274, 327, 613.
- 198—Wolfe—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 1742, relating to the recording of memoranda of contracts of conditional sales and of statements of compliance with the conditions thereof.
Senate action: pp. 110, 814.
- 199—Wolfe—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert.
Senate action: pp. 110, 226, 273, 319, 327, 1660.
Assembly action: p. 1547.
- 200—Wolfe—An Act to repeal Section 645 of the Penal Code, relating to harboring deserting seamen.
Senate action: pp. 110, 226, 273, 319, 327, 1660.
Assembly action: p. 1547.
- 201—Wolfe (by request of Code Commission)—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110a, requiring notice to be given to the real parties in interest in certain proceedings.
Senate action: pp. 111, 226, 276, 337, 385, 602, 745, 1743, 1821.
Assembly action: p. 1742.

- 202—Wolfe (by request of Code Commission)—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.
Senate action: pp. 111, 226, 276, 337, 385, 602, 745, 1686, 1820.
Assembly action: p. 1685.
- 203—Wolfe (by request of Code Commission)—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.
Senate action: pp. 111, 227, 276, 338, 385, 602, 745, 1686, 1820.
Assembly action: p. 1685.
- 204—Wolfe (by request of Code Commission)—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.
Senate action: pp. 111, 226, 276, 337, 385, 602, 746, 1686, 1820.
Assembly action: p. 1685.
- 205—Wolfe (by request of Code Commission)—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of securities.
Senate action: pp. 111, 226, 276, 337, 385, 602, 746, 1743, 1821.
Assembly action: p. 1742.
- 206—Wolfe (by request of Code Commission)—An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.
Senate action: pp. 111, 1015, 1067, 1110, 1279, 1820.
- 207—Wolfe (by request of Code Commission)—An Act to amend Sections 1025 and 1031, both relating to costs in civil action.
Senate action: pp. 111, 226, 276, 337, 385, 602, 755, 812.
- 208—Wolfe (by request of Code Commission)—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil action.
Senate action: pp. 111, 227, 275, 338, 384, 602, 744, 1686, 1820.
Assembly action: p. 1685.
- 209—Wolfe (by request of Code Commission)—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.
Senate action: pp. 111, 227, 276, 338, 602, 745, 1686, 1820.
Assembly action: p. 1685.
- 210—Wolfe (by request of Code Commission)—An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.
Senate action: pp. 111, 310, 351, 383, 386, 604, 748, 1686, 1820.
Assembly action: p. 1685.
- 211—Wolfe (by request of Code Commission)—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise.
Senate action: pp. 111, 227, 276, 337, 385, 603, 746, 1686, 1820.
Assembly action: p. 1685.
- 212—Wolfe (by request of Code Commission)—An Act to amend Sections 832, 836, 845, 848, 853, 859, 866, 867, 887, 892, 893, 895, 905, and 906 of the Code of Civil Procedure, and to repeal Section 837 thereof, all relating to civil action in justices' courts.
Senate action: pp. 111, 1079, 1212, 1329, 1385, 1747, 1822.
Assembly action: p. 1742.
- 213—Wolfe (by request of Code Commission)—An Act to amend Section 803 of the Code of Civil Procedure, relating to action for the usurpation of an office or franchise.
Senate action: pp. 111, 310, 351, 404, 603, 747, 1686, 1820.
Assembly action: p. 1685.
- 214—Wolfe (by request of Code Commission)—An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property.
Senate action: pp. 112, 1015, 1067, 1110, 1279, 1745, 1821.
Assembly action: p. 1742.
- 215—Wolfe (by request of Code Commission)—An Act to repeal Section 749 of the Code of Civil Procedure, as approved March 31, 1891, relating to service of summons by publication in actions relating to real property in this State.
Senate action: pp. 112, 227, 276, 337, 385, 603, 746, 1686, 1820.
Assembly action: p. 1685.
- 216—Wolfe (by request of Code Commission)—An Act to amend Section 740 of the Code of Civil Procedure, relating to actions for the recovery of property.
Senate action: pp. 112, 227, 276, 338, 385, 603, 746, 1686, 1820.
Assembly action: p. 1685.
- 217—Wolfe (by request of Code Commission)—An Act to amend Section 728 of the Code of Civil Procedure, relating to sales in actions to foreclose mortgages.
Senate action: pp. 112, 227, 277, 338, 385, 603, 747.
- 218—Wolfe (by request of Code Commission)—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution.
Senate action: pp. 112, 237, 277, 338, 385, 603, 747, 1686, 1820.
Assembly action: p. 1685.

- 219—Wolfe (by request of Code Commission)—An Act to amend Section 700 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 700a, both relating to execution sales.
Senate action: pp. 112, 310, 351, 386, 404, 603, 748, 1744, 1821.
Assembly action: p. 1742.
- 220—Wolfe (by request of Code Commission)—An Act to amend Sections 681, 687, 688, and 689 of the Code of Civil Procedure, all relating to execution in civil cases.
Senate action: pp. 112, 220, 386, 518, 551, 605, 751, 1686, 1820.
Assembly action: p. 1685.
- 221—Wright—An Act to amend Section 2576 of the Political Code of the State of California, relating to the establishment of a Board of Harbor Commissioners for the Bay of San Diego.
Senate action: pp. 112, 1230, 1297, 1351.
- 222—Wright—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.
Senate action: pp. 112, 229, 341, 374, 419, 431, 449, 509, 1137, 1429.
Assembly action: p. 1137.
- 223—Wright—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.
Senate action: pp. 112, 340, 372, 398, 405, 1024, 1376.
Assembly action: p. 1023.
- 224—Wright—An Act appropriating money to pay the claim of M. L. Ward against the State of California.
Senate action: pp. 112, 340, 372, 398, 405, 1101, 1429.
Assembly action: p. 1100.
- 225—Wright—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.
Senate action: pp. 112, 340, 372, 398, 406, 1101, 1429.
Assembly action: p. 1100.
- 226—Wright—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.
Senate action: pp. 113, 340, 372, 398, 406, 1101, 1429.
Assembly action: p. 1100.
- 227—Caminetti—An Act to provide the manner in which proposed amendments to the Constitution shall be introduced and submitted to the voters of the State.
Senate action: pp. 113, 466, 543, 611, 623, 627, 686, 698, 1817.
- 228—Keane—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation.
Senate action: pp. 114, 526, 562, 595, 632, 637, 1376.
Assembly action: p. 959.
- 229—Rolley—An Act to provide for the location, survey, and construction of the State highway in Trinity County, connecting the present county road systems of Trinity and Humboldt counties, and making an appropriation therefor.
Senate action: pp. 114, 232, 340, 372, 398, 406, 1246, 1489.
Assembly action: p. 1244.
- 230—Miller—An Act to change, establish, and permanently locate the boundary lines of the County of Kings.
Senate action: pp. 114, 1643.
- 231—Nelson—An Act transferring money from the General Fund to the State Printing Fund to defray the expenses of legislative printing for the thirty-seventh session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.
Senate action: pp. 114, 122, 131, 165, 963.
Assembly action: p. 131.
- 232—Muentner—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.
Senate action: pp. 115, 311, 611, 665, 693, 723.
- 233—Muentner—An Act to provide for laying a cement sidewalk on California street, along the property of the Stockton State Hospital in the City of Stockton, to appropriate money therefor, and to authorize the expenditure of the same.
Senate action: pp. 115, 555, 613.
- 234—Muentner—An Act to provide for repairing the plumbing, installing new bathtubs and toilets, and laying a cement flooring and repairing the walls in the bathroom and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.
Senate action: pp. 115, 311, 611, 665, 693, 723, 1502.
- 235—Rush—An Act to amend Sections 2153a and 2154 of the Political Code of the State of California, relating to the appointment of the dentists in State Hospitals for the care and treatment of the insane.
Senate action: pp. 115, 281, 332, 383, 393, 426, 524.

- 236—Rush—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.
Senate action: pp. 115, 281, 331, 382, 393, 608, 656, 657, 1101, 1429.
Assembly action: p. 607, 1100.
- 237—McCartney—An Act to amend Section 1200 of the Code of Civil Procedure, relating to mechanics' liens.
Senate action: pp. 115, 1014, 1062, 1109, 1289, 1800, 1825.
Assembly action: p. 1800.
- 238—McCartney—An Act to amend an Act entitled "An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and to punish persons violating the provisions of this Act."
Senate action: pp. 115, 756, 778, 866, 874, 996, 1094, 1159, 1490.
- 239—Anderson—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1873, by amending Section 465, relating to the powers of railroad corporations.
Senate action: pp. 115, 280, 333, 382, 394, 426, 445, 496, 532, 571, 626, 656, 687.
- 240—Savage—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.
Senate action: pp. 116, 610, 660, 686, 704, 1300, 1489.
Assembly action: p. 1299.
- 241—Savage—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 330 thereof, relating to illegal gaming.
Senate action: p. 116.
- 242—Sanford—An Act to amend Title V, of Part IV, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding two new sections thereto, to be numbered 4463 and 4464, requiring persons, firms, associations, or corporations in this State engaged in the business of loaning money, receiving deposits, banking, or insurance in any form, to publish certain reports, and prescribing a penalty for failure or neglect to do so.
Senate action: pp. 116, 1013, 1061, 1109, 1566, 1601, 1646.
- 243—Sanford—An Act to repeal Sections 258 and 259 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the publication of cartoons and caricatures and the signatures of newspaper articles.
Senate action: pp. 116, 309, 1376.
- 244—Sanford—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.
Senate action: pp. 116, 309, 347, 383, 394, 439, 446, 456, 551, 570, 1301, 1490.
Assembly action: p. 1300.
- 245—Sanford—An Act to amend Section 4460 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, defining what is a newspaper of general circulation.
Senate action: p. 116.
- 246—Wolfe—An Act to authorize the Board of State Harbor Commissioners to execute and deliver and to receive grants in the name of the State of California, so as to settle the westerly line of East Street, in the block bounded by Drumm, Washington, Jackson, and East streets, in the City and County of San Francisco, with the owners of property in said block fronting thereon.
Senate action: pp. 116, 729, 774, 788, 1228.
- 247—Willis—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.
Senate action: pp. 116, 526, 567, 591, 624, 654, 699, 718, 794, 1665, 1818.
Assembly action: p. 1664.
- 248—Walker (by request)—An Act to amend Section 4460 of the Political Code, relating to and regulating publications, notices, or advertisements authorized or required to be given or made by public officers of courts, or by law, and defining newspapers of general circulation.
Senate action: pp. 116, 226, 230.
- 249—Wright—An Act to amend Section 226 of the Civil Code of the State of California, relating to the procedure of adopting minor children, and the manner of procuring consent thereto.
Senate action: p. 116.
- 250—Wright—An Act to amend Section 2605 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the Harbor Commissioners for the Bay of San Diego and extending their power.
Senate action: pp. 117, 1230, 1297, 1351.

- 251—Cartwright—An Act to amend Section 224 of the Civil Code of the State of California, relative to the adoption of minor children.
Senate action: p. 117.
- 252—Broughton—An Act to amend Sections 1925 and 1933 of the Political Code, all relating to the National Guard and troops of cavalry therein.
Senate action: pp. 117, 184, 233, 282, 325.
- 253—Anthony—An Act to amend Section 398 of the Political Code to make said section comply with the mandate of Section 14, Article V. of the Constitution of the State of California, in relation to grants and tax deeds.
Senate action: pp. 117, 310.
- 254—Anthony—An Act to amend Section 1855a of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partitions, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.
Senate action: pp. 117, 814, 920, 1029, 1564, 1597, 1646.
- 255—Anthony—An Act to amend Sections 1079, 1115, and 1192 of the Political Code, relating to elections and election expenses.
Senate action: pp. 117, 682, 686.
- 256—Anderson—An Act to amend Section 933 of the Code of Civil Procedure of the State of California, relating to proceedings in civil courts creating liens and enforcing judgments.
Senate action: p. 117.
- 257—Rush—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title of the State of California to, the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereof, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State."
Senate action: p. 117.
- 258—Leavitt—An Act making an appropriation of two hundred and fifty thousand dollars (\$250,000) to aid in the construction of the library building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California, also for providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.
Senate action: pp. 122, 421.
- 259—Leavitt—An Act appropriating two hundred and fifty thousand dollars (\$250,000) to aid in the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California; also for providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.
Senate action: pp. 123, 1164, 1294, 1402, 1480, 1792.
Assembly action: p. 1792.
- 260—Leavitt—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen (\$101,314.00) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.
Senate action: pp. 123, 420, 458, 551, 576, 1590, 1816.
Assembly action: p. 1589.
- 261—Leavitt—An Act making an appropriation to carry out the provisions of Section 2979a of the Political Code of the State of California.
Senate action: pp. 123, 340, 372, 398, 406, 425.
- 262—Leavitt—An Act to add a new section to the Political Code of the State of California, to be known as Section 2979a, relating to duties of the State Board of Health.
Senate action: pp. 123, 339, 370, 384, 401, 424, 1375.
Assembly action: p. 927.
- 263—Leavitt—An Act to add a new section to the Penal Code of the State of California, to be numbered 374a, providing for safeguards against the pollution of waters used for domestic purposes.
Senate action: pp. 123, 228, 274, 337, 359, 390, 418, 424.
Assembly action: p. 1633.
- 264—Mattos—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purposes of sale, and providing a penalty for the sealing or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded."
Senate action: pp. 123, 341, 375, 429, 431.

- 265—Lynch—An Act to amend Sections 626, 626*a*, 626*d*, 626*g*, 626*j*, 627*b*, and 637*a* of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637*b*, all relating to the protection and preservation of game and fish.
Senate action: pp. 123, 526, 559, 642, 724, 795, 798, 816, 865, 969, 973, 1110, 1253, 1784, 1823.
Assembly action: p. 1783.
- 266—Lynch—An Act to provide for the investigation of the nature of the disease known as pear blight and walnut blight, and to prevent, eradicate, and procure a cure for the same; and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigation, and making an appropriation therefor.
Senate action: pp. 123, 839, 1081, 1204, 1430, 1604.
- 267—Lynch—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, rectifying and rendering more certain the boundaries thereof.
Senate action: pp. 124, 355, 435, 451, 453, 511, 535, 686.
- 268—Weed—An Act to add a new section to the Penal Code of California, to be numbered 357*a*, relative to preserving marks, brands, description, and sex of animals slaughtered.
Senate action: pp. 124, 354, 433, 505, 510.
Assembly action: p. 1782.
- 269—Irish—An Act to amend Section 268 of the Political Code of the State of California, relating to the compensation of the officers and employes of the Legislature.
Senate action: pp. 124, 310, 1770.
- 270—Price—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer of State in relation thereto.
Senate action: pp. 124, 683, 1081, 1205, 1281, 1322, 1802, 1825.
Assembly action: p. 1802.
- 271—Cartwright—An Act to amend section sixteen (16) of an Act entitled "An Act creating a Bureau of Building and Loan Supervision," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners, and the publication thereof.
Senate action: pp. 124, 1684.
Assembly action: p. 1684.
- 272—Cartwright—An Act to amend an Act authorizing the common council, board of trustees, or other governing bodies of any incorporated city or town, other than cities of the first class, to refund its indebtedness, to issue bonds therefor, to provide for the payment of the same, approved March 9, 1897, by amending Section 1 thereof, relating to the refunding of indebtedness of incorporated cities or towns, and the issue of bonds of such city or town therefor, and the denomination of the bonds.
Senate action: p. 124.
- 273—Rolley—An Act to provide for the organization, management, and control of mutual fire insurance corporations.
Senate action: pp. 125, 1139, 1207, 1430, 1481, 1684, 1819.
Assembly action: p. 1684.
- 274—Rolley—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.
Senate action: pp. 125, 310, 349, 404, 427.
Assembly action: p. 1379.
- 275—Rolley—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.
Senate action: pp. 125, 554, 582, 685, 700, 1101, 1429.
Assembly action: p. 1100.
- 276—Rolley—An Act to amend Section 632 of the Penal Code of the State of California, relating to buying, selling, or taking of steelheads.
Senate action: pp. 125, 1550, 1587.
- 277—Belshaw—An Act transferring money from the traveling expense fund of the Bureau of Building and Loan Supervision to a special fund to defray the expenses of restoring the office furniture and fixtures of said bureau, lost or destroyed by conflagration or other public calamity, and directing the State Controller and State Treasurer to make such transfer and to draw and pay warrants for the disbursement thereof.
Senate action: pp. 125, 554.
- 278—Rush—An Act making an appropriation for searching for beneficial insects.
Senate action: pp. 125, 1081, 1204, 1430, 1604.
- 279—Rush—An Act allowing certain pensions for employes of twenty-one years and upwards continued service by the State of California in one or more of the public institutions of this State and providing for the payment thereof.
Senate action: pp. 125, 421.

- 280--Rush--An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.
Senate action: pp. 125, 355, 434, 451, 453, 511, 534, 574, 621, 652, 695.
- 281--Broughton--An Act making an appropriation of three thousand five hundred dollars to be used by the Board of Trustees of the Whittier State School, Whittier, California, for the purpose of erecting at said school a building for manual training and equipping the same.
Senate action: pp. 125, 341, 375, 418, 431.
- 282--Broughton--An Act making an appropriation of one thousand dollars to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.
Senate action: pp. 126, 341, 375, 418, 431.
- 283--Broughton--An Act making an appropriation of seven thousand five hundred dollars to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting a hospital building and furnishing and equipping the same at said school.
Senate action: pp. 126, 1770.
- 284--Wright--An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California (approved March 21, 1887; Stats. 1887, pp. 233-4).
Senate action: p. 126.
- 285--Anderson--An Act to amend Section 626a of the Penal Code of the State of California, relating to game and fish.
Senate action: p. 126.
- 286--Anderson--An Act to amend Section 637a of the Penal Code of the State of California, relating to game and fish.
Senate action: p. 126.
- 287--Welch--An Act to amend Sections 330 and 340 of the Code of Civil Procedure, relating to the time of commencing actions.
Senate action: pp. 126, 279, 280, 331, 383, 393, 426, 445, 456.
- 288--Anthony--An Act to repeal Chapters III, IV, V, and VI, of Title IV, of the Political Code, as said chapters existed on the 17th day of March, 1905, relating to the State militia.
Senate action: pp. 126, 184, 233, 282, 325, 810, 1375, 1485.
- 289--Anthony--An Act to amend Section 70 of the Civil Code, and declaring that marriage may be solemnized by a justice of a District Court of Appeal.
Senate action: pp. 126, 279, 280, 331, 383, 392, 810, 1375, 1485.
- 290--Black--An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct and equip for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of \$800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing the State Controller to draw his warrant for the said sum and the State Treasurer to pay the same.
Senate action: pp. 126, 311, 612, 662, 759, 800, 1137, 1429.
Assembly action: p. 1137.
- 291--Black--An Act making an appropriation of one thousand six hundred and twenty-one (\$1,621) dollars to pay the Regents of the University of California for moneys appropriated by them to rebuild the barn at the Lick Observatory at Mount Hamilton, California, which was destroyed by fire, and prescribing the duties of the Controller and the Treasurer of the State in relation thereto.
Senate action: pp. 127, 420, 458, 551, 576, 1818.
- 292--Black--An Act making an appropriation of five thousand (\$5,000) dollars for the purpose of completing the photographic laboratory in combination with the fireproof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.
Senate action: pp. 127, 420, 458, 552, 577, 1641, 1817.
Assembly action: p. 1640.
- 293--Boynton--An Act appropriating money to the Auditing Board to the Commissioner of Public Works, to be expended by and under the direction of said board, for the purpose of purchasing and operating necessary dredges and machinery to be used in deepening and rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.
Senate action: pp. 127, 1081, 1205, 1430, 1524.
- 294--Boynton--An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874.
Senate action: pp. 127, 342, 376, 429, 432, 450, 509, 533, 573, 620.

- 295—McCartney—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor-General.
Senate action: pp. 127, 338, 368, 383, 397, 554.
- 296—McCartney—An Act to amend Section 476 of the Code of Civil Procedure, relating to ruling on demurrer.
Senate action: pp. 127, 525, 563, 567, 595, 1816.
Assembly action: p. 1584.
- 297—Savage—An Act to amend Chapter XV, of Title II, of Part III, of the Political Code by adding thereto fifteen new sections, to be designated Sections 1377, 1377a, 1377b, 1377c, 1377d, 1377e, 1377f, 1377g, 1377h, 1377i, 1377j, 1377k, 1377l, 1377m, and 1377n, relating to the nomination of candidates for public office by a direct vote at primary elections provided for and to be held for that purpose.
Senate action: p. 127.
- 298—Savage—An Act to amend Section 628a of the Penal Code, relating to striped bass.
Senate action: pp. 127, 737.
- 299—Savage—An Act to amend Sections 626a, 626d, 626f, and 626k of the Penal Code, relating to the taking or killing of game birds and animals.
Senate action: pp. 128, 622.
- 300—Savage—An Act to add a new section to the Penal Code, to be known as Section 628½, relating to the taking of shrimps.
Senate action: p. 128.
- 301—Savage—An Act to amend 628b of the Penal Code, relating to the taking or killing of black bass.
Senate action: p. 128.
- 302—Wolfe—An Act appropriating six thousand dollars (\$6,000) for the support of the department of music in the University of California for two years.
Senate action: pp. 128, 421.
- 303—Wolfe (by request of Code Commission)—An Act to repeal Sections 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, and 79 of the Code of Civil Procedure, all relating to courts of justice.
Senate action: pp. 128, 354, 386, 517, 551, 604, 749, 1744, 1821.
Assembly action: p. 1742.
- 304—Wolfe (by request of Code Commission)—An Act to repeal Section 115 of the Code of Civil Procedure, relating to the criminal jurisdiction of justices' courts.
Senate action: pp. 128, 354, 386, 518, 551, 604, 749, 1686, 1820.
Assembly action: p. 1685.
- 305—Wolfe (by request of Code Commission)—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.
Senate action: pp. 128, 354, 387, 518, 551, 604, 749, 1684, 1819.
Assembly action: p. 1684.
- 306—Wolfe (by request of Code Commission)—An Act to amend Section 139 of the Code of Civil Procedure, and to repeal Section 140 thereof, both relating to proceedings in case of absence of judge.
Senate action: pp. 128, 354, 387, 518, 551, 604, 749, 1684, 1819.
Assembly action: p. 1684.
- 307—Wolfe (by request of Code Commission)—An Act to amend Section 144 of the Code of Civil Procedure, relating to places of holding courts.
Senate action: pp. 128, 354, 387, 518, 551, 604, 750, 1684, 1819.
Assembly action: p. 1684.
- 308—Wolfe (by request of Code Commission)—An Act to repeal Sections 156 and 157 of the Code of Civil Procedure, both relating to the eligibility of judicial officers.
Senate action: pp. 128, 339, 354, 370, 387, 401, 429, 447, 518, 551, 605, 750.
- 309—Wolfe (by request of Code Commission)—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.
Senate action: pp. 128, 686.
- 310—Wolfe (by request of Code Commission)—An Act to amend Sections 204, 205, 206, and 241 of the Code of Civil Procedure, relating to jurors for courts of record.
Senate action: pp. 129, 1556, 1577, 1621.
- 311—Wolfe (by request of Code Commission)—An Act to amend Section 330 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 248, both relating to jurors.
Senate action: pp. 129, 1556, 1577, 1616, 1783, 1823.
Assembly action: p. 1783.
- 312—Wolfe (by request of Code Commission)—An Act to amend Sections 352 and 355 of the Code of Civil Procedure, both relating to the time of commencing actions.
Senate action: pp. 129, 354, 387, 518, 551, 605, 750, 1686, 1820.
Assembly action: p. 1685.

- 313—Wolfe (by request of Code Commission)—An Act to amend Sections 387, 388, and 389 of the Code of Civil Procedure, all relating to parties to civil actions.
Senate action: pp. 129, 354, 387, 460, 552, 604, 748, 1686, 1820.
Assembly action: p. 1685.
- 314—Wolfe (by request of Code Commission)—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.
Senate action: pp. 129, 354, 387, 518, 551, 605, 750, 1686, 1820.
Assembly action: p. 1685.
- 315—Wolfe (by request of Code Commission)—An Act to add two new sections to the Code of Civil Procedure, to be numbered 417 and 418, both relating to actions for libel and slander.
Senate action: pp. 129, 354, 387, 518, 551, 605, 750, 782, 812, 837.
- 316—Wolfe (by request of Code Commission)—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, and 450 of the Code of Civil Procedure, all relating to pleadings in civil actions.
Senate action: pp. 129, 1079, 1215, 1282, 1293, 1686, 1820.
Assembly action: p. 1686.
- 317—Wolfe (by request of Code Commission)—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.
Senate action: pp. 129, 317, 388, 460, 552, 604, 748, 1686, 1820.
Assembly action: p. 1685.
- 318—Wolfe (by request of Code Commission)—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.
Senate action: pp. 129, 1015, 1067, 1142, 1279, 1745, 1821.
Assembly action: p. 1742.
- 319—Wolfe (by request of Code Commission)—An Act to amend Sections 539, 553, 554, and 555 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.
Senate action: pp. 129, 1080, 1215, 1282, 1293, 1743, 1821.
Assembly action: p. 1742.
- 320—Wolfe (by request of Code Commission)—An Act to amend Sections 566 and 567 of the Code of Civil Procedure, both relating to receivers.
Senate action: pp. 129, 354, 388, 518, 551, 605, 750, 1686, 1820.
Assembly action: p. 1685.
- 321—Wolfe (by request of Code Commission)—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.
Senate action: pp. 129, 321, 388, 460, 552, 604, 749, 1686, 1820.
Assembly action: p. 1685.
- 322—Wolfe (by request of Code Commission)—An Act to amend Sections 581 and 585 of the Code of Civil Procedure, to repeal Section 582 thereof, as approved March 11, 1872, and to add two new sections thereto, to be numbered 582 and 583, all relating to judgments.
Senate action: pp. 129, 1080, 1215, 1282, 1293, 1294, 1686, 1821.
Assembly action: p. 1686.
- 323—Wolfe (by request of Code Commission)—An Act to amend Sections 602 and 615 of the Code of Civil Procedure, both relating to jury trials.
Senate action: pp. 130, 1078, 1216, 1282, 1293, 1294, 1686, 1821.
Assembly action: p. 1686.
- 324—Wolfe (by request of Code Commission)—An Act to amend Section 625 of the Code of Civil Procedure, relating to when a general or special verdict may be rendered.
Senate action: pp. 130, 465, 544, 552, 607, 755.
- 325—Wolfe (by request of Code Commission)—An Act to add a new section to the Code of Civil Procedure, to be numbered 635, relating to trials of questions of fact by the court.
Senate action: pp. 130, 1016.
- 326—Wolfe (by request of Code Commission)—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees.
Senate action: pp. 130, 1015, 1068, 1110, 1280, 1686, 1821.
Assembly action: 1686.
- 327—Wolfe (by request of Code Commission)—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions.
Senate action: pp. 130, 1015, 1067, 1110, 1279, 1686, 1821.
Assembly action: p. 1686.
- 328—Wolfe (by request of Code Commission)—An Act to amend Sections 656, 658, 659, 660, 661, and to renumber and amend Section 663 $\frac{1}{2}$ of the Code of Civil Procedure, all relating to new trials.
Senate action: pp. 130, 1079, 1213, 1282, 1293, 1743, 1821.
Assembly action: p. 1742.

- 329—Wolfe (by request of Code Commission)—An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments.
Senate action: pp. 130, 1015, 1068, 1110, 1280, 1686, 1821.
Assembly action: p. 1686.
- 330—Wolfe (by request of Code Commission)—An Act to amend Section 1365 of the Code of Civil Procedure, relating to persons entitled to administer on the estates of decedents.
Senate action: 130, 441, 518, 551, 606, 752, 1686, 1820.
Assembly action: p. 1685.
- 331—Anthony—An Act to provide for the correction of deeds heretofore executed in pursuance of Political Code, Section 3898, and void under the mandate of Article V, Section 14, of the Constitution of the State of California.
Senate action: pp. 134, 310.
- 332—Weed—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.
Senate action: pp. 134, 228, 273, 338, 345, 1417, 1658.
Assembly action: p. 1416.
- 333—Cartwright (by request)—An Act to amend Section 597*b* of the Penal Code, relating to cruelty to animals.
Senate action: p. 134.
- 334—Cartwright—An Act to amend Section 1367 of the Political Code, relating to primary elections.
Senate action: p. 134.
- 335—Lynch—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the several acts amendatory thereof and supplemental thereto, approved March 21, 1905, relating to the officers of the county and to add a new section thereto, to be numbered 553, providing for the employment by the board of supervisors of a live stock inspector.
Senate action: pp. 134, 588, 1643.
- 336—Lynch—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 182 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-fifth class, approved March 20, 1905.
Senate action: pp. 134, 355, 435, 505, 511.
- 337—McCartney—An Act to amend Sections 1237 and 1238 of the Penal Code of California and to add a new section thereto, to be known as Section 1238*a* thereof, relating to appeals and writs of error in criminal cases.
Senate action: p. 134.
- 338—McCartney—An Act to amend Section 1466 of the Penal Code of California, relating to appeals to Superior Courts in criminal actions.
Senate action: pp. 134, 1348.
Assembly action: p. 1348.
- 339—Price—An Act to amend Section 627 of the Penal Code of the State of California, relating to hunting, shooting, and trespassing upon enclosed, cultivated, and other private lands.
Senate action: pp. 134, 614, 670, 694, 726, 803.
- 340—Sanford—An Act to amend Section 3366 of the Political Code, relating to the granting of licenses by boards of supervisors of the counties of the State and the legislative bodies of the incorporated cities and towns therein.
Senate action: p. 135.
- 341—McKee—An Act providing for an appropriation of \$8,000 for the purpose of purchasing additional land along the south line of L Street, between Twenty-sixth and Twenty-eighth streets, in Sacramento City, so as to extend and improve the grounds in and about Sutter's Fort.
Senate action: pp. 135, 554, 582, 685, 701, 1817.
Assembly action: p. 1633.
- 342—Anderson—An Act providing for the organization and management of mutual fire insurance companies.
Senate action: pp. 135, 1139, 1208, 1430, 1481, 1684, 1819.
Assembly action: p. 1684.
- 343—Rush—An Act to amend an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals or produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent the deception in the sale of dairy products, and to appropriate money for enforcing its provision," by amending Sections 2 and 12, making provisions for enforcing the above Act as amended by appropriating money therefor.
Senate action: pp. 135, 310, 1080, 1206, 1281, 1649.

- 344—McKee—An Act to amend Section 204 of the Code of Civil Procedure of the State of California concerning the listing of grand and trial jurors.
Senate action: pp. 135, 681, 734, 765, 841, 1484.
- 345—Welch—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.
Senate action: pp. 135, 837.
- 346—Curtin—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, and providing for the publication and distribution of a pamphlet showing the comparative statement of the operations of the present section or article of the Constitution and of the result to be effected by the proposed amendment.
Senate action: pp. 135, 466, 543, 611, 623, 627, 686, 698, 1817.
- 347—Rolley—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as The Commissioners for the Revision and Reform of the Law.'"
Senate action: pp. 136, 614, 668, 759, 802, 821, 862, 1071, 1255.
- 348—Rolley (by request)—An Act to prohibit the use of chemicals and other materials in milk and milk products to prevent fermentation therein.
Senate action: pp. 136, 382, 437, 551, 574, 588, 1416, 1658.
Assembly action: p. 1416.
- 349—Rolley (by request)—An Act to prevent the manufacture and sale of adulterated and deleterious and misbranded articles of food and drugs, to provide for enforcing its provisions, and to appropriate money therefor.
Senate action: p. 136.
- 350—Rolley—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.
Senate action: pp. 136, 934, 1006, 1030, 1287.
- 351—Rolley—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12 1872 relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.
Senate action: pp. 136, 310, 351, 383, 396, 402, 439, 447, 1138, 1429.
Assembly action: p. 1138.
- 352—Bell—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.
Senate action: pp. 136, 935, 1007, 1030, 1169, 1796, 1824.
Assembly action: p. 1796.
- 353—Wright—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California, and to appropriate money therefor.
Senate action: pp. 136, 1770.
- 354—Keane—An Act entitled "An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Supreme Court."
Senate action: pp. 136, 1770.
- 355—Willis (by request of Code Commission)—An Act to amend Section 595 of the Political Code, relating to the general duties of Insurance Commissioner.
Senate action: pp. 137, 275, 337, 517, 566, 602, 744.
- 356—Willis (by request of Code Commission)—An Act to amend Section 687 of the Penal Code of California, relating to prosecutions for the same offense after prior convictions or acquittals in criminal actions.
Senate action: pp. 137, 1015, 1068, 1110, 1280.
- 357—Willis (by request of Code Commission)—An Act to amend Section 1239 of the Penal Code relating to the time in which appeals may be taken in criminal actions.
Senate action: pp. 137, 465, 544, 607, 611, 754, 1744, 1821.
Assembly action: p. 1742.
- 358—Willis (by request of Code Commission)—An Act to amend Section 1467 of the Penal Code of California, relating to the taking, hearing, and determination of appeals to the Superior Court in criminal actions.
Senate action: pp. 137, 1015, 1067, 1110, 1686, 1821.
Assembly action: p. 1686.
- 359—Willis (by request of Code Commission)—An Act to amend Section 1475 of the Penal Code, relating to the issuance of writs of habeas corpus and to petitions therefor, and to service of copies thereof upon the district attorney in certain cases, and to the discharge of persons on such writs.
Senate action: pp. 137, 441, 518, 551, 606, 751, 1686, 1820.
Assembly action: p. 1685.

- 360—Willis (by request of Code Commission)—An Act to amend Section 1476 of the Penal Code, relating to the issuance of writs of habeas corpus and admission to bail, pending the determination thereof.
Senate action: pp. 137, 1079, 1212, 1329, 1385.
- 361—Willis (by request of Code Commission)—An Act to repeal Section 526 of the Penal Code, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public places of amusement for more than the original price thereof.
Senate action: pp. 137, 227, 277, 337, 386, 603, 747, 1684, 1819.
Assembly action: p. 1684.
- 362—Willis (by request of Code Commission)—An Act to repeal Section 599 of the Penal Code, as approved March 18, 1905, and to add a new section thereto, to be known as Section 599f, both relating to the killing of any elk within the State of California.
Senate action: pp. 137, 227, 277, 337, 386, 603, 747, 1684, 1819.
Assembly action: p. 1684.
- 363—Wolfe—An Act authorizing the transfer of moneys from the salary fund of the State Normal School at San Francisco to the printing fund of said school.
Senate action: pp. 137, 340, 372, 398, 406, 1244, 1489.
Assembly action: p. 1244.
- 364—Wolfe—An Act appropriating \$13,500 to complete the buildings, equipment, and furnishing of the State Normal School at San Francisco.
Senate action: pp. 137, 340, 372, 398, 407, 1137, 1429.
Assembly action: p. 1137.
- 365—Wolfe—An Act to provide for the purchase of additional land for the uses of the State Normal School at San Francisco, and making an appropriation therefor.
Senate action: pp. 138, 812, 1770.
- 366—Kean—An Act to amend an Act entitled "An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of the State," approved March 5, 1903.
Senate action: pp. 152, 439, 496, 1795.
- 367—Weed—An Act to repeal an Act entitled "An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judges," approved March 20, 1905.
Senate action: pp. 152, 338, 369, 419, 428, 1641.
Assembly action: p. 1640.
- 368—Belshaw—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed as acting guardian of the Marshall monument, at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same, the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law.
Senate action: pp. 152, 340, 372, 404, 407, 430, 448, 460.
- 369—Belshaw—An Act making an appropriation to pay the claim of Frank Higgins for legal services rendered and expenses incurred by him as special counsel for the State of California from July 10 to October 21, 1905, in the matter of the extradition of George D. Collins from British Columbia, the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law.
Senate action: pp. 152, 1165.
- 370—Belshaw—An Act appropriating money to pay the rental, cost of moving, and other necessary expenses incurred and to be incurred by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.
Senate action: pp. 153, 340, 373, 404, 407, 430, 448, 459.
- 371—Belshaw—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, expenditure of which has been approved by the State Board of Examiners.
Senate action: pp. 153, 341, 373, 404, 407, 430, 448, 459.
- 372—Belshaw—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.
Senate action: pp. 153, 341, 373, 404, 407, 430, 448.
- 373—Belshaw—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof."
Senate action: pp. 153, 341, 373, 404, 407, 430, 448, 459.
- 374—Belshaw—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.
Senate action: pp. 153, 341, 373, 404, 408, 430, 448.
- 375—Belshaw—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.
Senate action: pp. 153, 341, 373, 404, 408, 430, 449.

- 376—Belshaw—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.
Senate action: pp. 153, 341, 373, 404, 408, 430, 449, 458.
- 377—Belshaw—An Act appropriating money to pay the funeral expenses of the late Controller, Edward P. Colgan.
Senate action: pp. 153, 683, 686.
- 378—Belshaw—An Act making an appropriation to pay the deficiency in the contingent appropriation for the Governor's office for the fifty-seventh and fifty-eighth fiscal years.
Senate action: pp. 153, 340, 371, 398, 402.
- 379—Belshaw—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Controller's office, for the fifty-eighth fiscal year.
Senate action: pp. 153, 340, 371, 398, 403.
- 380—Cartwright—An Act to provide for the establishment and maintenance of a fish hatchery at Lake Shaver, Fresno County, and making an appropriation therefor.
Senate action: pp. 153, 855.
- 381—McKee—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.
Senate action: p. 153.
- 382—Willis—An Act to amend the Political Code by adding thereto three new sections, to be numbered 759, 760 and 761, relating to fees of clerks of District Courts of Appeal, the disposition thereof and settlement therefor by said clerks, and creating a library fund in District Courts of Appeal.
Senate action: pp. 154, 310, 350, 384, 395, 427, 446, 456, 1101, 1488.
Assembly action: p. 1100.
- 383—Anderson—An Act to amend the Code of Civil Procedure by adding a new section thereto to be numbered 2055, relating to the production of evidence.
Senate action: p. 154.
- 384—Belshaw—An Act to convert, transfer, and return to the General Fund of the State treasury, all unexpended moneys heretofore appropriated for the care, management, or improvement, or for any other purpose, with reference to the "Yosemite Valley and Mariposa Big Tree Grove," or any money which may be or hereafter come into the "Yosemite Valley and Mariposa Big Tree Grove."
Senate action: pp. 154, 554, 583, 632, 640, 1101, 1428.
Assembly action: p. 1100.
- 385—Belshaw—An Act to repeal an Act entitled "An Act to provide for the management of the Yosemite Valley and Mariposa Big Tree Grove," approved April 15, 1880, and all Acts amendatory thereof or supplementary thereto.
Senate action: pp. 154, 440, 515, 567, 579, 1101, 1429.
Assembly action: p. 1100.
- 386—Belshaw—An Act to repeal Sections 357, 3584, 3585, and 3586 of the Political Code, relating to the "Yosemite Valley and the Mariposa Big Tree Grove."
Senate action: pp. 154, 440, 515, 524, 539, 1101, 1429.
Assembly action: p. 1100.
- 387—Wolfe—An Act authorizing and empowering the Governor and Attorney-General of the State of California to employ special counsel to assist and cooperate with the Attorney-General in all legal proceedings instituted in which may be involved any question affecting the right or power of the State to declare by law the mode and manner of admission of pupils to the common schools of the State, and making appropriations for the payment of counsel and other expenses in connection with such proceedings.
Senate action: pp. 154, 570.
- 388—Caminetti—An Act to declare the highway commencing at Pine Grove, in Amador County, and running thence via Markleville, Alpine County, to Junction, in Mono County, California, a State highway.
Senate action: pp. 154, 267.
- 389—McKee—An Act to prevent the adulteration of paints, oils, varnishes, and pigments.
Senate action: pp. 154, 1772.
- 390—McKee—An Act amendatory of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,'" approved March 20, 1895, by amending Section 20 thereof, and making an appropriation of \$25,000 to carry out the purposes of said Act.
Senate action: pp. 154, 353, 432, 439, 450, 934, 971, 1660.
Assembly action: p. 1548.
- 391—McKee—An Act to amend Section 1577 of the Political Code, as amended in the year 1905, relating to the formation of school districts.
Senate action: pp. 155, 1795.

- 392—Wright—An Act to add a new section to the Code of Civil Procedure, to be known as Section 2039, relative to taking depositions.
Senate action: pp. 155, 338, 369, 435, 450, 505, 510, 1684, 1819.
Assembly action: p. 1684.
- 393—Carter—An Act to regulate the deposit of public moneys in banks, and providing a penalty for the illegal use and deposit thereof.
Senate action: p. 167.
- 394—Leavitt—An Act to establish a standard form of fire insurance policy, and to prevent variations therefrom except under certain stated conditions and restrictions.
Senate action: pp. 167, 1010, 1032, 1110, 1668, 1818.
Assembly action: p. 1665.
- 395—McKee—An Act to amend Section 1577 of the Political Code, as amended in the year 1905, relating to the formation of school districts.
Senate action: pp. 167, 1795.
- 396—Bates—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 28, 1905, by amending certain sections thereof, and adding two new sections thereto.
Senate action: pp. 167, 524, 684, 700, 1380, 1402, 1660.
Assembly action: pp. 1380, 1403, 1547.
- 397—Miller—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.
Senate action: pp. 168, 440, 514, 524, 539, 578, 622, 696, 717, 791, 1792, 1823.
Assembly action: p. 1792.
- 398—Rush—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed at the Napa State Hospital, and laying the pipe line from said reservoir and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.
Senate action: pp. 168, 311, 611, 666, 693, 724, 1816.
Assembly action: p. 1585.
- 399—Rush—An Act authorizing and directing the Board of Managers of the Napa State Hospital to purchase and install a home telephone system at the Napa State Hospital between the various wards of the department thereof, and making an appropriation therefor.
Senate action: pp. 168, 311, 612, 664, 730.
- 400—Rush—An Act authorizing and directing the remodeling and refurnishing of the main kitchen at the Napa State Hospital, and making an appropriation therefor.
Senate action: pp. 168, 565, 612, 664, 730.
- 401—Rush—An Act providing for the extermination of the *Boophilus annulatus* tick, defining certain crimes, and providing for certain civil and criminal actions.
Senate action: pp. 168, 281, 332, 382, 383, 439, 445, 1245, 1489.
Assembly action: p. 1244.
- 402—Anderson—An Act to amend Sections 90, 91, 92, 128, and 131, and to add certain new sections, to be known and numbered Sections 108 and 128a, all of and to the Civil Code of the State of California, relating to divorce, the kinds thereof, and grounds therefor.
Senate action: pp. 168, 1080, 1200, 1361, 1602, 1648.
- 403—Anderson—An Act to add a new section to the Penal Code of the State of California, to be known as and numbered Section 360a, relating to connivance, collusion, and fraud in connection with actions of divorce, and providing a punishment therefor.
Senate action: pp. 168, 1140, 1210, 1282, 1578.
- 404—Anderson—An Act to add a new section to the Penal Code of the State of California, to be known as and numbered Section 284a, relating to adultery, extreme cruelty, desertion, willful neglect, and habitual intemperance, and providing punishment therefor.
Senate action: pp. 168, 1140, 1210, 1282, 1657.
- 405—Anderson—An Act to amend Section 132 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a subdivision, to be designated as Subdivision 7 of said section of said Act, relating to the duties of the district attorney.
Senate action: pp. 168, 1140, 1210, 1282, 1657.
- 406—Anderson—An Act to amend Section 411 and to add certain new sections, to be known as and numbered Sections 1018 and 1019, all of and to the Code of Civil Procedure of the State of California, relating to the service of process, readings, notices, and papers in actions of divorce and interventions of such actions.
Senate action: pp. 168, 1140, 1210, 1282.

- 407—Savage—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.
Senate action: pp. 169, 466, 541, 611, 622, 1016, 1050, 1110, 1142, 1167, 1252.
- 408—Willis—An Act amending Section 2 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.
Senate action: pp. 169, 381, 457.
- 409—Black—An Act authorizing the municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the costs of abating the same.
Senate action: pp. 169, 1289.
- 410—Black—An Act prohibiting the placing, painting, printing, sticking, posting, or otherwise affixing upon any fence, structure, pole, rock, or other object, which is the property of another any word or words, device, trademark, advertisement, or notice, except such as are required by law, without having first obtained the consent in writing of the owner or tenant of said property.
Senate action: p. 169.
- 411—Boynton—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the additional territory thereto, and taxation thereof.
Senate action: pp. 169, 439, 514, 524, 538.
- 412—Boynton—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State Laboratory of Plant Pathology, and making an appropriation therefor.
Senate action: pp. 169, 310, 1081, 1204, 1430, 1694.
- 413—Lynch—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act and to provide an appropriation therefor," approved March 18, 1889, and as amended March 20, 1905.
Senate action: pp. 169, 281, 332, 382, 394, 426, 445, 501, 536, 569, 1416, 1659.
Assembly action: p. 1414.
- 414—Belshaw—An Act to amend Section 1192 of the Code of Civil Procedure, relative to the liens of mechanics, miners, and others upon real property.
Senate action: pp. 170, 647.
- 415—Willis (by request of Code Commission)—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.
Senate action: pp. 170, 440, 518, 551, 606, 752, 1684, 1819.
Assembly action: p. 1684.
- 416—Willis (by request of Code Commission)—An Act to repeal Sections 288, 289, 290, 291, 292, 293, 294, and 295 of the Political Code, all relating to the contesting of elections.
Senate action: pp. 170, 440, 519, 551, 606, 752, 1742, 1821.
Assembly action: p. 1742.
- 417—Willis (by request of Code Commission)—An Act to amend Section 4452 of the Political Code, relating to the liabilities of counties and cities for injuries to property by mobs or riots.
Senate action: pp. 170, 440, 519, 551, 606, 752, 1686, 1821.
Assembly action: p. 1686.
- 418—Willis (by request of Code Commission)—An Act to amend Section 1973 of the Code of Civil Procedure, relating to agreements which, or some note or memorandum whereof, must be in writing.
Senate action: pp. 170, 440, 519, 551, 606, 753, 1784, 1823.
Assembly action: p. 1783.
- 419—Willis (by request of Code Commission)—An Act to amend Section 172 of the Penal Code, relating to the keeping of intoxicating liquors within or contiguous to certain State buildings and grounds.
Senate action: pp. 170, 440, 519, 567, 606, 754, 838.
- 420—Willis (by request of Code Commission)—An Act to amend Section 1102 of the Code of Civil Procedure, relating to writs of prohibition.
Senate action: pp. 170, 1080.
- 421—Willis (by request of Code Commission)—An Act to amend Section 1118 of the Code of Civil Procedure, relating to the setting of a day by the Superior Court for trial of contested election cases.
Senate action: pp. 170, 614, 671, 687, 694, 755, 1684, 1819.
Assembly action: p. 1684.

- 422—Willis (by request of Code Commission)—An Act to amend Section 1117 of the Penal Code of California, relating to the discharge of a jury where the facts do not constitute an offense, and an amendment of the indictment or information without the discharge of the jury in certain cases.
Senate action: pp. 170, 1265, 1266, 1278.
- 423—Willis (by request of Code Commission)—An Act to add a new section to the Political Code, to be known as Section 3975a, providing for the transfer of certain moneys from one county to another when a new county has been formed and organized.
Senate action: pp. 170, 440, 519, 551, 606, 753, 1686, 1820.
Assembly action: p. 1685.
- 424—Willis (by request of Code Commission)—An Act to amend the Code of Civil Procedure by adding a new title thereto, to be known as Title XIV of Part III, relating to special proceedings: said title to relate to proceedings for the adjustment, settlement, and payment of any indebtedness existing against any city or municipal corporation at the time of exclusion of territory therefrom, and the division of the property thereof.
Senate action: pp. 170, 440, 520, 567, 606, 754, 1686, 1820.
Assembly action: p. 1685.
- 425—Leavitt—An Act to amend Section 439 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.
Senate action: pp. 180, 525, 563, 567, 595, 685, 700.
- 426—Leavitt—An Act to repeal Article XVI of Chapter III, Part III, Title 9 of the Political Code, and each and every section of said title, and Sections 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.
Senate action: pp. 180, 1078, 1194.
- 427—Cammetti—An Act to declare the highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road, a State highway.
Senate action: pp. 180, 267, 330, 382, 391, 710, 1303.
- 428—Curtin—An Act to provide for the transfer of certain moneys in the county treasury to municipal corporations formed within such counties.
Senate action: pp. 188, 555, 587, 633, 642, 645, 724, 794, 820, 858, 972, 1069.
- 429—Wright—An Act to amend Sections 8 and 15 of an Act entitled "An Act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897.
Senate action: pp. 188, 1638.
- 430—Walker—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby, etc.," approved March 31, 1891, by adding thereto a new section, to be numbered and known as Section 221, relating to the annexation of outlying territories to sanitary districts, and the conditions of such annexation.
Senate action: pp. 189, 355, 435, 452, 453, 1375, 1485.
Assembly action: p. 927.
- 431—McKee—An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof.
Senate action: pp. 189, 339, 370, 384, 401, 962, 1376.
Assembly action: p. 961.
- 432—McKee—An Act to amend Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of diseases, injuries, or deformities," approved March 20, 1903.
Senate action: pp. 189, 382, 437, 452, 551, 575, 686, 696, 1687, 1821.
Assembly action: p. 1686.
- 433—McKee—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905.
Senate action: pp. 189, 342, 377, 429, 432, 450, 552, 573, 1246, 1489.
Assembly action: p. 1245.
- 434—Lynch—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Subdivisions 3, 4, and 5 of Section 3, and Subdivision 1 of Section 4 of said Act, all relating to the manner of operating a motor vehicle on a public highway.
Senate action: pp. 189, 926.

- 435—Lynch—An Act to amend "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 23, 1905, by amending Subdivision 1 of Section 2 thereof, relating to the registration of motor vehicles.
Senate action: pp. 189, 615, 671.
- 436—Keane—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending subdivision (i), Section 6 of said Act.
Senate action: pp. 230, 729, 772, 866, 1497, 1597, 1644.
- 437—Keane—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by adding a new section thereto, to be known as Section 6a, and relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by "An Act to provide for the establishment and quieting of titles to real estate in case of the loss or destruction of records," approved June 16, 1906.
Senate action: pp. 230, 729, 772, 866, 1497, 1597, 1644.
- 438—Keane—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be known as Section 800a, relating to the dispensing with abstracts of title in all proceedings brought for the purpose of effecting, establishing, or registering title to real estate where it shall appear that the public records of such title, or a substantial portion thereof, have been destroyed by conflagration or other calamity.
Senate action: p. 230.
- 439—Curtin—An Act to amend Section 1171 of the Penal Code of California, relative to the settlement of bills of exceptions in criminal cases.
Senate action: p. 230.
- 440—Anthony—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.
Senate action: pp. 230, 525, 562, 567, 591, 624, 655, 689, 708, 714, 763, 789, 814, 936, 1031, 1111, 1142, 1251, 1759, 1822.
Assembly action: p. 1758.
- 441—Weed—An Act to aid the county of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.
Senate action: pp. 231, 419, 760, 842, 850, 954, 1094, 1285.
- 442—Carter (by request)—An Act to amend an Act entitled "An Act to establish the fees of the county, township, and other officers, and of jurors and witnesses, in this State," approved March 28, 1895, by adding thereto a new section, to be numbered 5.
Senate action: pp. 231, 566, 659, 743, 798, 820, 859, 1070, 1254.
- 443—Nelson (by request)—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent children when confined in jails or other institutions," approved February 26, 1903, as amended Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same, approved March 22, 1905.
Senate action: pp. 231, 760, 842, 956, 1427.
- 444—Nelson—An Act to amend Section 634 of the Penal Code of the State of California, relating to the protection and preservation of fish.
Senate action: pp. 231, 874, 1003, 1108, 1225, 1817.
Assembly action: p. 1634.
- 445—Willis (by request of Code Commission)—An Act to repeal Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment.
Senate action: pp. 231, 440, 519.
- 446—Willis (by request of Code Commission)—An Act to amend Section 1908 of the Code of Civil Procedure, referring to the effect of judgments or final orders.
Senate action: pp. 231, 441, 519.
- 447—Broughton—An Act providing for the cancellation of bonds given to secure the performance of the conditions of franchises or privileges, the exoneration of the sureties of such bonds and the filing and acceptance of new bonds in lieu thereof.
Senate action: pp. 231, 265, 327, 384, 390, 550, 963.
Assembly action: p. 548.
- 448—Black (by request)—An Act to pay the claim of Ada Tharp, as administratrix of the estate of Edward Herbert Cruson, deceased, against the State of California, and making an appropriation therefor.
Senate action: p. 231, 1770.
- 449—Cartwright (by request)—An Act to amend Sections 338, 339, 340, 341 of the Penal Code, and to add two new sections thereto, and to be known and designated as Sections 345 and 345a, all relating to pawnbrokers.
Senate action: p. 231.

- 450—Cartwright (by request)—An Act regulating the loan of money, when, as security for such loan, a lien is taken upon household furniture and effects, musical instruments, typewriters, and sewing machines, or upon any other personal property.
Senate action: p. 232.
- 451—Cartwright (by request)—An Act authorizing certain corporations to loan and invest money, and regulating the same.
Senate action: p. 232.
- 452—Belshaw—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.
Senate action: pp. 232, 465, 542, 552, 589, 1816.
Assembly action: p. 1584.
- 453—Belshaw—An Act making an appropriation for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.
Senate action: pp. 232, 612, 666, 693, 724.
- 454—Belshaw—An Act to amend Section 637a of the Penal Code of California, and to add thereto four new sections, to be numbered 637b, 637c, 637d, and 637e, all relating to the protection of wild birds other than game birds and their nests and eggs.
Senate action: pp. 232, 683, 737, 787, 866, 1427.
- 455—Belshaw (by request)—An Act to prohibit the adulteration and deception in the sale of dairy products; defining adulteration in dairy products; to establish the standards of quality in dairy products and to provide for enforcing its provision.
Senate action: pp. 232, 310, 350, 383, 396, 933, 1428.
Assembly action: p. 931.
- 456—Price—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor," approved March 18, 1905, and to change and re-direct the manner of the expenditure thereof.
Senate action: pp. 232, 281, 332, 554, 567, 569, 1376.
Assembly action: p. 959.
- 457—Welch—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.
Senate action: pp. 267, 525, 562, 567, 592, 633, 654, 700, 719, 792, 819, 858, 951, 1069, 1094, 1231, 1253, 1362, 1394, 1496, 1561, 1596, 1643.
- 458—Walker—An Act to amend Section 655 of the Civil Code, relating to the things in which property may exist.
Senate action: pp. 268, 440, 516, 566, 579, 1279.
- 459—Caminetti—An Act to amend Section 200 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the exemptions from jury duty.
Senate action: pp. 268, 310, 350, 383, 395, 428, 446, 507, 566, 571, 1759, 1822.
Assembly action: p. 1758.
- 460—Wolfe—An Act to amend Section 1662 of the Political Code, fixing the age at which children may be admitted to primary schools.
Senate action: pp. 268, 1477, 1522, 1582, 1621.
- 461—Wolfe—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, seawall, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.
Senate action: pp. 268, 338, 369, 384, 397, 714, 720, 787, 790, 818, 836, 936, 971, 1660.
Assembly action: p. 1547.
- 462—Carter—An Act amending an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, for municipal improvements, and regulating the acquisition, construction, or completion thereof," approved February 25, 1901, by amending Sections 2, 5, and 9 thereof.
Senate action: pp. 268, 566, 658, 743, 786, 797, 820, 859, 1070, 1253.
- 463—Carter—An Act authorizing any incorporated city, town, or municipal corporation to lease, acquire by purchase, condemnation, or otherwise, and hold and use lands and other necessary property for the purpose of constructing, equipping, using, maintaining, and operating, and to construct, equip, use, maintain, and operate any works, road, railway, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the purpose of preparing, manufacturing, handling or transporting materials or supplies required in the con-

struction or completion of any public work, improvement or utility, or for the purpose of maintaining or operating any such work, improvement, or utility.

Senate action: pp. 268, 338, 368, 383, 397, 428, 1795, 1824.

Assembly action: p. 1795.

- 464—Sanford—An Act to amend the Political Code of the State of California, by adding eight new sections thereto, to be numbered 338, 338a, 338b, 339, 339a, 339b, 340, and 340a, under a new article, to be numbered thirteen (XIII), to be added to Chapter Two (2), Title One (1), Part Three (3) of said Code, relating to the employment of legislative counsel and agents.

Senate action: pp. 268, 366, 658, 685, 704, 797, 820, 1070, 1253, 1314, 1496, 1561, 1596, 1643.

- 465—Miller—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Senate action: pp. 269, 354, 434, 451, 452, 511, 534, 574, 621, 652, 695, 717, 791.

- 466—Wright—An Act to amend Section 2024 of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions out of the State.

Senate action: p. 269.

- 467—Wright—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, by amending Section 1 thereof, and providing for the sale of drugs, compounds, and medicine by storekeepers in unincorporated towns and cities.

Senate action: pp. 269, 743.

- 468—Wright—An Act to amend Section 2032 of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions.

Senate action: p. 269.

- 469—Wright—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 857, relating to the purposes for which express trusts may be created.

Senate action: p. 269.

- 470—Bell—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Senate action: pp. 269, 610, 660, 685, 704.

- 471—Bell—An Act to amend Section 631 of the Code of Civil Procedure, relating to the trial of actions.

Senate action: p. 269.

- 472—McCartney—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to towns, or cities, or subdivisions of lands into small lots, or tracts, for the purpose of sale, and providing a penalty for the selling, or offering for sale, any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded."

Senate action: p. 269.

- 473—McCartney—An Act to add a new section to the Code of Civil Procedure, the said section to be designated eleven hundred and sixty-six a (1166a), relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, the form and amount of the undertaking, and the form of the writ of ejectment, and the manner of executing and serving the writ.

Senate action: pp. 270, 1140, 1210, 1282.

- 474—Rolley—An Act to appropriate money for the purpose of constructing object-lesson oiled roads in different sections of the State.

Senate action: pp. 270, 1770.

- 475—Rolley—An Act to amend Section 200 of the County Government Act, relating to the compensation of the various county officers in counties of the fifty-second class.

Senate action: pp. 270, 467, 543, 552, 589, 1417, 1658.

Assembly action: p. 1416.

- 476—Belshaw—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating, and improving the Governor's residence.

Senate action: pp. 270, 281, 963.

Assembly action: p. 336.

- 477—Belshaw—An Act to amend Section 109 of the Penal Code, relating to assisting prisoners, paroled prisoners, and escapes to escape.

Senate action: pp. 270, 585, 658, 685, 703, 1138, 1429.

Assembly action: p. 1138.

- 478—Rambo—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 298, relating to the cremation of the dead bodies of human beings.
Senate action: pp. 270, 1772.
- 479—Reily—An Act regulating hours of labor of women, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.
Senate action: p. 270.
- 480—Reily—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.
Senate action: pp. 270, 525, 562, 567, 591, 625, 654, 1162, 1429.
Assembly action: p. 1162.
- 481—Curtin—An Act to amend Section 1881 of the Code of Civil Procedure, relating to parties prohibited from testifying in certain cases.
Senate action: pp. 271, 354, 433, 439, 451, 1376, 1486.
Assembly action: p. 927.
- 482—Willis—An Act to add a new section to the Political Code, to be numbered 3762, relating to the manner of making publication of delinquent taxes.
Senate action: pp. 271, 614, 646.
- 483—Willis—An Act to amend Section 3902 of the Political Code, relating to the division of the State into counties.
Senate action: pp. 271, 440, 519, 551, 606, 753, 1684, 1819.
Assembly action: p. 1684.
- 484—Willis—An Act to repeal Section 3977 of the Political Code, to add a new section thereto, to be known as Section 3975b, and to amend Sections 3976, 3981, and 3985 thereof, all relating to county seats and proceedings for the change thereof.
Senate action: pp. 271, 440, 520, 567, 606, 754, 1686, 1820.
Assembly action: p. 1685.
- 485—Willis—An Act to repeal Section 3366 of the Political Code, relating to the imposition of license taxes.
Senate action: pp. 271, 440, 519, 551, 606, 753, 1684, 1819.
Assembly action: p. 1684.
- 486—Willis—An Act to amend Section 7 of the Civil Code, relating to holidays.
Senate action: pp. 271, 440, 519, 551, 606, 754, 1684, 1819.
Assembly action: p. 1684.
- 487—Belshaw—An Act to add a new section to the Political Code, to be numbered and known as Section 757a, relating to the office hours of the Clerk of the Supreme Court.
Senate action: pp. 271, 440, 515, 524, 540, 1816.
Assembly action: p. 1584.
- 488—Keane—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor.
Senate action: pp. 290, 729, 1770.
- 489—Keane—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 33, providing for a petition of remonstrance and written objection, hearings thereon, and the determination thereof by the city council.
Senate action: pp. 290, 610, 661, 686, 704, 721, 800, 820, 859, 1070, 1254, 1314.
- 490—Keane—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.
Senate action: pp. 290, 610, 661, 686, 705, 721, 800, 821, 860, 1070, 1255.
- 491—Leavitt—An Act for the protection of the health of men employed in the service of street and interurban railroads and regulating the hours of employment thereof.
Senate action: pp. 290, 525, 562, 567, 592, 625, 654, 700, 785, 792, 819, 1660.
Assembly action: p. 1547.
- 492—Curtin—An Act to amend Sections 1171 and 1174 of the Penal Code of California, relating to the preparation and settlement of bills of exceptions in criminal cases.
Senate action: pp. 290, 466, 542, 611, 623, 1300, 1504.
Assembly action: p. 1299.

- 493—Wright—An Act to define, prohibit, and punish the desecration, mutilation, or improper use of the flag of the United States of America, and to repeal an Act entitled "An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor," approved March 2, 1889.
Senate action: pp. 290, 1656.
- 494—McKee—An Act to prevent deception in the manufacture and sale of California wines, by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.
Senate action: pp. 290, 465, 540, 552, 588, 1024, 1376.
Assembly action: p. 1023.
- 495—McKee—An Act appropriating money for advertising and exploiting the State Fair.
Senate action: pp. 290, 934.
- 496—McKee—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by amending Section 5 thereof, in relation to practicing without a certificate.
Senate action: pp. 290, 566, 658, 729, 765.
- 497—McKee—An Act to provide for taking down the Agricultural Pavilion, now located in Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said park from said material, and such additional material as may be necessary, two exhibition buildings, to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor.
Senate action: pp. 290, 812, 934, 1006, 1030, 1264.
- 498—McKee—An Act authorizing the payment of a claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.
Senate action: pp. 291, 1308, 1366, 1431, 1483, 1795, 1824.
Assembly action: p. 1794.
- 499—Weed—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers, to Hoopa Valley, Humboldt County, and also from a point along said routes up the Salmon River to Black Bear.
Senate action: pp. 291, 521, 760, 842, 850, 1228.
- 500—Wolfe—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.
Senate action: pp. 291, 440, 514, 524, 539, 554, 578, 1376.
Assembly action: p. 959.
- 501—Wolfe—An Act to amend Section 1771 of the Political Code, relating to the power of county boards of education.
Senate action: pp. 291, 441, 711, 765, 812, 867, 1302, 1490.
Assembly action: p. 1300.
- 502—Rolley—An Act to appropriate \$20,000 out of any money in the State treasury not otherwise appropriated, to permanently drain Lake Earl, in Del Norte County.
Senate action: pp. 291, 1081, 1201, 1430, 1602.
- 503—Rolley—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.
Senate action: pp. 291, 467, 544, 552, 590, 1416, 1658.
Assembly action: p. 1416.
- 504—Willis—An Act to amend Section 11 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the use of books in such libraries.
Senate action: pp. 291, 466, 541, 611, 622, 1137, 1488.
Assembly action: p. 1137.
- 505—Irish—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of a lost or destroyed will.
Senate action: p. 291.
- 506—Walker—An Act to amend Sections 1113, 1118, and 1125 of the Code of Civil Procedure, relating to contesting certain elections.
Senate action: pp. 291, 355, 434, 505, 511, 1417, 1658.
Assembly action: p. 1416.
- 507—Rush—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for the works of reclamation of reclamation districts, and condemnation of property therefor.
Senate action: pp. 291, 613, 666, 694, 726.
- 508—Belshaw—An Act to amend Section 1216 of the Penal Code of the State of California, by providing for the filing and preservation of a transcript of the evidence of the prosecuting witness, and the transcript of the evidence of the person convicted, or the signed statement of such person, if any such were made, and such person did not testify.
Senate action: pp. 320, 681.

- 509—Belshaw—An Act to amend Section 1202 of the Penal Code of the State of California, by providing for the furnishing of a transcript of the evidence of the prosecuting witness, and a transcript of the evidence of the person convicted, or the signed statement of such person, if any such were made, and such person did not testify.
Senate action: p. 320.
- 510—Hartman—An Act to add a new section to the Civil Code, to be known as Section 2758, to compel insurance companies to pay the full amount of the loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulation in such policies to the contrary.
Senate action: pp. 320, 1013, 1060, 1109, 1566, 1598.
- 511—Hartman—An Act to add a new section to the Civil Code, to be known as Section 2759, relating to fire insurance companies.
Senate action: pp. 320, 1013, 1061, 1109, 1566, 1599.
- 512—Hartman—An Act to add a new section to the Civil Code of the State of California, to be known and numbered as Section 633, relating to corporations that furnish light and power for public use.
Senate action: pp. 320, 1258, 1324, 1430, 1523.
- 513—Curtin—An Act to authorize municipal corporations, organized under the Act of the Legislature entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, or the Acts of which the same are amendatory of, or any Act amendatory thereof, to commence and prosecute an action, or actions, to recover real or personal property within the limits of such municipal corporations, acquired, or held by the board of fire commissioners, created by an Act of the Legislature entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and to provide for the procedure in such action or actions.
Senate action: pp. 321, 555, 587, 633, 642, 1434, 1658.
Assembly action: p. 1433.
- 514—Curtin—An Act to amend Section 2955 of the Civil Code of California, relating to what personal property may be mortgaged, by adding a new subdivision thereto, providing that saw-milling machinery and outfits used therewith may be mortgaged.
Senate action: pp. 321, 440, 516, 566, 580, 686, 696, 1300, 1489.
Assembly action: p. 1299.
- 515—Wright—An Act to amend Section 995 of the Penal Code of the State of California, relative to setting aside an indictment or information upon motion of defendant.
Senate action: p. 321.
- 516—Wright—An Act entitled "An Act to provide the manner of selecting grand and petit jurors in the State of California, and providing for the compensation of persons appointed as commissioners to select the names of persons to serve as such jurors."
Senate action: p. 321.
- 517—McKee—An Act providing for an appropriation of six hundred dollars (\$600) for the purpose of putting a new roof and floor to the "Distillery" at Sutter's Fort.
Senate action: pp. 321, 554, 583, 632, 640, 1376.
Assembly action: p. 959.
- 518—McKee—An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of said gardener.
Senate action: pp. 321, 812, 934, 1006, 1109, 1290, 1759, 1822.
Assembly action: p. 1758.
- 519—McKee—An Act providing for an appropriation of three thousand dollars (\$3,000) for the purpose of improving the grounds of Sutter's Fort.
Senate action: pp. 321, 554, 583, 632, 640, 1025, 1377.
Assembly action: p. 1024.
- 520—McKee—An Act providing for an appropriation of one thousand (\$1,000) dollars for the purpose of constructing cement curbing and gutters around the grounds of Sutter's Fort.
Senate action: pp. 321, 555.
- 521—Leavitt—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.
Senate action: pp. 321, 465, 542, 552, 589, 810, 1375, 1485.
- 522—Wolfe—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a Board of Examiners in the matter of said regulation," approved March 20, 1903, by amending Sections 1, 12, 14, 16, and 17, and by adding a new section thereto.
Senate action: pp. 322, 440, 516, 566, 580, 1374, 1485.
Assembly action: p. 959.

- 523—Anderson—An Act to amend Section 637a of the Penal Code of the State of California, relating to game and fish.
Senate action: p. 322.
- 524—Anderson—An Act appropriating \$40,000 for carrying out the purposes of an Act approved March 18, 1905, and entitled "An Act providing for the establishment and maintenance of a pathological laboratory for the investigation of tree and plant diseases and pests, and branch agricultural experiment stations, and making an appropriation therefor."
Senate action: pp. 322, 1081, 1204, 1430, 1604.
- 525—Miller—An Act to amend Sections 3732, 3746, 3750, 3751, 3756, and to repeal Section 3758 of the Political Code, relating to taxation.
Senate action: p. 322.
- 526—Bates—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Sections 8 and 14 thereof, and adding a new section thereto, to be numbered and designated Section 94.
Senate action: pp. 322, 743, 777, 788, 1497, 1562.
- 527—Caminetti—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1779, relating to grammar grade post-graduate courses of instruction in public schools.
Senate action: pp. 322, 439, 514, 524, 538, 932, 1375, 1486.
Assembly action: p. 931.
- 528—Caminetti—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1681, relating to post-graduate courses of study in high schools.
Senate action: pp. 322, 439, 514, 524, 539, 932, 1375, 1485.
Assembly action: p. 931.
- 529—Caminetti—An Act to amend Section 737 of the Political Code, relating to salaries of judges of the Superior Court.
Senate action: pp. 322, 1770.
- 530—Lynch—An Act to amend the Civil Code of the State of California, by adding thereto a new section, to be known as Section 230, relating to the adoption of children.
Senate action: pp. 322, 614, 668, 759, 802, 1816.
Assembly action: p. 1584.
- 531—Lynch—An Act to provide for the improvement of the public highways and to make an appropriation therefor.
Senate action: pp. 323, 1053, 1194, 1361, 1378, 1802, 1825.
Assembly action: p. 1802.
- 532—Willis—An Act to amend Section 340 of the Penal Code of the State of California, relating to pawnbrokers.
Senate action: p. 323.
- 533—Rolley—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers of counties in the thirty-sixth class, and repealing all conflicting Acts.
Senate action: pp. 323, 467, 543, 552, 590, 685, 699.
- 534—McKee—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,'" approved March 20, 1905.
Senate action: pp. 333, 1139, 1281, 1326.
- 535—Sanford—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.
Senate action: pp. 342, 381, 612, 663, 759, 801, 1817.
Assembly action: p. 1633.
- 536—Wright—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof, defining the practice of dentistry.
Senate action: pp. 342, 614, 670, 694, 727.
- 537—Wright—An Act to amend Section 2024 of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions out of the State.
Senate action: p. 343.
- 538—Wright—An Act to amend Section 2032 of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions.
Senate action: pp. 343, 786.

- 539—Wright—An Act making an appropriation of \$915 to pay the claim of Southern Construction Company for the grading of Campus Avenue at the State Normal School, San Diego, California.
Senate action: pp. 343, 1392, 1521, 1528, 1578.
- 540—Kennedy—An Act to regulate the practice of horseshoeing in the State of California, and to provide for the examination and registration of persons engaged in such pursuit.
Senate action: pp. 343, 525, 562, 567, 592, 634, 711, 790, 792, 1380, 1659.
Assembly action: p. 1379.
- 541—Kennedy—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1918 thereof, and by adding a new section immediately after Section 1918, to be numbered Section 1918a, relating to rate of interest that may be agreed upon in written instruments.
Senate action: p. 343.
- 542—Mattos—An Act to amend Section 1490 of the Code of Civil Procedure of the State of California, relating to notice to creditors.
Senate action: pp. 343, 440, 516, 566, 579, 1300, 1490.
Assembly action: p. 1299.
- 543—Savage—An Act to amend Section 4460 of the Political Code, defining what is a newspaper of general circulation.
Senate action: p. 343.
- 544—Savage—An Act to validate the organization and incorporation of municipal corporations.
Senate action: p. 343.
- 545—Cartwright—An Act to provide for the acquisition, equipment and use of a railway car for the purpose of distributing live fish, and stocking the waters of this State with fish, and making an appropriation therefor.
Senate action: pp. 343, 526, 558, 612, 684, 699, 1759, 1822.
Assembly action: p. 1759.
- 546—McCartney—An Act to amend Section 16 of an Act entitled "An Act to amend an Act entitled 'An Act defining and providing for the control, protection, and treatment of dependent delinquent children,' etc., approved February 26, 1903, approved March 22, 1905."
Senate action: pp. 343, 814, 922, 936, 1224, 1796, 1824.
Assembly action: p. 1796.
- 547—McCartney—An Act providing for the appointment of police justice in municipalities having a freeholders' charter, wherein provision is made for a police court judge that no provision is made for the appointment or election of such police judge.
Senate action: pp. 343, 610, 661.
- 548—McCartney—An Act to provide for the consolidation of municipal corporations.
Senate action: pp. 344, 610.
- 549—Keane—An Act to amend an Act entitled "An Act to regulate the work and hours of employes engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof," approved February 28, 1905.
Senate action: pp. 344, 525, 562, 567, 591, 1162, 1429.
Assembly action: p. 1162.
- 550—Boynton—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violations of this Act a misdemeanor.
Senate action: pp. 344, 566, 658, 743, 798, 1383, 1659.
Assembly action: p. 1380.
- 551—Sanford—An Act to amend Section 1197 of the Political Code, so as to require the separate marking of each candidate voted for at election.
Senate action: pp. 356, 1351.
- 552—Curtin—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the proof of lost and destroyed wills.
Senate action: pp. 356, 466, 540, 588, 611, 622.
- 553—Mattos—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.
Senate action: pp. 356, 814, 922, 936, 1224, 1825.
- 554—Hartman—An Act to prevent the manufacture and sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight.
Senate action: pp. 356, 461, 517, 552, 581, 630, 724, 795, 1817.
Assembly action: p. 1633.
- 555—Hartman—An Act to amend Sections 336, 337, 338, 339, and 344 of the Code of Civil Procedure, all relating to the time within which certain actions must be commenced.
Senate action: pp. 356, 729, 772, 866, 868, 944, 1031, 1660.
Assembly action: p. 1486.

- 556—McCartney (by request)—An Act to amend Sections 3063, 3064, and 3095 of the Political Code, relating to dissection, enacted March 12, 1872.
Senate action: pp. 356, 651, 732, 799, 830, 1660.
Assembly action: p. 1486.
- 557—Wright—An Act entitled "An Act to regulate the recordation of the subscriptions to the capital stock of the Water Users' Association."
Senate action: pp. 356, 1222, 1295, 1431, 1478, 1759, 1825.
Assembly action: p. 1758.
- 558—Wright—An Act entitled "An Act to grant rights of way over the public land of the State of California for ditches, tunnels, and telephone and transmission lines."
Senate action: pp. 356, 466, 542, 544, 611, 623, 685, 697, 1641, 1817.
Assembly action: p. 1640.
- 559—Anderson—An Act to amend Section 396 of the Code of Civil Procedure, relating to the place of trial of civil actions.
Senate action: pp. 356, 1309, 1366, 1504, 1578.
- 560—Committee on Elections and Election Laws—An Act to amend Sections 1189, 1192, 1358, 1079, 1361, 1186, and 1188 of the Political Code, relating to elections.
Senate action: pp. 356, 565, 657, 724, 788, 797, 1418, 1658.
Assembly action: p. 1416.
- 561—Boynton—An Act to validate the organization and incorporation of municipal corporations.
Senate action: pp. 357, 852, 1002, 1108, 1169, 1641, 1817.
Assembly action: p. 1640.
- 562—Boynton—An Act giving a lien to persons engaged in baling hay.
Senate action: p. 357.
- 563—Wolfe—An Act to authorize the deposit of State money in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.
Senate action: pp. 357, 614.
- 564—Wolfe—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators, and guardians in certain cases.
Senate action: pp. 357, 614, 669, 759, 803, 822, 1383, 1659.
Assembly action: p. 1380.
- 565—Curtin—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof approved March 23, 1901, and the amendment thereof approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.
Senate action: pp. 357, 555, 587, 633, 642, 655, 1416, 1659.
Assembly action: p. 1415.
- 566—Keane—An Act for the regulation of the practice of architecture in the State of California, and for the appointment of a State Board of Architecture in the matter of said regulation, and providing penalties for the violation thereof.
Senate action: p. 357.
- 567—Price—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.
Senate action: pp. 357, 682, 736, 786, 834, 1795, 1823.
Assembly action: p. 1795.
- 568—Belshaw—An Act to regulate the building and occupancy of tenement houses in incorporated cities.
Senate action: p. 357.
- 569—Leavitt—An Act to amend Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment.
Senate action: pp. 357, 418, 457, 465, 512, 1384, 1659.
Assembly action: p. 1380.
- 570—Walker—An Act to amend Section 12 of an Act entitled "An Act creating a State commission on voting or ballot machines," approved March 20, 1903.
Senate action: pp. 357, 441, 516, 550, 580, 1376.
- 571—Nelson—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California where the same has been destroyed by conflagration or other public calamity.
Senate action: pp. 388, 712, 767, 788, 868, 1817.
Assembly action: p. 1633.
- 572—Sanford—An Act to add a new section to the Civil Code, to be numbered Section 365, and relating to contributions of corporate funds for political purposes.
Senate action: pp. 389, 852, 999, 1030, 1285, 1506.
- 573—Sanford—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State," approved March 20, 1905.
Senate action: pp. 389, 1799.
- 574—Wolfe—An Act to amend Section 213 of the Penal Code of the State of California, and to add a new section thereto, numbered 212a, relating to the crime of robbery and its punishment.
Senate action: pp. 389, 649, 731, 759, 805, 827, 863.

- 575—McCartney—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.
Senate action: pp. 389, 965, 1017, 1502.
- 576—McKee—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and Acts amendatory thereof, by amending Section 3 of said Act (last amendment, Statutes 1905, p. 416).
Senate action: pp. 398, 812, 918, 1029, 1501.
- 577—McKee—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain street in the City of Sacramento, to wit, Twenty-sixth Street, from the south line of K Street to the north line of L Street, and to make an appropriation therefor.
Senate action: pp. 398, 813, 1770.
- 578—McKee—An Act to create a reclamation district, to be called Reclamation District No. 774, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.
Senate action: pp. 399, 613, 666, 759, 802, 821, 861, 966, 1071, 1784, 1823.
Assembly action: p. 1783.
- 579—McKee—An Act instructing the Commissioner of Public Works to purchase the north fifty-eight acres of Wood Island, situated in the County of Sacramento, State of California, and making an appropriation to pay for the same.
Senate action: pp. 399, 674, 1770.
- 580—Belshaw—An Act concerning tide lands above low tide, and legalizing certain applications heretofore made for the purchase of tide lands.
Senate action: p. 399.
- 581—Belshaw—An Act to amend Section 3 of an Act entitled "An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin," approved March 18, 1905.
Senate action: pp. 399, 554, 584, 632, 641, 1665, 1818.
Assembly action: p. 1664.
- 582—Irish—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, March 19, 1903, and March 20, 1905, by amending Section 185 thereof, relating to salaries and fees of county and township officers of the twenty-eighth class.
Senate action: pp. 399, 525, 563, 567, 596, 1416, 1659.
Assembly action: p. 1415.
- 583—Weed—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to counties of the fifty-first class.
Senate action: pp. 399, 525, 563, 567, 596, 628, 724, 793, 819, 858, 972, 1816.
Assembly action: pp. 1069, 1584.
- 584—Caminetti—An Act making an appropriation of two hundred and fifty dollars (\$250) for the purchase of a certain spring of water near the John Marshall monument at Coloma, and for piping the water to the ground surrounding said monument.
Senate action: pp. 399, 683, 736, 786, 834, 956, 1257.
- 585—Caminetti—An Act making an appropriation of five hundred dollars (\$500) for the purpose of preparing and preserving the John Marshall monument at Coloma, and for the care and improvement of the grounds around said monument.
Senate action: pp. 400, 683, 736, 787, 834, 956, 1497.
- 586—Willis—An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township government.
Senate action: pp. 408, 614, 672, 687, 838.
- 587—Irish—An Act to make an appropriation for the location, survey and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.
Senate action: pp. 408, 601, 612, 663, 693, 707, 1137, 1429.
Assembly action: p. 1137.
- 588—Boynton—An Act to amend Sections 1123 and 1126 of the Code of Civil Procedure relating to contesting certain elections.
Senate action: pp. 408, 615, 671, 694, 727, 1419, 1658.
Assembly action: p. 1416.

- 589—Leavitt—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof, which became a law February 25, 1901, by amending Section 2 thereof, and by adding a new section thereto, validating bonds heretofore issued for wharf purposes.
Senate action: pp. 421, 610, 661, 744, 800, 821, 860, 1070, 1255, 1321.
- 590—Leavitt—An Act to create for the State of California a department of engineering, to provide for the appointment of the officers and employes thereof, defining its powers and prescribing the duties of said department, its officers and employes, to provide the compensation of such officers and employes, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, etc.
Senate action: pp. 421, 554, 584, 616, 632, 701, 713, 716, 787, 793, 1244, 1488.
Assembly action: p. 1243.
- 591—Sanford—An Act to add a new article to Part III, Title IV, Chapter II of the Political Code, designated Article IX, comprising twenty-eight sections, numbered 2745 to 2772, inclusive, authorizing the formation of permanent road divisions, for the construction and improvement of roads in such divisions, and prescribing the method of such formation, and of providing funds for said purposes.
Senate action: pp. 422, 1638.
- 592—Nelson—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2466 thereof, relating to pilots, pilot commissioners, and pilotage.
Senate action: p. 422.
- 593—Keane—An Act to amend Section 789 of the Civil Code, relating to notice required in terminating tenancies or other estates at will, however created.
Senate action: p. 422.
- 594—Keane—An Act to amend Section 827 of the Civil Code, relating to notice required for changing terms of tenancies or other estates at will, however created, and of all leases of lands or tenements, or of any interest therein from month to month.
Senate action: p. 422.
- 595—Anderson—An Act to amend Section 1050 of the Code of Civil Procedure.
Senate action: pp. 422, 814, 920, 1029, 1167, 1264.
- 596—Anderson—An Act to amend Section 427 of the Code of Civil Procedure.
Senate action: p. 423.
- 597—Wolfe—An Act to amend Section 1 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds," relating to the construction thereof and the exemption of the community property from the tax thereby imposed.
Senate action: pp. 423, 614, 669, 759, 803, 822, 1684, 1819.
Assembly action: p. 1684.
- 598—McCartney—An Act to amend Section 1313 of the Civil Code, relating to bequests for charitable uses.
Senate action: pp. 423, 614, 668, 694, 726, 802, 821, 862.
- 599—Belshaw—An Act to promote the safety of employes and travelers upon railroads by limiting the number of hours of service of employes thereon, and to provide a penalty for the violation thereof.
Senate action: pp. 423, 762, 844, 966, 1427.
- 600—Belshaw—An Act to create a commission on revenue and taxation to investigate the system of revenue and taxation in force in this State, and to formulate and regulate legislation for the revision and reform of the revenue laws, said commission to succeed and take the place of the present Commission on Revenue and Taxation.
Senate action: pp. 423, 967, 1018, 1074, 1081, 1094, 1170, 1282, 1283, 1665, 1818.
Assembly action: p. 1664.
- 601—Black—An Act to amend Section 1 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,'" approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.
Senate action: pp. 423, 839.
- 602—Black—An Act to amend the Penal Code by adding thereto two new sections, to be designated as Sections 367b and 367c, to provide against the offense of hazing.
Senate action: pp. 423, 651, 732, 799, 831, 1300, 1490.
Assembly action: p. 1300.

- 603—Markey—An Act to add a new section to the Penal Code of the State of California, to be known as Section 310, relating to selling of cigarettes, cigarette tobacco, and cigarette papers.
Senate action: pp. 423, 874, 1002, 1108, 1173.
- 604—Savage—An Act to amend Section 172 of the Civil Code of the State of California, relating to the management and control of community property.
Senate action: p. 441.
- 605—Savage—An Act to amend Section 249 of the Penal Code, relating to punishment of libel.
Senate action: pp. 441, 814, 922, 936, 1503, 1564.
- 606—Savage—An Act to amend Section 1401 and to repeal Section 1402 of the Civil Code, relating to succession of community property.
Senate action: p. 441.
- 607—Leavitt—An Act to amend Section 2521 of the Political Code, relating to employés of the State Harbor Commission of the Port of San Francisco.
Senate action: pp. 442, 554, 585, 632, 641, 655, 702, 719, 794, 1246, 1489.
Assembly action: p. 1245.
- 608—Belshaw—An Act making an appropriation for the furnishing of meals, lodging, transportation, medicines, and other necessities of life to ex-convicts, for defraying the expenses of the State Board of Prison Directors, in securing employment for ex-convicts, and for defraying all necessary expenses in carrying out the purposes of this Act.
Senate action: pp. 442, 554, 585, 632, 641.
- 609—Belshaw—An Act creating a contingent fund for the use of the State Prison at San Quentin, and making an appropriation therefor, to be expended for the objects hereinafter specified.
Senate action: pp. 442, 554, 585, 586, 685, 702.
- 610—Belshaw—An Act creating a contingent fund for the use of the State Prison at Folsom, and making an appropriation therefor.
Senate action: pp. 442, 554, 585, 685, 702, 1792.
Assembly action: p. 1792.
- 611—Rolley—An Act providing for the maintenance of a residence for the Governor of the State of California, and providing the salaries of the necessary employés and servants selected and employed by the Governor therein, and for the appropriation of necessary moneys for such purpose, and directing the State Controller to issue warrants upon the general fund, and directing the State Treasurer to pay said warrants.
Senate action: pp. 442, 554, 586, 685, 703, 1244, 1489.
Assembly action: p. 1244.
- 612—Wolfe—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602a, relating to corporations sole.
Senate action: pp. 442, 649, 731, 760, 805, 827, 1300, 1490.
Assembly action: p. 1300.
- 613—Wolfe—An Act to add a new section to the Civil Code, to be numbered Section 423, relating to deposits for the protection of policyholders by insurance companies engaged in the business of insuring or indemnifying employers and others against loss or damage for personal injury or death resulting from accidents to employés or persons other than employés.
Senate action: pp. 442, 650, 731, 760, 806, 830, 864, 1159, 1282, 1284, 1365, 1368.
- 614—Wolfe—An Act to amend Section 825 of the Penal Code of the State of California, relating to the rights of attorneys to visit prisoners, and providing a penalty for the refusal of officers to allow the same.
Senate action: pp. 443, 713, 767, 788, 868, 1759, 1822.
Assembly action: p. 1759.
- 615—Nelson—An Act to provide for the reproduction of books, documents, maps, or records of any city, county, or city and county board or officer, where the same has been destroyed by conflagration or other public calamity.
Senate action: pp. 443, 1617, 1656, 1783, 1823.
Assembly action: p. 1783.
- 616—McCartney—An Act to amend Sections 10 and 11 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children," approved February 26, 1903.
Senate action: pp. 443, 1770.
- 617—McCartney—An Act to amend Section 3627 of the Political Code of the State of California, relating to the taxation and assessment of property.
Senate action: pp. 443, 854, 855.
- 618—Rush—An Act to authorize a local board of managers of the several State hospitals of insane of the State of California to employ regularly ordained ministers and priests, to visit and minister spiritual advice and consolation to the inmates of said hospitals, and to provide for their compensation.
Senate action: pp. 443, 761, 841, 956, 1563.

- 619—Curtin—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 451*a*, allowing the plaintiff in an action upon a contract of insurance to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.
Senate action: pp. 443, 650, 731, 760, 806, 1300, 1489.
Assembly action: p. 1299.
- 620—Curtin—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered 437*a*, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance.
Senate action: pp. 443, 650, 731, 760, 806, 1300, 1489.
Assembly action: p. 1299.
- 621—Curtin—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 618*a*, providing for the application of the securities authorized and required under Section 618 of said Political Code.
Senate action: p. 444.
- 622—Willis—An Act to repeal Section 273 of the Penal Code, as approved March 7, 1905, and to add a new section thereto, to be known as Section 273*f* thereof, both relating to the protection of children under eighteen years of age.
Senate action: pp. 444, 614, 671, 687, 694, 755, 1686, 1819.
Assembly action: p. 1685.
- 623—Broughton—An Act to amend Section 3 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau," approved March 23, 1893.
Senate action: pp. 444, 955, 1770.
- 624—Broughton—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau.
Senate action: pp. 444, 955, 1008, 1031, 1524, 1792, 1823.
Assembly action: p. 1792.
- 625—Keane—An Act relating to the restoration by certain public officers of public records other than court records or public records of private writings when such public records have been lost, injured, or destroyed by conflagration or other public calamity.
Senate action: pp. 444, 785, 845, 966, 1314, 1792, 1823.
Assembly action: p. 1792.
- 626—Wright—An Act to add a new section to the Code of Civil Procedure, to be numbered 751*½*, relating to the effect of judgments in actions to quiet title and determine adverse claims to real property, and in actions for specific performance.
Senate action: pp. 462, 614, 669, 759, 802, 1802, 1825.
Assembly action: p. 1802.
- 627—Belshaw—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employes thereof.
Senate action: pp. 462, 554, 586, 633, 641, 1641, 1817.
Assembly action: p. 1640.
- 628—Belshaw—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.
Senate action: pp. 462, 614, 670, 759, 803, 822, 862, 1009, 1815.
Assembly action: p. 1553.
- 629—Greenwell—An Act to amend Section 499 of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different managements.
Senate action: pp. 462, 649, 730, 794, 804, 1302, 1490.
Assembly action: p. 1300.
- 630—Boynton—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.
Senate action: pp. 462, 649, 731, 760, 805.
- 631—Boynton—An Act in relation to fees of county recorders in recording documents or writings for water users' associations incorporated in conformity with the direction of the United States, under the Act of Congress, approved June 17, 1902, and relating to the use of printed matter or blanks by such recorders.
Senate action: p. 497.

- 632—Boynnton—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States, under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act."
Senate action: pp. 498, 786, 845, 966, 1499.
- 633—Curtin—An Act to add a new section to the Penal Code of the State of California, to be known as Section 810, authorizing and providing for the filing and substitution of a copy of the information or other pleading for the original in criminal actions, when such original information or other pleading has heretofore been, or shall hereafter be, lost or destroyed.
Senate action: pp. 498, 729, 777, 812, 1170, 1759, 1822.
Assembly action: p. 1758.
- 634—Bates—An Act to amend Section 806 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to recorder's courts.
Senate action: pp. 498, 610, 1207.
- 635—Leavitt—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.
Senate action: pp. 498, 1139, 1770.
- 636—McKee—An Act to add a new section to the Political Code of the State of California, to be known as Section 2644a, relating to the oath and bond of road overseers.
Senate action: pp. 498, 1638.
- 637—McKee—An Act to amend Section 2645 of the Political Code of the State of California, relating to the duties of road overseers.
Senate action: pp. 498, 1638.
- 638—McKee—An Act to amend Section 2643 of the Political Code of the State of California, relating to the powers of supervisors.
Senate action: pp. 498, 1638.
- 639—McKee—An Act to amend Section 2644 of the Political Code of the State of California, relating to the allowing of claims by the Board of Supervisors.
Senate action: pp. 498, 965, 1018, 1094, 1268, 1391, 1500.
- 640—McKee—An Act to amend Section 2642 of the Political Code of the State of California, relating to the powers and duties of highway officers.
Senate action: pp. 498, 1638.
- 641—Willis—An Act to amend Section 52 of the Political Code, relating to residence.
Senate action: pp. 498, 614, 672, 687, 694, 755, 1686, 1820.
Assembly action: p. 1685.
- 642—Willis—An Act to amend Section 384c of the Penal Code, relating to the injuring of animals by persons hunting.
Senate action: pp. 498, 614, 671, 687, 759, 783, 1796, 1824.
Assembly action: p. 1796.
- 643—Carter—An Act to provide for and regulate the deposit of public moneys in banks and banking corporations, and providing a penalty for the illegal deposit and use thereof.
Senate action: pp. 499, 729, 775, 812, 837, 956, 1050, 1434, 1658.
Assembly action: p. 1433.
- 644—Carter—An Act to appropriate \$2,500 for the construction of retaining walls and fences on the boundary lines of the site of the State Normal School at Los Angeles, California, and to authorize the trustees of said school to construct said retaining walls and fences.
Senate action: pp. 499, 612, 666, 693, 725, 763, 790, 1361.
- 645—Carter—An Act making an appropriation of \$4,000, to be expended by the Trustees of the State Normal School at Los Angeles for any assessments levied by the City of Los Angeles on the land of the State Normal School of Los Angeles, California, for pavement, sidewalk, curb, gutters, and other improvements on Grand avenue and Fifth street, fronting on said property.
Senate action: pp. 499, 612, 666, 693, 725, 1300, 1490.
Assembly action: p. 1300.
- 646—Welch—An Act supplementary to an Act entitled "An Act creating a State commission on voting or ballot machines," approved March 20, 1903, and providing for the testing and inspection of such machines.
Senate action: pp. 520, 615, 671, 694, 727, 1382, 1659.
Assembly action: p. 1380.
- 647—Mattos—An Act to amend Section 1372 of the Political Code, relating to primary elections.
Senate action: pp. 520, 807, 847, 966, 1500.

- 648—Black—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county and township officers of counties of the fourth class.
Senate action: pp. 520, 681, 736, 786, 833, 1257, 1322.
- 649—Hartman—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries, and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, relating to the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities.
Senate action: p. 520.
- 650—Leavitt—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 20, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.
Senate action: pp. 521, 614, 670, 694, 727, 803, 1300, 1490.
Assembly action: p. 1300.
- 651—Wright—An Act to amend Section 2580 of the Political Code of the State of California, relating to the powers of the State Board of Harbor Commissioners for the Bay of San Diego.
Senate action: pp. 527, 1230, 1297, 1521, 1802, 1825.
Assembly action: p. 1802.
- 652—Wright—An Act to amend Section 139 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the duties of the county surveyor.
Senate action: pp. 527, 854, 1001, 1020, 1507.
- 653—Wright—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 104.
Senate action: pp. 527, 650, 731, 760, 805, 1684, 1819.
Assembly action: p. 1684.
- 654—McKee—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, and to repeal Chapter XXXII of the Statutes of 1883.
Senate action: pp. 527, 612, 666, 693, 726, 1162, 1429.
Assembly action: p. 1162.
- 655—Anthony—An Act to amend Section 789 of the Civil Code, relating to notice required in terminating tenancies or other estates at will, however created.
Senate action: pp. 527, 762, 844, 874, 918, 1159.
- 656—Anthony—An Act to amend Section 827 of the Civil Code, relating to notice required for changing terms of tenancies or other estates at will, however created, and of all leases of lands or tenements, or of any interest therein, from month to month.
Senate action: pp. 527, 762, 844, 918, 936, 1500.
- 657—McCartney—An Act authorizing the State Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.
Senate action: pp. 528, 1392, 1522, 1528.
- 658—McCartney—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.
Senate action: pp. 528, 681, 733, 760, 829, 1380, 1659.
Assembly action: p. 1379.
- 659—McCartney—An Act to prohibit the sale of intoxicating liquors within certain distance of any camp or assembly of men numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.
Senate action: p. 528.
- 660—McCartney—An Act to amend Sections 3804 and 3805a of the Political Code, relating to the refunding of taxes and the cancellation of certificate of tax sales.
Senate action: pp. 528, 786, 847, 966, 1500, 1797, 1824.
Assembly action: p. 1796.
- 661—Irish—An Act to amend Section 61 of the Civil Code, relating to marriage contracts during life of former husband or wife, and to repeal Sections 131 and 132 of the Civil Code, relating to judgments in actions for divorce.
Senate action: pp. 528, 853, 1000, 1030, 1264.
- 662—Muentner—An Act to provide for the erection on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward and for the treatment of acute cases by hydrotherapy and electricity.
Senate action: pp. 528, 565, 612, 663, 759, 801, 1815.
- 663—Anderson—An Act to amend Section 102 of the Civil Code of the State of California, relating to desertion in connection with actions of divorce.
Senate action: pp. 528, 1309, 1367, 1432.

- 664—Broughton—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered Section 1271a, relating to the subject of escheated estates.
Senate action: pp. 528, 1080, 1201, 1602, 1648.
- 665—Broughton—An Act to amend Section 1 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," which became a law under the constitutional provision, without the Governor's approval, February 27, 1901.
Senate action: pp. 528, 757, 778, 866, 996, 1094, 1348, 1490.
Assembly action: p. 1348.
- 666—Willis—An Act to amend Section 20 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.
Senate action: pp. 528, 965, 1018, 1094, 1484.
- 667—Leavitt—An Act to appropriate the sum of sixty and fifty-one one-hundredths dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California.
Senate action: pp. 529, 851, 998, 1029, 1484.
- 668—Leavitt—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California.
Senate action: pp. 529, 851, 998, 1029, 1484.
- 669—Leavitt—An Act to appropriate the sum of two hundred twenty-two and eighty-five one-hundredths dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California.
Senate action: pp. 529, 851, 998, 1029, 1484.
- 670—Leavitt—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to pay the claim of the New England Mutual Life Insurance Company against the State of California.
Senate action: pp. 529, 851, 998, 1029, 1484.
- 671—Leavitt—An Act to appropriate the sum of three hundred forty-nine and sixty one-hundredths dollars to pay the claim of Minnesota Mutual Life Insurance Company against the State of California.
Senate action: pp. 529, 851, 999, 1029, 1484.
- 672—Leavitt—An Act to appropriate the sum of nine hundred three and seventy-two one hundredths dollars to pay the claim of the Massachusetts Mutual Life Insurance Company, of Springfield, against the State of California.
Senate action: pp. 529, 851, 999, 1029, 1484.
- 673—Leavitt—An Act to appropriate the sum of eleven and thirty one-hundredths dollars to pay the claim of the Life Association of America against the State of California.
Senate action: pp. 529, 851, 999, 1029, 1484.
- 674—Leavitt—An Act to appropriate the sum of one thousand seven hundred sixty-two and seventy-nine one-hundredths dollars to pay the claim of the Germania Life Insurance Company, of New York, against the State of California.
Senate action: pp. 529, 851, 999, 1029, 1484.
- 675—Leavitt—An Act to appropriate the sum of eight hundred eighty-nine and ninety-five one-hundredths dollars to pay the claim of the Bankers' Life Association, of Des Moines, Iowa, against the State of California.
Senate action: pp. 529, 851, 999, 1029, 1484.
- 676—Leavitt—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars to pay the claim of the Etna Life Insurance Company of Hartford, Connecticut, against the State of California.
Senate action: pp. 529, 851, 999, 1029, 1484.
- 677—Leavitt—An Act to repeal an Act entitled "An Act to extend the time for filing with the insurance commissioner statements of insurance business transacted during the year ending December 31, 1905, within the time prescribed by law, and to remit penalties for failing to file the same," approved June 14, 1906.
Senate action: pp. 529, 852.
- 678—Leavitt—An Act to amend Section 428 of the Civil Code, relating to the limitation of risks of insurance corporations.
Senate action: p. 530.
- 679—Leavitt—An Act to amend Section 431 of the Civil Code of the State of California, relating to amounts to be reserved by life insurance companies.
Senate action: pp. 530, 684, 742, 812, 867, 1484.
- 680—Leavitt—An Act to repeal Section 444 of the Civil Code, relating to investments by certain life, health, and accident insurance corporations.
Senate action: pp. 530, 684, 741, 787, 867, 1292, 1796, 1824.
Assembly action: p. 1796.

- 681—Leavitt—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 3, 1885.
Senate action: pp. 530, 684, 741, 787, 867, 1291, 1995, 1818.
Assembly action: p. 1794.
- 682—Leavitt—An Act to amend an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 21, 1885.
Senate action: pp. 530, 684, 741, 812, 867, 1291, 1795, 1824.
Assembly action: p. 1794.
- 683—Leavitt—An Act relating to annual reports of life insurance companies.
Senate action: pp. 530, 684, 741, 787, 866, 1484.
- 684—Leavitt—An Act permitting the retirement of capital stock of mutual life insurance companies in certain cases.
Senate action: pp. 530, 684, 741, 787, 866, 974, 1484.
- 685—Leavitt—An Act relating to vouchers for certain disbursements by life insurance companies in this State.
Senate action: pp. 530, 684, 741, 787, 866, 1484.
- 686—Leavitt—An Act relating to the compensation of and contracts with officers, trustees, directors, and employes of life insurance companies.
Senate action: pp. 530, 684, 687.
- 687—Leavitt—An Act providing for and regulating the election of directors, trustees, or governing boards of mutual life insurance companies.
Senate action: p. 530.
- 688—Leavitt—An Act to prevent discrimination by life insurance companies, and to provide penalties for violation thereof.
Senate action: p. 531.
- 689—Leavitt—An Act to prohibit certain misrepresentations as to life insurance, and to provide penalties therefor.
Senate action: pp. 531, 684, 741, 787, 867, 1484.
- 690—Leavitt—An Act defining the status of persons securing life insurance.
Senate action: pp. 531, 684, 741, 787, 867, 1484.
- 691—Leavitt—An Act providing that life insurance policies shall constitute the entire contract.
Senate action: pp. 531, 684, 741, 787, 867, 1484.
- 692—Leavitt—An Act prohibiting the use for political purposes of property of certain life insurance companies.
Senate action: pp. 531, 684, 741, 787, 867, 1484.
- 693—Leavitt—An Act providing for an annual report and accounting of surplus of certain life insurance companies on policies heretofore issued.
Senate action: p. 531.
- 694—Leavitt—An Act to require an annual apportionment and accounting of surplus of certain life insurance companies.
Senate action: p. 531.
- 695—Leavitt—An Act to establish standard forms in which policies of life insurance may be issued in this State and in which policies of life insurance companies organized under the laws of this State may be issued, and regulating the conditions and provisions to be contained in policies of life insurance companies that do not adopt such standard forms.
Senate action: p. 531.
- 696—Leavitt—An Act appropriating an appropriation to pay the claim of Victor Heck against the State of California.
Senate action: pp. 544, 682, 736, 787, 835, 1816.
Assembly action: p. 1584.
- 697—Price—An Act making an appropriation of \$4,000 to be used by the Board of Sutter's Fort Trustees.
Senate action: pp. 545, 682, 736, 787, 836.
- 698—Lynch—An Act to amend an Act entitled "An Act to create the county of San Benito, to establish the boundaries thereof and to provide for its organization," approved February 11, 1874, and the Act amendatory thereof, approved March 15, 1887, by changing the division line between said San Benito County and Monterey County, so as to include in said San Benito County a part of said Monterey County, and to add Monterey County a part of said San Benito County.
Senate action: pp. 545, 681, 736, 786, 833, 1643.
- 699—Lynch—An Act to form agricultural districts to provide for the organization of agricultural associations, thereof, and for the management and control of the same by the State, and repealing an Act or portion of Acts in conflict herewith.
Senate action: pp. 545, 692, 742, 787, 1392, 1420, 1528, 1562.

- 700—McKee—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to officers and their salaries in counties of the fifth class.
Senate action: pp. 545, 854, 855.
- 701—McKee—An Act to amend Subdivision 15 of Section 162 of an Act entitled "An Act to amend Section 162 of an Act entitled 'An Act to establish a uniform system of county and township government,' " approved April 1, 1897, and amended March 19, 1903, approved March 20, 1905.
Senate action: pp. 545, 854, 855.
- 702—Anthony—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3571 $\frac{1}{2}$, relating to the public lands of this State.
Senate action: pp. 545, 853, 1000, 1108, 1369.
- 703—Anthony—An Act to amend Sections 1925, 1928, 1934, and 1956, and to repeal Sections 1930, 1932, and 2001, of Chapter 11, of Title IV of an Act entitled "An Act to establish a Political Code of the State of California," relating to the National Guard.
Senate action: pp. 543, 1139, 1209, 1281, 1650.
- 704—Leavitt—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to said Political Code, to be designated as Section 881, to provide for a uniform term of office for certain public officers and officials.
Senate action: p. 557.
- 705—Belshaw—An Act to add a new section to the Penal Code, to be known as Section 273g, relating to indulging in degrading, lewd, immoral, or vicious habits or practices, or being habitually drunk in the presence of children.
Senate action: pp. 557, 649, 731, 759, 805, 827, 863, 974, 1169, 1817.
Assembly action: p. 1633.
- 706—Belshaw—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.
Senate action: pp. 557, 682, 736, 787, 835, 865, 1684, 1819.
Assembly action: p. 1684.
- 707—Belshaw—An Act appropriating \$4,500 to pay the claim of J. B. Lauck.
Senate action: pp. 558, 682, 736, 787, 835, 865, 1590, 1816.
Assembly action: p. 1589.
- 708—Belshaw—An Act to amend Section 608 of the Penal Code, and to add two new sections thereto, to be numbered 608a and 608b, all relating to the burning, injuring or setting adrift rafts or vessels.
Senate action: pp. 558, 681, 735, 799, 832, 864, 974, 1257.
- 709—Carter—An Act to change the boundaries of the County of Los Angeles.
Senate action: pp. 558, 1141, 1211, 1217, 1361, 1395, 1402.
- 710—McKee—An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation.
Senate action: pp. 757, 778, 866, 874, 996, 1094, 1159, 1348, 1490.
Assembly action: p. 1348.
- 711—McCartney—An Act to amend Section 401 of the Civil Code of the State of California relating to corporations, and providing for the extension of the terms of existence of corporations.
Senate action: pp. 558, 674, 733, 760, 829, 863, 1050, 1165, 1256.
- 712—Anthony—An Act to amend Section 1880 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to persons who can not testify upon claims against estates of deceased persons.
Senate action: p. 558.
- 713—Savage—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation, at the Port of Wilmington and Bay of San Pedro," approved March 19, 1889.
Senate action: pp. 568, 955, 1007, 1030, 1289.
- 714—Savage—An Act to add a new section to the Political Code, to be numbered 1617a, requiring that the United States flag shall be hoisted on all public school houses and displayed in each school room.
Senate action: pp. 568, 674, 733, 760, 827, 1162, 1429.
Assembly action: p. 1162.
- 715—McCartney—An Act repealing an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers, or the officers or employes of State institutions," approved March 19, 1903.
Senate action: p. 568.

- 716—McCartney—An Act to add a new section to the Penal Code, to be numbered Section 628e, to prevent the catching of surf fish, yellow fin or spot-fin croaker, and providing penalties therefor.
Senate action: pp. 568, 853, 1001, 1030, 1256.
- 717—McCartney—An Act to amend the Political Code, by adding thereto a new section, to be numbered 419a.
Senate action: pp. 568, 1165.
- 718—Wright—An Act to amend Section 11 of an Act entitled "An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by the legislative or other governing bodies, and repealing conflicting Acts," approved March 22, 1905.
Senate action: pp. 568, 1312, 1367, 1432.
- 719—Wright—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice.
Senate action: pp. 568, 729, 774, 788, 1229, 1268, 1347, 1818.
Assembly action: p. 1665.
- 720—Leavitt—An Act to amend Section 7 of an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, relating to the age of the children referred to therein.
Senate action: pp. 598, 1081, 1206.
- 721—Rush—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.
Senate action: pp. 598, 761, 842, 850, 1227, 1815.
Assembly action: p. 1584.
- 722—Willis—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.
Senate action: pp. 598, 681, 733, 760, 829.
- 723—Curtin—An Act to amend Section 324 of the Civil Code, relating to the transfer of stock in corporations.
Senate action: pp. 598, 853, 1000, 1025, 1108, 1484.
- 724—Curtin—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, the Act or Acts supplemental or amendatory thereof, or the Act or Acts of which said Act is supplemental or amendatory; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of the said Act or Acts.
Senate action: p. 598.
- 725—McKee—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein, and prescribing the duties of the State Controller and Attorney-General with reference thereto.
Senate action: pp. 598, 814, 922, 936, 1363, 1800, 1824.
Assembly action: p. 1800.
- 726—McKee—An Act to secure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.
Senate action: pp. 619, 1083, 1207, 1361, 1434, 1641.
- 727—Belshaw—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of two thousand dollars therefor.
Senate action: pp. 619, 761, 842, 850, 1171, 1800, 1825.
Assembly action: p. 1800.
- 728—Miller—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.
Senate action: pp. 619, 869, 1002, 1030, 1225, 1818.
Assembly action: p. 1634.
- 729—Sanford—An Act to punish combinations in restraint of trade.
Senate action: p. 619.
- 730—Bell—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a new section, to be numbered Section 25c, authorizing boards of supervisors to acquire and maintain parks, and to issue bonds therefor.
Senate action: pp. 620, 1028, 1193, 1281, 1367, 1795, 1824.
Assembly action: p. 1795.

- 731—Rambo—An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries, and provide for the expense of the establishment and maintenance thereof.
Senate action: pp. 627, 853, 1001, 1108, 1506.
- 732—Carter—An Act to amend an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and dialects in criminal proceedings in cities, cities and counties, of one hundred thousand inhabitants," and to make said Act applicable to the counties of the second class of this State.
Senate action: pp. 627, 965, 1018, 1094, 1170.
- 733—Anthony—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2044, 2045, 2079, 2081, 2105, 2111, and 2112, all of the Political Code of the State of California, relating to the National Guard.
Senate action: pp. 628, 761, 1102, 1207, 1361, 1649.
- 734—Anthony—An Act to amend Sections 1908, 1914, 1916, 1922, 1923, all of the Political Code of the State of California, relating to the enrolled militia.
Senate action: pp. 628, 761, 843, 851, 1499.
- 735—Anthony—An Act to amend Section 290 of the Civil Code, relating to articles of incorporation.
Senate action: pp. 628, 1556, 1577.
- 736—Leavitt—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employes.
Senate action: pp. 629, 650, 732, 760, 799, 1137, 1429.
Assembly action: p. 1137.
- 737—Savage—An Act providing for the appointment of a highway commission in any county in the State, declaring the powers and duties of such commission, and providing for the laying out, construction, straightening, improvement, and repair of main public highways, providing for the acceptance of donations, and for voting, issuing, and selling county bonds to pay for such work and improvements, and authorizing cities and towns to improve the portions of such public highways within their corporate limits, and to issue and sell bonds therefor.
Senate action: pp. 630, 933, 1003, 1109, 1242, 1816.
Assembly action: p. 1584.
- 738—Willis—An Act to add a new title to Part III of the Penal Code, to be known as Title 1a, relating to State schools of industry and reform for juvenile offenders.
Senate action: pp. 631, 839, 923, 936, 1278, 1665.
Assembly action: p. 1665.
- 739—Nelson—An Act authorizing the Governor to appoint a commission to consist of himself, a Senator and Assemblyman of the thirty-seventh session of the Legislature of the State of California, and two citizens at large, of which commission the Governor shall be ex officio a member and chairman thereof, to investigate the fish and fishing industry and the wild game of the State, relative to the propagation, preservation, and better protection thereof.
Senate action: pp. 645, 1027, 1192, 1281, 1593, 1605, 1647.
- 740—Belshaw—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.
Senate action: pp. 646, 761, 843, 850, 1363.
- 741—McCartney—An Act to amend Section 3788 of the Political Code, and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3778, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817; and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818 of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.
Senate action: pp. 646, 1142, 1211, 1430, 1527, 1587.
- 742—Carter—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing, or relocation of bridges over navigable waters between said counties, jointly with other persons or corporations.
Senate action: pp. 651, 854, 1002, 1030, 1565.
- 743—Rolley—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Alaska-Yukon Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof.
Senate action: pp. 651, 851, 999, 1029, 1226.
- 744—McKee—An Act to add a new section to the Political Code, to be numbered Section 2295a, and relating to supplying the State Library with State publications for exchange purposes.
Senate action: pp. 652, 814, 922, 936.

- 745—Walker—An Act to amend Section 343 of the Political Code, abolishing the Fish Commission.
Senate action: p. 652.
- 746—Anderson—An Act to amend Section 1154 of the Code of Civil Procedure, relating to commitment for contempt in civil actions.
Senate action: p. 652.
- 747—Muentner—An Act to amend Section 777 of the Penal Code of the State of California, relating to local jurisdiction of public offenses.
Senate action: pp. 652, 762, 844, 851, 923, 1029, 1225, 1641, 1817.
Assembly action: p. 1640.
- 748—Reilly—An Act to amend Section 628*a* of the Penal Code, relating to striped bass.
Senate action: p. 652.
- 749—Leavitt—An Act to authorize suits against the State of California, concerning real property, and regulate the procedure therein.
Senate action: pp. 652, 786, 966, 1378.
- 750—Lynch—A new section is hereby added to the political Code, to be known as Section 625*a*, relating to information to be furnished each county clerk by the Insurance Commissioner.
Senate action: pp. 652, 1025, 1192, 1281, 1291, 1391, 1759, 1822.
Assembly action: p. 1759.
- 751—Lynch—An Act to amend Section 4178 of the Political Code, relating to the duties of the county clerks.
Senate action: pp. 652, 1016, 1062, 1109, 1172.
- 752—Keane—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto, to be numbered 114*a*, 114*b*, and 114*c*, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund and the determination and disposition of claims against the same.
Senate action: pp. 674, 762, 843, 965, 966, 970.
- 753—Hartman—An Act to amend Section 1027 of the Code of Civil Procedure, relating to costs on appeal.
Senate action: p. 689.
- 754—Belshaw—An Act making an appropriation for the contingent expenses of the Senate for the thirty-seventh session of the Legislature.
Senate action: pp. 689, 698, 784, 1485.
- 755—Keane—An Act to amend an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880, by adding a new section, number 9, relating to furnishing the series of school text-books published by this State to institutions in this State conducted for the support and maintenance of minor orphans, half orphans, and abandoned children, and to appropriate money for the purchase of said text-books.
Senate action: pp. 690, 1795.
- 756—Wright—An Act to amend Section 1042 of the Penal Code, relating to trials.
Senate action: p. 690.
- 757—Curtin—An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.
Senate action: p. 690.
- 758—McKee—An Act to create a reclamation district, to be called "Reclamation District No. 800," and providing for the control and management thereof.
Senate action: pp. 690, 869, 1002, 1080, 1289, 1586, 1815.
Assembly action: p. 1585.
- 759—McKee—An Act amending an Act entitled "An Act to provide for the appointment of a Board of Sutter's Fort Trustees and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection, and improvement of said property," approved March 7, 1891.
Senate action: pp. 690, 812, 919, 936, 1225, 1641, 1817.
Assembly action: p. 1640.
- 760—Price—An Act to add a new section to the Political Code, to be numbered 759, relating to the appointment and employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said Code.
Senate action: pp. 690, 1016, 1062, 1142, 1225, 1815.
Assembly action: p. 1584.
- 761—Savage—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.
Senate action: pp. 690, 799, 847, 851, 1227, 1293, 1328, 1793, 1823.
Assembly action: p. 1792.

- 762—Savage—An Act to amend Section 590 of the Penal Code, and to add a new section to said Code, to be numbered Section 590a, relating to the removal, injury, destruction, breaking, or defacing of mile boards, posts, or stones, or guide posts on or near highways; to the punishment thereof and to the disposition of fines collected therefor.
Senate action: p. 690.
- 763—Miller—An Act to amend Sections 2748, 2749, 2754, and 2771 of the Political Code, to repeal Section 2761 thereof, and to add a new section thereto, to be numbered 2771½, relating to permanent road divisions.
Senate action: pp. 690, 925, 1003, 1030, 1519.
- 764—Miller—An Act to amend sections numbered one, two, and three of an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purpose of sale, and providing a penalty for the selling or offering for sale of lots, or tracts in cities, towns, additions to cities, towns, or subdivisions thereto, before such maps are filed and recorded," approved March 9, 1893.
Senate action: p. 690.
- 765—Weed—An Act to accept from E. F. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of and to vest the title in the State of California of the improvements, buildings and furnishings therein at La Tour Soda Springs, in Shasta county.
Senate action: pp. 691, 761, 843, 850, 1283, 1815.
Assembly action: p. 1584.
- 766—Irish—An Act to create a fund to be known as the United States forest reserve fund and to provide for the payment out of said fund to the treasurers of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid.
Senate action: pp. 691, 761, 843, 851, 1498.
- 767—Walker—An Act to amend the Political Code, by adding a new section thereto to be numbered 1115a, requiring the county clerks, and the Registrar of Voters of the City and County of San Francisco to furnish the Secretary of State with a certified copy of the index and supplements to the great register.
Senate action: pp. 691, 761, 843, 851, 1227.
Assembly action: p. 1633.
- 768—Willis—An Act to promote the horticultural interests of the State by providing county commissions of horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 31, 1897, and amended and approved March 20, 1905.
Senate action: pp. 691, 839, 922, 936, 1230, 1362, 1412.
- 769—Black—An Act to repeal Title XVI, of Part IV, of Division First, of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI, to take the place thereof in said Code, relating to land and building corporations, also called building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.
Senate action: p. 692.
- 770—Leavitt—An Act entitled "An Act to amend Section 1240 of the Code of Civil Procedure specifying the property which may be taken under the law of eminent domain, and authorizing proceedings therefor."
Senate action: p. 707.
- 771—Carter—An Act creating a board to be known as the "Board of Pardons, Paroles and Relief."
Senate action: pp. 707, 1365, 1426, 1477.
- 772—Carter—An Act to provide for the segregation, grading, and reward and punishment of State prisoners.
Senate action: p. 707.
- 773—Anthony—An Act to increase the number of judges of the Superior Court of the City and County of San Francisco, State of California, and for the appointment of such additional judges.
Senate action: pp. 707, 1313.
- 774—Anthony—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1532a, determining the meaning of the words "average daily attendance," in relation to the apportionment of the State school fund.
Senate action: pp. 707, 935, 1292, 1795.
- 775—Rush—An Act relating to life, health, and accident insurance of live stock on the assessment plan, and the conduct of the business of such insurance.
Senate action: p. 714.
- 776—Cartwright—An Act to amend Section 1468 of the Code of Civil Procedure, relating to property set apart to family of decedent, and apportionment thereof between surviving spouse and children.
Senate action: pp. 715, 1556, 1598, 1661.

- 777—Cartwright—An Act to amend Section 1465 of the Code of Civil Procedure, relating to property set apart to family of decedent, and apportionment thereof between surviving spouse and children.
Senate action: pp. 715, 1567, 1599, 1661.
- 778—Curtin—An Act to provide for drainage by irrigation districts.
Senate action: pp. 715, 869, 1002, 1030, 1069, 1416, 1659.
Assembly action: p. 1415.
- 779—Miller—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 537 and 538 thereof, relating to the cases in which a writ of attachment shall issue, and to the contents of the affidavit for attachment, approved March 20, 1905.
Senate action: p. 715.
- 780—Miller—An Act to amend Section 1619 of the Code of Civil Procedure, relating to the compensation of attorneys of executors and administrators for extraordinary services.
Senate action: pp. 715, 852, 999, 1030, 1370.
- 781—Miller—An Act providing compensation for judges pro tempore appointed under the provisions of Section 8 of Article VI of the Constitution.
Senate action: pp. 715, 1771.
- 782—Anderson—An Act to amend Section 58 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the election of county and township officers and their terms of office.
Senate action: pp. 715, 1593.
- 783—Willis—An Act to add three new sections to the Code of Civil Procedure of the State of California, to be known as numbers 953*a*, 953*b*, and 953*c*, relating to a new and alternative method for the preparation of records to be used on appeals, judgments, orders, or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.
Senate action: pp. 715, 935, 1008, 1030, 1102, 1221, 1278, 1686, 1820.
Assembly action: p. 1685.
- 784—Willis—An Act to amend the Civil Code by adding a new title thereto to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1426, 1426*a*, 1426*b*, 1426*c*, 1426*d*, 1426*e*, 1426*f*, 1426*g*, 1426*h*, 1426*i*, 1426*j*, 1426*k*, 1426*l*, 1426*m*, 1426*n*, 1426*o*, 1426*p*, and 1426*q*, providing for the manner of locating lode and placer mining claims, repealing an Act entitled "An Act entitled 'An Act relating to the working, rights of way, easement, and drainage of mines within the State of California,'" approved March 11, 1891.
Senate action: pp. 715, 716, 813, 919, 974, 996, 1109, 1135, 1221, 1228, 1660.
- 785—McKee—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 19, 1903, and March 20, 1905, by amending Section 162 thereof, relating to the fees and the salaries of county and township officers in counties of the fifth class.
Senate action: pp. 728, 854, 1001, 1030, 1049, 1142, 1145, 1282, 1288, 1665.
Assembly action: p. 1665.
- 786—Welch—An Act to provide for the construction and maintenance of a fire boat for the protection of shipping, and appropriating money therefor.
Senate action: pp. 728, 934, 1007, 1109, 1229, 1687, 1821.
Assembly action: p. 1686.
- 787—Boynton—An Act to dissolve Protection District No. 2 of Yuba County, California, and providing for the liquidation and winding up of said dissolved district.
Senate action: pp. 728, 869, 1002, 1030, 1288, 1547, 1641, 1817.
Assembly action: p. 1640.
- 788—Boynton—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the appropriation of water and the time in which to commence the excavation and construction.
Senate action: pp. 728, 1165, 1295, 1351, 1362, 1641, 1817.
Assembly action: p. 1640.
- 789—Boynton—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.
Senate action: pp. 728, 1140, 1209, 1282, 1370.
- 790—Lynch—An Act to add a new section to the Political Code, to be numbered 1671*a*, and relating to the issue of bonds for the support of county high schools.
Senate action: pp. 744, 1013, 1063, 1110, 1484.
- 791—Bates—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written-up pass-book or bank-book or to statements of his deposit account within a certain time or be concluded thereby.
Senate action: pp. 756, 853, 856, 966, 1502, 1563, 1597, 1645.

- 792—Bates—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349½, relating to books or records of any bank, banker, trust company or savings and loan society that have been lost or destroyed by conflagration, earthquake or other public calamity, and prescribing a time within which certain actions shall be commenced.
Senate action: pp. 756, 853, 856, 966, 1502, 1564, 1597, 1646.
- 793—McCartney—An Act to authorize the United States of America to sue the State of California.
Senate action: pp. 756, 1372, 1389, 1504, 1520, 1759, 1822.
Assembly action: p. 1759.
- 794—McCartney—An Act to amend the Political Code of the State of California, by adding a new section thereto, to be numbered Section 3524, relating to the sale of certain State lands.
Senate action: p. 756.
- 795—Wright—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.
Senate action: p. 764.
- 796—Willis—An Act to amend Section 2349 of the Political Code, and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.
Senate action: pp. 764, 1016, 1068, 1110, 1280.
- 797—Boynton—An Act fixing the price, terms, and conditions of sale at which jute goods shall be sold to the State, and providing for prosecution of and punishment for offenses under the same.
Senate action: p. 764.
- 798—Reily—An Act to provide for suitable toilet rooms in certain foundries, and providing a penalty for a violation of this Act.
Senate action: pp. 764, 934, 1009, 1019, 1094, 1481, 1795, 1824.
Assembly action: p. 1794.
- 799—Reily—An Act to establish the payment of weekly wages to certain employes, and providing a penalty for a violation thereof.
Senate action: pp. 764, 1312, 1367, 1432, 1551.
- 800—Carter—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897.
Senate action: pp. 764, 854, 1001, 1030, 1104, 1221, 1254, 1660.
Assembly action: p. 1487.
- 801—Leavitt—An Act to provide for the improvement, protection and management of wharves, docks, piers and certain of the water front lands and premises at the City of Oakland and for the possession and control thereof, etc.
Senate action: pp. 789, 1303, 1304, 1366, 1420, 1518.
- 802—Wright—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.
Senate action: pp. 789, 1078, 1200, 1281, 1385.
- 803—Wright—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title of real property partitioned by decree of court.
Senate action: pp. 790, 1140, 1209, 1282, 1283, 1802, 1825.
Assembly action: p. 1802.
- 804—Sanford—An Act affecting the duties of county auditors throughout the State of California.
Senate action: pp. 790, 1643.
- 805—Caminetti—An Act to amend Section 1662 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.
Senate action: pp. 790, 807, 1016, 1021, 1063, 1110, 1257, 1264, 1567, 1615, 1623.
- 806—Black—An Act to pay the claim of John E. Toler, and making an appropriation therefor.
Senate action: pp. 790, 1081, 1202, 1431, 1796, 1824.
Assembly action: p. 1796.
- 807—McCartney—An Act to amend Section 34 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to the expenses of making the assessment for work authorized by this Act.
Senate action: pp. 790, 965, 1017, 1094, 1566, 1597.
- 808—Miller—An Act to increase the number of judges of the Superior Court of the County of Tulare, and to provide for the appointment of an additional judge.
Senate action: pp. 790, 1014, 1062, 1109, 1567, 1601, 1647.
- 809—Boynton—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1243 thereof, relative to the place and court in which actions in eminent domain must be brought.
Senate action: pp. 815, 1140, 1209, 1282.

- 810—Price—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.
Senate action: pp. 815, 1308, 1339, 1430, 1432, 1802, 1825.
Assembly action: p. 1802.
- 811—Willis—An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments.
Senate action: pp. 815, 937, 970, 981, 1035, 1041, 1054, 1074, 1089, 1148, 1329, 1688, 1822.
Assembly action: p. 1688.
- 812—Welch—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco.
Senate action: pp. 815, 1013, 1061, 1109, 1172, 1430, 1666, 1819.
Assembly action: p. 1665.
- 813—Welch—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin and extending to Islais Creek, in the City and County of San Francisco, and extending their jurisdiction over the same.
Senate action: pp. 815, 1013, 1061, 1109, 1172, 1666, 1818.
Assembly action: p. 1665.
- 814—Miller—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.
Senate action: pp. 816, 1080, 1200, 1361, 1602, 1648.
- 815—Caminetti—An Act amendatory of and supplemental to an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State,' by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,'" approved March 2, 1867, approved March 30, 1868, approved March 12, 1885.
Senate action: pp. 816, 1014, 1062, 1109, 1170, 1816.
Assembly action: p. 1584.
- 816—Caminetti—An Act to define the term "caucus"; to declare the holding of a caucus unlawful; to provide for the calling and assembling of a free caucus by a member of certain legislative bodies in the State of California, and to declare violations of the provisions of this Act a misdemeanor.
Senate action: pp. 816, 1141, 1211, 1282, 1523.
- 817—Wright—An Act to provide a method to quiet the title to real estate when such real estate has been partitioned by virtue of proceedings had in a court of competent jurisdiction within this State.
Senate action: p. 816.
- 818—Wright—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of board of school trustees and city board of education.
Senate action: pp. 816, 1222, 1296.
- 819—McKee—An Act creating the office of superintendent of the State aid fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid.
Senate action: pp. 816, 1013, 1061, 1109, 1567, 1601, 1647.
- 820—Savage—An Act to repeal Sections 7 and 8 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to changing boundaries of and consolidation of municipal corporations.
Senate action: pp. 828, 965, 1017, 1094, 1566, 1597, 1646.
- 821—Broughton—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.
Senate action: pp. 828, 852, 954, 1029, 1504.
- 822—Keane—An Act to amend Section 4232 of the Political Code, relating to indexes to be kept by the recorder.
Senate action: pp. 828, 1016, 1061, 1109, 1567.
- 823—Black—An Act to provide for the payment of attorney's fees in justices' courts and other inferior courts.
Senate action: pp. 828, 1643.

- 824—Caminetti—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches, a misdemeanor.
Senate action: pp. 838, 955, 1008, 1109, 1226, 1434, 1658.
Assembly action: p. 1433.
- 825—Price—An Act to define the duties of and to license land surveyors, and to repeal an Act entitled "An Act to define the duties and to license land surveyors," approved March 31, 1891.
Senate action: pp. 838, 1371, 1425, 1531, 1547, 1641, 1817.
Assembly action: p. 1640.
- 826—Willis—An Act to provide for the reappropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of the central ward building, to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same," approved March 25, 1903, and to change and redirect the manner of expenditure thereof.
Senate action: pp. 836, 1013, 1061, 1109, 1484.
- 827—Carter—An Act fixing time for passing sentence in criminal actions.
Senate action: pp. 839, 1365, 1426, 1477.
- 828—Carter—An Act providing that credits allowed prisoners in the State prisons and serving more than one sentence be computed and allowed on all the terms of sentence as on one continuous term sentence.
Senate action: pp. 839, 1365.
- 829—Sanford—An Act to add a new section to the Political Code, to be numbered Section 1361, and to amend Section 1367 of the Political Code, in relation to primary elections.
Senate action: pp. 856, 1009, 1019, 1094, 1290, 1391, 1432, 1796, 1824.
Assembly action: p. 1796.
- 830—Sanford—An Act to add a new section to the Political Code, to be known as Section 3785a, relative to property sold at delinquent tax sale.
Senate action: p. 856.
- 831—Carter—An Act to provide for the survey, location, plans and estimates of costs of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.
Senate action: pp. 856, 1013, 1061, 1109, 1254.
- 832—Carter—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.
Senate action: pp. 856, 1028, 1193, 1281, 1603.
- 833—Nelson—An Act to amend Section 636 of the Penal Code of the State of California, relating to the protection and preservation of fish.
Senate action: p. 856.
- 834—Leavitt—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction and to provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 21, 1905.
Senate action: pp. 856, 1222, 1296, 1351, 1373.
- 835—Willis—An Act to repeal an Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor, approved March 25, 1903.
Senate action: p. 873.
- 836—Leavitt—An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up and repealing all other Acts and parts of Acts now in force relating to estrays.
Senate action: pp. 873, 1638.
- 837—Leavitt—An Act relative to estrays, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.
Senate action: pp. 873, 1303, 1365, 1504.
- 838—McCartney—An Act defining the character of imitation butter and imitation cheese, providing for the prevention of deception in the manufacture or sale of butter or cheese, to secure its enforcement, defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses, and repealing an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor," approved March 4, 1897.
Senate action: pp. 873, 1053, 1220, 1295, 1351, 1371, 1590, 1816.
Assembly action: p. 1589.

- 839—Black—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties and salary of such officer," approved March 26, 1895.
Senate action: pp. 874, 1027, 1193, 1281, 1363, 1370, 1687, 1821.
Assembly action: p. 1686.
- 840—Belshaw—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of California, 1850-1907, inclusive.
Senate action: pp. 923, 1026, 1103, 1221, 1290, 1684, 1819.
Assembly action: p. 1684.
- 841—Savage—An Act to provide for the organization, incorporation, disincorporation, consolidation and government of municipal corporations, and to amend an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, by adding a new section thereto, to be known as Section 4*a*, relating to the disincorporation and the reorganization and consolidation of municipalities, and by amending Section 8 of said Act, relating to consolidation of municipal corporations.
Senate action: pp. 948, 1027, 1193, 1281, 1601, 1648.
- 842—Savage—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," by adding a new section thereto, to be numbered Section 9*½*, providing for the disposition of money raised by the sale of bonds under said Act, whenever it appears to be impracticable to use said money for the purpose for which the bonds were voted.
Senate action: pp. 948, 1027, 1193, 1281, 1322, 1665, 1818.
Assembly action: p. 1665.
- 843—Belshaw—An Act to amend Sections 6 and 7 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, so as to provide for the payment of services of county auditor, county tax collector, and county treasurer.
Senate action: pp. 948, 1051, 1193, 1281, 1412, 1529.
- 844—Belshaw—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties.
Senate action: pp. 948, 1083, 1206, 1281, 1288.
- 845—Belshaw—An Act to amend Section 3680 of the Political Code of the State of California, relating to the sale of land for taxes.
Senate action: pp. 948, 1080, 1158, 1282, 1361.
- 846—Rambo—An Act to insure the better education of practitioners of chiropractic, and to regulate the practice thereof in the State of California, and providing penalties for the violation of the same.
Senate action: pp. 948, 1247, 1324, 1430.
- 847—McKee—An Act to amend Section 416 of the Political Code, so as to increase the amount of fees received by the Secretary of State which are payable into the State Library Fund.
Senate action: pp. 949, 1771.
- 848—Nelson—An Act making an appropriation to pay the expenses of legislative printing for the thirty-seventh session.
Senate action: pp. 949, 964, 1101, 1486.
Assembly action: p. 1100.
- 849—Price—An Act empowering the board of supervisors of the several counties of the State of California to direct the payment of all license fees collected under the authority of said boards to be paid into and credited to the road fund for the road district in which the business authorized by such license is situated.
Senate action: p. 949.
- 850—Lukens—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions of such submission.
Senate action: pp. 949, 1136, 1165, 1172, 1218, 1348, 1490.
Assembly action: p. 1348.
- 851—Bates—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and amended March 6, 1899.
Senate action: pp. 949, 1081, 1158, 1165, 1169.

- 852—Miller—An Act compelling railroads doing business in this State as common carriers of passengers and freight to have, keep, operate and maintain a depot for the accommodation of passengers, etc.
Senate action: p. 969.
- 853—Weed—An Act providing for the erection of a monument on the summit of Mount Shasta, making an appropriation for the same, and creating a board of trustees to have charge of the same.
Senate action: pp. 969, 1165.
- 854—Weed—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.
Senate action: pp. 970, 1140, 1209, 1281, 1435, 1800, 1825.
Assembly action: p. 1800.
- 855—Lynch—An Act to amend Section 3495 of the Political Code of the State of California, relating to the public lands.
Senate action: pp. 1008, 1080, 1201, 1361, 1370, 1522.
- 856—Muentert—An Act to add to the Code of Civil Procedure of the State of California a new section, to be numbered 530½, relating to injunctions.
Senate action: p. 1008.
- 857—Muentert—An Act to amend Section 530 of the Code of Civil Procedure of the State of California, relating to injunctions.
Senate action: pp. 1008, 1309, 1367, 1431.
- 858—Welch—An Act to add a new section to the Political Code, to be numbered 1366a, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.
Senate action: pp. 1008, 1054, 1194, 1361, 1570.
- 859—McKee—An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California.
Senate action: pp. 1009, 1140, 1209, 1266, 1361, 1378, 1759, 1822.
Assembly action: p. 1758.
- 860—McKee—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 651a, relating to the use of public highways.
Senate action: pp. 1009, 1638.
- 861—Willis—An Act to amend the Civil Code, by adding thereto a new section, to be numbered 290a, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depository or trustee.
Senate action: pp. 1009, 1220, 1266, 1274, 1686, 1821.
Assembly action: p. 1686.
- 862—Wolfe—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522a thereof, relating to certification of the monthly statement by the secretary of the Board of State Harbor Commissioners to the State Controller, and the employment of a certified public accountant therefor.
Senate action: pp. 1009, 1303, 1430, 1431, 1796, 1824.
Assembly action: p. 1796.
- 863—Willis—An Act to repeal Title III, of Part IV, and each and every section thereof, of the Political Code, and to add a new Title III of Part IV of said Code in place thereof, relating to the organization, incorporation, and government of municipal corporations.
Senate action: pp. 1016, 1112, 1586, 1661, 1808.
- 864—Sanford—An Act to provide for the completion of a cottage for female patients at Mendocino State Hospital, and making an appropriation therefor.
Senate action: pp. 1017, 1164, 1286.
- 865—Caminetti—An Act to make an appropriation for the repair and maintenance under the supervision, management, and control of the Department of Highways of the State of California, or such other department as may by law succeed to the duties and authority thereof, of that certain State highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road; to place such highway under the supervision, management, and control of such Department of Highways, or such other department as may by law succeed to the duties and authority thereof, and to designate and name such State highway as the Alpine State Highway.
Senate action: pp. 1017, 1771.
- 866—Keane—An Act to provide for the restoration of ordinances, resolutions, documents, maps, surveyors' field notes, or other records required by law to be kept or preserved, or which heretofore have been kept or preserved in the office of the board of supervisors, or board of trustees, the office of the board of public works, or in the office of the surveyor or engineer of any city, county, or city and county, or other municipality, which have been destroyed by conflagration or other public calamity.
Senate action: p. 1017.

- 867—Willis—An Act to amend the Penal Code by adding thereto a new section, to be numbered Section 515, relating to embezzlement by co-owner or co-partner.
Senate action: pp. 1017, 1371, 1426, 1531, 1549, 1792.
Assembly action: p. 1792.
- 868—Reilly—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto to be designated as Section 680^a, relating to the prevention of trusts or monopolies in the service of news or information.
Senate action: p. 1036.
- 869—Wolfe—An Act to provide for the loan from the School Land Fund to the State of California of the sum of \$250,000; providing for the transfer of said amount from the School Land Fund to the General Fund, and for the repayment of said amount with interest thereon, and authorizing the Controller to transfer moneys from the School Land Fund to the General Fund and from the General Fund to the School Land Fund and from the General Fund to the State School Fund to carry out the purposes of this Act.
Senate action: pp. 1036, 1164, 1217, 1817.
Assembly action: p. 1633.
- 870—Wolfe—An Act to provide for the reconstruction and repair by the Board of State Harbor Commissioners of wharves, piers, docks, bulkheads, sheds, streets, and seawalls, the property of the State of California, situated on the water front of the City and County of San Francisco, and making an appropriation therefor.
Senate action: pp. 1036, 1164, 1217, 1687, 1821.
Assembly action: p. 1686.
- 871—Rolley—An Act providing for the inspection of sheep, the appointment of a board of sheep commissioners and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same.
Senate action: pp. 1036, 1309, 1432, 1522.
- 872—Savage—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County, and making an appropriation therefor.
Senate action: pp. 1036, 1141, 1211, 1282, 1292, 1428, 1503, 1797, 1824.
Assembly action: p. 1796.
- 873—Curtin—An Act making an appropriation to pay the deficiencies in the appropriation for the maintenance of the Sonora and Mono road, a State highway, under the supervision of the Department of Highways, for the fifty-eighth fiscal year.
Senate action: pp. 1036, 1266, 1288, 1430, 1478, 1684, 1819.
Assembly action: p. 1684.
- 874—Curtin—An Act to provide for the purchase of a portrait of ex-Governor George C. Pardee by the State Board of Examiners, and to appropriate money therefor.
Senate action: pp. 1036, 1771.
- 875—Wright—An Act to amend Section 73 of the Code of Civil Procedure, relative to sessions of the superior court.
Senate action: pp. 1036, 1309, 1367, 1432, 1508, 1759, 1822.
Assembly action: p. 1758.
- 876—Sanford—An Act to definitely establish and permanently locate the eastern boundary line of Mendocino County, between Mount Hull and the southwest corner of Tehama County, and establish the western boundary of the County of Glenn, between Mendocino and Glenn counties.
Senate action: pp. 1037, 1141, 1143, 1434, 1657.
Assembly action: p. 1433.
- 877—Lukens—An Act making an appropriation of \$50,000 to increase the salaries of the members of the teaching staff of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.
Senate action: pp. 1037, 1771.
- 878—Lukens—An Act to revise and amend Sections 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2560, 2551, 2552, and 2553 of the Political Code of California, and to add four new sections to said Code, to be known as Sections 2534, 2554, 2555, and 2556 thereof, respectively, all relating to the creation of a Board of State Harbor Commissioners for the Harbor of San Francisco, and forming part of Article IX, of Title VI, Chapter I, Part III, of said Political Code.
Senate action: pp. 1037, 1141, 1211.
- 879—Belshaw—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time, and to provide for the release of such persons within the time for which they are sentenced to imprisonment.
Senate action: pp. 1037, 1556, 1591, 1783, 1823.
Assembly action: p. 1783.

- 880—Belshaw—An Act making an appropriation of twenty thousand dollars (\$20,000), to be expended by the Board of Capitol Commissioners for making alterations, repairs, improvements, and for otherwise completing and embellishing the State Capitol.
Senate action: pp. 1037, 1164, 1283, 1660.
- 881—Belshaw—An Act to amend Section 386 of the Political Code, relating to salary of executive secretary of the Governor.
Senate action: pp. 1038, 1164, 1286, 1590, 1816.
Assembly action: p. 1589.
- 882—McCartney—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered four hundred and seventy-six *a* (476*a*), relating to the making, drawing, uttering, or delivery of a bank check or draft for the payment of money by a person without funds or credit to meet the same upon presentation, and prescribing a penalty therefor.
Senate action: pp. 1038, 1146, 1157, 1165, 1226, 1817.
Assembly action: p. 1633.
- 883—McCartney—An Act to protect all citizens in their civil and legal rights and to fix a penalty for violation thereof.
Senate action: pp. 1038, 1308, 1366, 1431, 1598, 1624.
- 884—McCartney—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, and amended March 2, 1903, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.
Senate action: pp. 1038, 1308, 1366, 1431, 1523, 1792, 1823.
Assembly action: p. 1792.
- 885—Leavitt—An Act making an appropriation for the purchase and installment of improved materials and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.
Senate action: pp. 1038, 1392, 1528, 1617.
- 886—Caminetti—An Act to provide for the printing and distribution of proposed bills and amendments to the Constitution offered by members of the Legislature and by members-elect thereto; to define the duties of the Secretary of State and of the Superintendent of State Printing in relation to such proposed bills and amendments, and to provide for the payment of the cost of printing and distribution thereof.
Senate action: pp. 1038, 1309, 1332, 1432, 1435.
- 887—Keane—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be designated as Section 1674*a*, relating to contracts involving carriers of newspapers and newspaper carriers' business.
Senate action: pp. 1038, 1312, 1367, 1432.
- 888—Anderson—An Act to provide for the classification of supervisors in counties of the fifteenth class, where they are not now classified, so that all of them shall not go out of office at the same time.
Senate action: pp. 1039, 1282, 1369, 1815.
Assembly action: pp. 1486, 1584.
- 889—Anderson—An Act entitled an Act to amend Section 948 of the Code of Civil Procedure, relating to undertakings on appeal.
Senate action: p. 1039.
- 890—Anderson—An Act to provide for the change of name of high school districts and union high school districts, and the manner of making such change.
Senate action: pp. 1039, 1795.
- 891—Anderson—An Act making an appropriation for the State Conference of Charities and Corrections.
Senate action: pp. 1039, 1771.
- 892—Anderson—An Act to authorize the State Board of Charities and Corrections to send its secretary and any of its members as delegates to the National Conference of Charities and Corrections and to the National Prison Congress of the United States, and to visit the charitable and correctional institutions of other States, and to pay the necessary expenses thereof.
Senate action: pp. 1039, 1771.
- 893—Anderson—An Act appropriating \$40,000 for carrying out an appropriation of an Act approved March 18, 1905, entitled "An Act providing for the establishment and maintenance of a pathological laboratory for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor."
Senate action: pp. 1039, 1771.

- 894—Anderson—An Act to provide for a board of pardons, and prescribing the powers and duties thereof.
Senate action: p. 1039.
- 895—Anderson—An Act to amend Section 626 of the Penal Code of the State of California, relating to the closed season for quail, duck, etc.
Senate action: p. 1039.
- 896—Willis—An Act to add three new sections to the Code of Civil Procedure, to be known as sections numbers 941a, 941b, and 941c of said Code, respectively, providing a new and alternative method by which appeals may be taken from judgments, orders, or decrees of the Superior Court of the State of California to the Supreme Court or District Courts of Appeal thereof.
Senate action: pp. 1039, 1220, 1274, 1686, 1820.
Assembly action: p. 1685.
- 897—Willis—An Act to add a new chapter to Title VII, of Part III, of the Political Code, to be known as Chapter XIVa, relating to a fireman's relief, health and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State.
Senate action: pp. 1039, 1220, 1266, 1275.
- 898—Willis—An Act to add a new chapter to Title VII, of Part III, of the Political Code, to be known as Chapter XIVb, relating to a police relief, health and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State.
Senate action: pp. 1040, 1220, 1266, 1277, 1295, 1686, 1821.
Assembly action: p. 1686.
- 899—Willis—An Act to add a new article to Chapter I, of Title VIII, of Part III, of the Political Code, to be known as Article 11a, relating to the sale of lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made.
Senate action: pp. 1040, 1220, 1266, 1274, 1686, 1821.
Assembly action: p. 1686.
- 900—Willis—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.
Senate action: pp. 1040, 1164, 1295, 1351, 1651.
- 901—Leavitt—An Act to amend Section 2757 of the Civil Code.
Senate action: pp. 1040, 1266, 1324, 1430, 1431.
- 902—Anthony—An Act to amend Section 3627 of an Act entitled "An Act to establish a Political Code," by omitting therefrom the provision that "every contract by which a debtor is obliged to pay any tax or assessment on money, loan, or on any mortgage, deed of trust, or other lien, shall, as to any interest specified therein and as to such tax or assessment, be null and void."
Senate action: p. 1040.
- 903—Lukens—An Act to add a new section to the Civil Code, to be numbered 580, relating to banking corporations.
Senate action: pp. 1040, 1247, 1324, 1363, 1430.
- 904—Savage—An Act to empower the boards of supervisors, boards of trustees, common councils, or other governing or legislative bodies of counties, cities and counties, cities and towns, to permit the holders of street railroad and interurban railway franchises therein to operate freight cars and to transport freight, and to provide for a compensation for such permission.
Senate action: p. 1058.
- 905—Black—An Act to amend an Act entitled an Act to provide for the formation of boulevard districts and the construction, maintenance and use of boulevards, and defining the term boulevard, by providing for the issuance of bonds for the construction thereof.
Senate action: p. 1059.
- 906—Lukens—An Act to amend the Political Code of the State of California by adding divers new sections thereto, providing for the improvement of the rivers, lakes, and streams of the State of California, or any part of them, and prescribing the manner of locating boating claims upon them, or any part of them.
Senate action: p. 1059.
- 907—Lukens—An Act to amend Section 852 of the Political Code of the State of California.
Senate action: pp. 1059, 1309, 1367, 1432.
- 908—Lukens—An Act to repeal Section 145 of the Political Code of the State of California.
Senate action: pp. 1059, 1309, 1367, 1432, 1627.
- 909—Caminetti—An Act relating to high schools, and providing for their support by the State of California.
Senate action: pp. 1059, 1222, 1296, 1351, 1407, 1562.

- 910—Caminetti—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for cooperation in certain investigations by such board with the Interstate Commerce Commission.
Senate action: pp. 1059, 1476, 1479, 1504, 1566, 1684, 1819.
Assembly action: p. 1684.
- 911—Caminetti—An Act to require the State Board of Railroad Commissioners to investigate and ascertain the fair value of the property of every railroad or other transportation company doing business in the State of California.
Senate action: pp. 1059, 1476, 1479, 1483.
- 912—Welch—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.
Senate action: pp. 1059, 1772.
- 913—Willis—An Act to amend Section 1386 of the Civil Code, relating to succession of the property of deceased persons.
Senate action: pp. 1060, 1220, 1266, 1274, 1686, 1821.
Assembly action: p. 1686.
- 914—Leavitt—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1203a, relating to liens.
Senate action: p. 1060.
- 915—Leavitt—An Act to amend an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing a compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.
Senate action: p. 1060.
- 916—Leavitt—An Act to amend Section 469 of the Code of Civil Procedure of the State of California, relating to material variances.
Senate action: p. 1060.
- 917—Leavitt—An Act to amend Section 1194 of the Code of Civil Procedure of the State of California, relating to liens and to the docketing of the deficiency.
Senate action: p. 1060.
- 918—Caminetti—An Act to regulate the use of highways in the State of California; any violations of the provisions of the same a misdemeanor.
Senate action: pp. 1060, 1165, 1287, 1430, 1434.
- 919—Muenter—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, relating to eminent domain and the purposes for which it may be exercised.
Senate action: pp. 1097, 1309, 1366, 1431.
- 920—Willis—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter 1a, relating to the California Home for the Care and Training of Feeble-Minded Children.
Senate action: pp. 1097, 1265, 1266, 1276.
- 921—Willis—An Act to add a new article to Chapter III, of Title I, of Part III of the Political Code, to be known as Article XIV thereof, relating to the State Mining Bureau and a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the board of trustees of said bureau.
Senate action: pp. 1097, 1220, 1266, 1275.
- 922—Willis—An Act to repeal Article XIV, of Chapter III, of Title I, of Part III of the Political Code, relating to sealers of weights and measures.
Senate action: pp. 1097, 1220, 1266, 1275, 1476, 1686, 1821.
Assembly action: p. 1686.
- 923—Willis—An Act to add a new chapter to Title V, of Part III of the Political Code, to be known as Chapter 1b, relating to the Industrial Home of Mechanical Trades for the Adult Blind.
Senate action: pp. 1097, 1265, 1266, 1276, 1686, 1821.
Assembly action: p. 1686.
- 924—Willis—An Act to add a new article to Chapter I, of Title III, of Part III of the Political Code, to be known as Article VII, relating to education.
Senate action: pp. 1097, 1265, 1266, 1276, 1744, 1821.
Assembly action: p. 1742.
- 925—Willis—An Act to add a new chapter to Title V, of Part III of the Political Code, to be known as Chapter 11a, relating to the support and maintenance of orphans, half orphans, and abandoned children.
Senate action: pp. 1097, 1265, 1266, 1276, 1746, 1821.
Assembly action: p. 1742.

- 926—Willis—An Act to add a new chapter to Title V. of Part III of the Political Code, to be known as Chapter IV^a, relating to the State Commission of Horticulture, prescribing the powers, duties, and compensation of the State Commissioner of Horticulture, and providing methods, means, and penalties for the enforcement of such powers and duties.
Senate action: pp. 1098, 1265, 1266, 1277, 1746, 1822.
Assembly action: p. 1742.
- 927—Willis—An Act to add a new chapter to Title V. of Part III of the Political Code, to be known as Chapter IV^b, relating to the promotion of the horticultural interests of the State, by providing for county boards of horticulture.
Senate action: pp. 1098, 1265, 1266, 1277, 1746.
Assembly action: p. 1742.
- 928—Willis—An Act to add an article to Chapter II. of Title VI. of Part III of the Political Code, to be known as Article X, relating to the Department of Highways, defining its duties and powers, and providing for the appointment and compensation of the officers and employes thereof.
Senate action: pp. 1098, 1265, 1266, 1277, 1686, 1820.
Assembly action: p. 1685.
- 929—Mattos—An Act to amend Section 5 of "An Act regulating the employment and hours of labor of children: prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.
Senate action: pp. 1144, 1249, 1552, 1815.
- 930—Keane—An Act to provide for ascertaining and expressing the will of the people of the State of California upon the subject of Asiatic immigration.
Senate action: pp. 1144, 1593, 1621.
- 931—Black—An Act to increase the organized uniform militia of the National Guard of California, by adding thereto an additional battalion, to consist of four companies.
Senate action: pp. 1144, 1818.
- 932—Bates—An Act to repeal an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903.
Senate action: p. 1142.
- 933—McCartney—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and power plants, and the right to take material from such land for the construction of such works, and to take any waters belonging to the State for the purpose of supplying such municipalities and its inhabitants with water.
Senate action: pp. 1267, 1372, 1426, 1477, 1520, 1666.
Assembly action: p. 1665.
- 934—Savage—An Act to amend Section 757 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to eligibility to office in cities of the fifth class.
Senate action: pp. 1267, 1372, 1426, 1477.
- 935—Belshaw—An Act providing the conditions upon which maps outlining the subdivision of tracts or lots of land for residence or other purposes shall be recorded in the office of the county recorder.
Senate action: pp. 1267, 1556, 1598, 1630, 1637, 1638.
- 936—Sanford—An Act to amend Section 4115 of the Political Code, relating to the filling of vacancies in offices.
Senate action: p. 1267.
- 937—Reily—An Act authorizing and empowering the State Board of Harbor Commissioners to construct artesian wells along the water front in the City and County of San Francisco, and appropriating twenty-five thousand dollars therefor.
Senate action: pp. 1268, 1527, 1560, 1580, 1600.
- 938—Reily—An Act declaring the emission of noxious gases or of poisonous vapors from manufactories a public nuisance and providing a penalty therefor.
Senate action: pp. 1268, 1772.
- 939—Broughton—An Act to amend an Act entitled "An Act relating to the revenue and taxation providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, as amended by an Act approved June 30, 1906, by amending Section 6 thereof, relating to a license tax upon corporations, and making provisions for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof.
Senate action: p. 1342.

- 940—Lukens—An Act to authorize, empower, and direct the Governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting, and recovering the claims of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof.
Senate action: pp. 1374, 1521, 1529, 1592, 1759, 1822.
Assembly action: p. 1758.
- 941—Boynton—An Act to amend Section 2713 of the Political Code, relating to construction and repair of bridges to be let out by contract.
Senate action: pp. 1491, 1556, 1557, 1616, 1796, 1824.
Assembly action: p. 1796.
- 942—Lukens—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1906, by amending certain sections thereof, and adding two new sections thereto, and repealing Section 580 of the Civil Code.
Senate action: pp. 1491, 1579, 1599, 1759, 1822.
Assembly action: p. 1759.
- 943—Willis—An Act to empower the Board of Managers of the Southern California State Hospital to sell a right of way for an electric railroad.
Senate action: pp. 1526, 1529, 1556, 1557, 1632, 1796, 1824.
Assembly action: p. 1796.
- 944—Belshaw—An Act making an appropriation for the purchase of a site and the erection thereon of suitable buildings for an intermediate prison, and providing for a commission to purchase said site.
Senate action: pp. 1557, 1581, 1591.
- 945—Wright—An Act making an appropriation of three hundred dollars to pay the claim of George H. P. Shaw against the State of California.
Senate action: pp. 1620, 1655, 1656, 1802, 1825.
Assembly action: p. 1802.
- 946—Wright—An Act making an appropriation of three hundred dollars to pay the claim of George H. P. Shaw against the State of California.
Senate action: pp. 1620, 1655, 1656, 1802, 1825.
Assembly action: p. 1802.
- 947—Caminetti—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Débris, and authorizing such board, under the supervision and subject to the approval of the advisory board of the Department of Engineering, etc.
Senate action: pp. 1650, 1653, 1793, 1823.
Assembly action: p. 1792.
- 948—Miller—An Act to repeal Article IX, Chapter II of Title VI of Part III of the Political Code, and every section thereof; and to add to said Code a new article to said chapter, to be numbered Article IX, embracing sections twenty-seven hundred and forty-five to twenty-seven hundred and seventy-two, both inclusive, relating to permanent road divisions.
Senate action: pp. 1752, 1762, 1783, 1823.
Assembly action: p. 1783.
- 949—Belshaw—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State for the fifty-seventh and fifty-eighth fiscal years.
Senate action: pp. 1752, 1762, 1809, 1825.
Assembly action: p. 1809.

INDEX TO SENATE CONSTITUTIONAL AMENDMENTS.

- 1—Curtin—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing for the separation of State from local taxation, providing for the taxation of public-service and other corporations for the benefit of the State, and to that end amending Article XIII and repealing Section 10 of Article XI thereof, all relating to revenue and taxation.
Senate action: pp. 85, 869, 939, 966, 1348, 1660.
Assembly action: p. 1348.
- 2—Curtin—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article XII thereof by amending Sections 19 and 22 thereof, and by striking therefrom Section 23 of said article and renumbering said article so that section number 24 of said article shall be number 23, thereby abolishing the office of Railroad Commissioner, and transferring the duties now prescribed for said Railroad Commissioners to the State Board of Equalization.
Senate action: pp. 85, 466, 536, 556, 572, 688.
- 3—Sanford—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employes of the Senate and Assembly.
Senate action: pp. 92, 342, 426, 446.
- 4—Anthony—A resolution to propose to the people of the State of California a constitutional amendment, relative to recall by electors of elected officials, by adding a new section, to be known as Section 21 of Article XX, to the Constitution of the State of California.
Senate action: p. 93.
- 5—Anthony—A resolution to propose to the people of the State of California a constitutional amendment amending Article IV, Section 18, of the Constitution of the State of California, by including the Presiding Justices and Justices of the District Courts of Appeal in the list of State officials liable to impeachment for misdemeanor in office.
Senate action: pp. 94, 354, 396, 611.
- 6—Anthony—A resolution to propose an amendment to the Constitution of the State of California, amending Section 1, Article IV, providing for the enactment of certain laws in State legislation by popular vote.
Senate action: p. 96.
- 7—Anthony—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XI, by adding thereto a new section, to be numbered Section 20, providing for the enactment of certain laws by popular vote in counties, cities and counties, and cities.
Senate action: p. 96.
- 8—Anthony—To propose to the people of the State of California the repeal of Section 12 of Article XIII of the Constitution of the State of California, whereby to abolish State poll tax.
Senate action: pp. 97, 728, 762, 1497, 1563, 1597, 1645, 1649.
- 9—Anthony—A resolution to propose an amendment to the Constitution of the State of California, amending Section 10½ of Article XIII, proposing that the personal property of every householder to the amount of \$200, the articles to be selected by each householder, shall be exempt from taxation.
Senate action: p. 97.
- 10—Willis—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education and text-books, and providing for free text-books.
Senate action: p. 97.
- 11—McCartney—Relating to proposing an amendment to the State Constitution, providing for free public school books.
Senate action: p. 107.

- 12—McCartney—Proposed amendment to Article VI of the Constitution, relative to Supreme Court Clerk.
Senate action: p. 107.
- 13—McCartney—A resolution to propose to the people of the State of California an amendment to the Constitution of this State, amending Section 6 of Article VI thereof, relative to the appointment of the judges of the Superior Courts of this State by the Supreme Court of the State of California.
Senate action: p. 107.
- 14—McCartney—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.
Senate action: pp. 107, 612, 655, 719, 794, 812, 1814, 1825.
Assembly action: p. 1814.
- 15—McCartney—A resolution to propose to the people of the State of California amending Section 3 of Article VI of said Constitution, relating to the Chief Justice and Associate Justices of the Supreme Court.
Senate action: p. 107.
- 16—Willis—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employes of the Senate and Assembly.
Senate action: pp. 110, 786, 951, 1010, 1011, 1022, 1073, 1108, 1166, 1221, 1641, 1818.
Assembly action: p. 1640.
- 17—Caminetti—Amending Section 31 of Article IV of the Constitution, relative to the granting of aid to certain counties.
Senate action: pp. 113, 1643, 1747.
Assembly action: p. 1803.
- 18—Wright—A resolution to propose to the people of the State of California an amendment to Section 2½ of Article II of the Constitution of the State of California, relative to the direct nomination of candidates for public office at primary elections.
Senate action: p. 126.
- 19—Belshaw—A resolution to propose to the people of the State of California an amendment to Article II of the Constitution of California by amending Section 2½ thereof, relating to primary elections, so as to permit the direct or other nomination of candidates for public office without conventions.
Senate action: pp. 126, 615, 655, 703, 719, 795, 820, 859, 1070, 1253, 1314, 1394, 1432.
- 20—Rambo—Amending Article XX of the Constitution by adding a new section thereto, to be known as Section 21, relating to a day of rest.
Senate action: p. 128.
- 21—McCartney—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 19 of Article VI thereof, relating to the power of judges to charge juries with respect to matters of fact and law in civil and criminal actions and proceedings.
Senate action: p. 134.
- 22—Savage—Relating to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans or half-orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.
Senate action: pp. 135, 339, 360, 404.
- 23—Savage—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State.
Senate action: pp. 135, 339.
- 24—Willis—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 6 of Article I thereof, relating to bail, punishment, and witnesses, and prohibiting the death penalty except in certain cases.
Senate action: pp. 137, 762, 1487.
- 25—Caminetti—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article IV thereof, relating to the legislative power and to certain reservations thereof by the people.
Senate action: pp. 152, 466, 536, 577, 622, 653, 696, 717, 791, 818, 858, 972, 1064, 1253, 1313, 1393.

INDEX TO SENATE JOINT RESOLUTIONS.

- 1—Sanford—Relative to the "Japanese question" and condemning the proposition to extend the elective franchise to alien-born Asiatics.
Senate action: pp. 91, 332, 382.
- 2—Sanford—Relative to the remission of duties on building materials used for the reconstruction and rehabilitation of California cities that were wrecked and burned by earthquake and fire on April 18, 1906.
Senate action: pp. 92, 281.
- 3—Curtin—Relative to House Resolution No. 7017, now pending in Congress, providing for transfer of the jurisdiction over certain National Parks in California from the Department of Interior to the Department of Agriculture.
Senate action: pp. 95, 138, 155, 165, 173.
- 4—Caminetti—Relative to the issuance of currency by the United States on school bonds on the same terms as bank notes are issued to National Banks.
Senate action: pp. 138, 1082, 1601, 1647.
- 5—Anthony—Relative to the extermination of Alaskan fur seals, and protecting the same.
Senate action: p. 138.
- 6—Lynch—Relative to parcels post.
Senate action: p. 170.
- 7—Keane—Relative to the protest against the naturalization of Japanese.
Senate action: pp. 188, 312, 1624, 1627, 1651.
- 8—Cartwright—Relative to the shortage of railroad cars, particularly for the transportation of oil, and requesting the Interstate Commerce Commission to investigate the same.
Senate action: p. 188.
- 9—Wright—Relative to reorganizing and increasing the efficiency of the artillery of the United States army.
Senate action: pp. 342, 1140, 1601.
- 10—Curtin—Relative to the modification of rules regarding issuance of patents to mining claims.
Senate action: pp. 389, 547, 587, 686, 697.
- 11—Black—Relative to a treaty with Japan providing for the effective exclusion of all Japanese laborers from the United States.
Senate action: p. 444.
- 12—Belshaw—Relative to the creation by the Congress of the United States of a department of mines, with its head a member of the President's cabinet.
Senate action: pp. 1558, 1580, 1581, 1592, 1637, 1783, 1823.
Assembly action: p. 1783.
- 13—Caminetti—Relative to the construction of certain works intended to restrain mining débris, as provided by the Act of Congress entitled "An Act to create the California Débris Commission, and regulating hydraulic mining in the State of California," approved March 1, 1893, in sections, and requesting Congress to make appropriations for the purposes of said Act.
Senate action: pp. 1650, 1651, 1654, 1822.
Assembly action: p. 1758.

INDEX TO SENATE CONCURRENT RESOLUTIONS.

- 1—Wolfe—Relative to inaugural ceremonies.
Senate action: pp. 13, 64, 118.
- 2—Bates—Relative to approving the charter of the City of Alameda, State of California.
Senate action: pp. 83, 166, 177, 190, 282.
Assembly action: p. 336.
- 3—Wright—Relative to the appointment of committees to investigate and report upon the condition of the harbors of the State.
Senate action: pp. 90, 1230, 1331, 1479, 1528, 1818.
Assembly action: p. 1664.
- 4—Savage—Approving the charter of the City of Santa Monica, in Los Angeles County, California, which was voted for by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter on the 28th day of March, 1906.
Senate action: pp. 95, 156, 165, 174, 190, 232, 323, 344.
- 5—Rolley—Approving two certain amendments to the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the 19th day of June, 1905.
Senate action: pp. 110, 156, 165, 174, 228.
- 6—Caminetti—Relative to instructing the Attorney-General of the State to appear in certain cases.
Senate action: pp. 132, 159, 266, 292, 383.
- 7—McCartney—Relative to approving four certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein on the fourth day of December, 1906.
Senate action: pp. 292, 339, 361, 439, 550.
Assembly action: p. 548.
- 8—Leavitt—Relative to joint rules.
Senate action: pp. 322, 341, 351, 352, 550.
- 9—Rolley—Approving two certain amendments to the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the nineteenth day of June, 1905.
Senate action: p. 333.
- 10—Anthony—Relative to the formation of rifle clubs throughout California under Act of Congress, approved March 3, 1905, and message of President of the United States, dated December 3, 1906.
Senate action: pp. 527, 761, 1010, 1168, 1221, 1321, 1330.
- 11—Leavitt—Relative to joint rules of Senate and Assembly.
Senate action: pp. 598, 616.
Assembly action: p. 950.
- 12—Broughton—Approving the charter of the City of Long Beach, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter on the fifth day of February, 1907.
Senate action: pp. 646, 785, 811.
- 13—Walker—Approving an amendment to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 1st day of August, 1906.
Senate action: pp. 691, 785, 923, 936, 1300, 1489.
Assembly action: p. 1298.
- 14—Rush—Approving twenty (20) certain amendments to the charter of the City of Vallejo, County of Solano, State of California, voted for and ratified by a majority of the qualified electors of the said City of Vallejo voting thereon at the special election held therein for that purpose on the fifth day of February, 1907.
Senate action: pp. 789, 965, 1484. *A. S.*

- 15—Anthony—Relative to creating a special legislative committee to inspect sites for State rifle ranges, and to report thereon at the next session of the Legislature.
Senate action: pp. 1059, 1140, 1313, 1321, 1430, 1800, 1825.
Assembly action: p. 1800.
- 16—Rolley—Relative to the consent of the Legislature to the absence of Hon. Warren R. Porter, Lieutenant-Governor of the State of California, for more than sixty (60) days.
Senate action: pp. 1105, 1413, 1816.
Assembly action: p. 1548.
- 17—Rolley—Relative to the consent of the Legislature to the absence of His Excellency, Hon. James N. Gillett, Governor of the State of California, for more than sixty (60) days.
Senate action: pp. 1105, 1414, 1816.
Assembly action: p. 1548.
- 18—Anderson—Approving the charter of the City of Riverside, in Riverside County, California, which was voted for by the qualified electors of said city, at a special election held therein for the purpose of ratifying said charter on the 1st day of March, 1907.
Senate action: p. 1342.
- 19—Leavitt—A resolution approving certain amendments to the charter of the City of Oakland.
Senate action: pp. 1397, 1481, 1516, 1660, 1826.
Assembly action: p. 1548.
- 20—Carter—Relative to granting leave of absence to Senator Henry E. Carter and others.
Senate action: pp. 1505, 1818.
Assembly action: p. 1584.
- 21—Carter—Relative to leave of absence to George I. Cochran, Trustee of the State Normal School at Los Angeles.
Senate action: pp. 1596, 1818.
Assembly action: p. 1664.
- 22—Wright—Relative to appointing a joint committee to revise the rules of the Senate and Assembly.
Senate action: p. 1596.
- 23—Leavitt—Relative to action of either house upon bills of the other house.
Senate action: p. 1765.
Assembly action: pp. 1796, 1803.



8/18/00 d. d. d.









